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

5 **MARCH 11, 2019 7:00 PM**

6 **NORTH HAMPTON TOWN HALL**

7 ***DRAFT MINUTES***

8
9 SELECT BOARD MEMBERS PRESENT: Chairman Jim Maggiore, Vice-Chairman Kathleen Kilgore, Member
10 Larry Miller

11
12 ALSO PRESENT: Town Administrator Bryan Kaenrath

13
14 **AGENDA**

15
16 Chairman Jim Maggiore welcomed everyone to the March 11, 2019 Select Board Meeting, and said they
17 were coming out of a Document Management presentation which started at 6:00 pm. He called the
18 meeting to order at 7:04 pm, followed by the Pledge of Allegiance.

19
20 **First Public Comment Session** – No one from the Public came forward.

21
22 **Consent Calendar**

- 23 Payroll Manifest of 02/28/2019 in the amount of \$69,044.75
24 Payroll Manifest of 03/07/2019 in the amount of \$73,347.44
25 Accounts Payable Manifest of 03/07/2019 in the amount of \$68,788.77
26 Veteran Tax Credit Application
27 Veteran Tax Credit Application
28 Fire Permits for July 1, 2018 – December 31, 2018
29 Cemetery Deed
30 Approval of Abatement Recommendation

31
32
33 ***Disclaimer – These minutes are prepared by the Recording Secretary within five (5) business days as required by***
34 ***NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.***

35
36 ***A recording of the meeting can be found at: http://www.townhallstreams.com/towns/north_hampton_nh, and***
37 ***a DVD recording is available at the North Hampton Town Administrative Offices, 233 Atlantic Avenue, North***
38 ***Hampton, New Hampshire 03862.***

- 39 Approval of Abatement Recommendation
- 40 Approval of Current Use Application
- 41 Select Board Signatures of Previously Adopted Policies for Recording Minutes
- 42 Comcast Cable Television Contract Extension Agreement

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Motion: To approve the Consent Calendar as presented.

Motioned: Selectman Miller

Seconded: Selectwoman Kilgore

Vote: Approved 3-0

Correspondence

Chairman Maggiore stated that there were 3 pieces of correspondence, one from Scott Marsh, Contracted Assessor’s Agent, one from his supervisor Linda Kennedy of the Department of Revenue Administration (DRA), and one from the United Church of Christ.

53

1. Correspondence from Scott Marsh, CNHA, Municipal Resources, Inc.

Chairman Maggiore read the middle two paragraphs from the letter of Linda Kennedy of DRA, which stated that based on the survey, they had determined the median ratio for Tax Year 2018 to be 95.5% for determining equity and reappraisal, and the overall equalization assessment/sales ratio for Tax Year 2018 to be 91.5%, which would be used to equalize the modified local assessed valuation for North Hampton.

59

Discussion: Selectman Miller said it was important to let people know what 95.5% and 91.5% meant. Chairman Maggiore explained that they liked to say the median was 100%, and 95.5% was as accurate as they could be for the assessment of property in North Hampton. He said the Town was at least 5 points lower before the revaluation, and he asked Selectwoman Kilgore to explain the 91.5% for equalization assessments.

65

Selectwoman Kilgore asked for a reference point, and Chairman Maggiore said they were 80% before. Selectwoman Kilgore said that had been the trend each time, and other communities were now looking at no longer using the 5 years due to the volatility of the market.

69

Chairman Maggiore suggested people go to the Department of Revenue Administration (DRA) website and look for overall equalized assessment, median ratio, and coefficient of dispersion. He said overall the revaluation brought the Town to a better place.

73

2. Correspondence from United Church of Christ

Chairman Maggiore said the letter was from Reverend Mike Gelsamini, the new pastor at the United Church of Christ in North Hampton, and he read the letter in full. Reverend Gelsamini said he hoped that the Town and the Church could work together in a spirit of collaboration in the community, and asked if it would be possible for the Church to advertise non-religious events on the Cable Channel.

79

Discussion: Selectman Miller said he did not see a problem with allowing Reverend Gelsamini to post “non-religious” activities. Selectwoman Kilgore said they were part of the community and they needed to see how they could work together. Chairman Maggiore said if they agreed, other secular organizations would also have that right. Selectwoman Kilgore recommended this be put on the table for the next meeting agenda. Chairman Maggiore asked that it be codified with a motion, and asked Town Administrator Kaenrath to reach out to the United Church of Christ.

86

87 **Motion:** That this item be put on the agenda for the next meeting to discuss how the Town could
88 collaborate with the United Church of Christ.

89 **Motioned:** Selectwoman Kilgore

90 **Seconded:** Selectman Miller

91 **Vote:** Approved 3-0

92

93 Chairman Maggiore said he received mail today with regard to the upcoming Town Election in North
94 Hampton from Susan N. Buchanan, the Town Clerk/Tax Collector. She said though she was a candidate,
95 she strongly believed it was her responsibility to serve every citizen of North Hampton. She said she
96 offered no recommendations or opinions on how to vote and said her job was to be neutral.

97

98 **Committee Updates**

99 Selectwoman Kilgore said the *Economic Development Committee* met and arranged their 2019 agenda
100 and set up a workshop to develop a master list of projects and agenda items.

101

102 Chairman Maggiore provided a legislative update from Concord, and said he asked the Town
103 Administrator and the Director of the Library if they would object to his putting a notice in the Library and
104 Town Offices saying that if there were any questions or comments about progress in the State Legislature,
105 they could contact him, Representative Jim Maggiore, with questions, and stressed that this was only for
106 issues about Concord.

107

108 **Report of the Town Administrator** – Bryan Kaenrath

109 *A copy of the Report of the Town Administrator will be attached to these minutes.*

110

111 Town Administrator Bryan Kaenrath said with regard to Finance, the Town had approximately 33% of its
112 budget remaining with a projected surplus of \$420,000. He said the Fire Department had started Surf
113 Rescue Training, projects were progressing on Town Facilities, and the Recycling Center roof needed to
114 be repaired in spring.

115

116 Town Administrator Kaenrath said the Hampton Area Chamber of Commerce Public Policy Committee
117 met and reviewed legislation in Concord and some local municipal warrant articles impactful to Economic
118 Development Committee efforts. As far as Document Management, he said they had their last
119 presentation earlier this evening from Conway Office Solutions, and asked that any questions or
120 comments for any of the 3 companies be forwarded to him.

121

122 Town Administrator Kaenrath said the next meeting was scheduled for March 25th and they had discussed
123 potentially rescheduling it. Selectwoman Kilgore said she thought they had agreed on March 27th and
124 asked that it be posted for that date.

125

126 Chairman Maggiore asked if the new van had been delivered, and Town Administrator Kaenrath said it
127 had and so far there had been good feedback all around.

128

129 **Items left on the Table** - None

130

131 **NEW BUSINESS**

132

133 **Discussion of FB Environmental Water Quality Monitoring Proposal**

134 By Laura Diemer, Project Manager and Forrest Bell, Principal Scientist/owner, FB Environmental (FBE)

135
136 Chairman Maggiore summarized their proposal that shallow ground water along Little River Marsh fringes
137 continue to be sampled for indications of fecal contamination at a cost of \$9,993. Town Administrator
138 Kaenrath said this was the same amount budgeted every year and there were no major changes.

139
140 Chairman Maggiore said he had reached out to the Conservation Commission and asked if they wanted
141 to have any input. Town Administrator Kaenrath said the Conservation Commission was already aware of
142 this. Chairman Maggiore said if there was no objection they would wait until the next meeting to vote, to
143 make sure the Conservation Commission was on board.

144
145 **Motion:** To table the discussion of FB Environmental Water Quality Monitoring Proposal until the next
146 meeting to gain input from the Conservation Commission.

147 **Motioned:** Selectwoman Kilgore

148 **Seconded:** Selectman Miller

149 **Vote:** Approved 3-0

150

151 **Right to Know Policy Discussion**

152 Chairman Maggiore said this issue had come up at the last few meetings about a right-to-know request
153 that came to the Town with an attached issue about legality.

154

155 Town Administrator Kaenrath stated that Selectman Miller had created some charts which he used at the
156 Deliberative Session and other meetings to talk about the property at 216 Atlantic Avenue. He said he
157 received a 91-A request from two interested parties to examine those charts in the Town Office and he
158 had replied they were not in the Town's possession. He said he contacted NMHA for a legal opinion and
159 they determined the documents were government records subject to 91-A.

160

161 Selectman Miller said he received an email on February 27th, two days after the Select Board had voted
162 not to put any items online. He said he left a message at the Town Offices that for those seeking to view
163 the charts illustrative of Article 13, he had agreed at the 2/25/19 Select Board Meeting to make the
164 documents available for viewing. He said his decision was in conflict with the decision made by the Select
165 Board to not post any information on the website on any article appearing on the March Ballot, due to
166 previously being accused of electioneering.

167

168 Selectman Miller said he then decided to inquire of the Secretary of State and the Attorney General's
169 office as to appropriate practice. He then received a letter stating that an election complaint would be
170 filed as well as a 91-A Violation with the Attorney General's Office. As a result he thought he was under
171 investigation and decided to do nothing and wait. He said he now agreed to make the documents available
172 to the Town tomorrow morning, and said they were already available on Channel 22 and on file at the
173 Rockingham Registry.

174

175 **Acceptance of the Minutes of Prior Meetings**

176

177 **Approval of the January 14, 2019 Non-Public Minutes Session I**

178 **Motion:** Selectwoman Kilgore made a motion to approve the minutes of January 14, 2019 Non-Public
179 Session I; seconded by Chairman Maggiore; approved 3-0.

180

181 **Approval of the January 14, 2019 Non-Public Minutes Session II**

182 **Motion:** Selectwoman Kilgore made a motion to approve the minutes of January 14, 2019 Non-Public
183 Session II; seconded by Selectman Miller; approved 3-0.

184
185 Discussion: A question was raised about whether to unseal the minutes or leave them sealed, and
186 Chairman Maggiore recommended they leave them sealed and have them noticed with the same
187 conditions for the next time they go into Non-Public Session to have this discussion.

188
189 **Approval of the Minutes of the Regular Meeting of February 25, 2019**

190 **Motion:** To approve the Regular Meeting Minutes of February 25, 2019 as presented in the packet.

191 **Motioned:** Selectwoman Kilgore

192 **Seconded:** Selectman Miller

193 **Vote:** Minutes approved 3-0

194

195 **Any Other Item that may legally come before the Board**

196

197 Chairman Maggiore reminded everyone that tomorrow was the Town Election at the North Hampton
198 School from 8:00 am to 7:00 pm.

199

200 **Second Public Comment Session**

201 Laurel Pohl of 100 North Road said unfortunately Mr. Miller did not honor the law and she was forced to
202 write the letter requesting the materials for Article 13 that were obviously in the Public domain. She said
203 she now had an issue with flyers promoting candidates, as using Town Facilities to ask for votes was
204 against Election Law, and she asked the Town Administrator that they be removed. Town Administrator
205 Kaenrath said they were most probably left there from Candidates Night, and Ms. Pohl said they should
206 not have been there either.

207

208 Frank Ferraro of Post Road said at the last meeting when he requested that the drawings of 216 Atlantic
209 Avenue be made available in the Town Office, Mr. Miller had agreed to provide them. When he asked the
210 Town Administrator to view the documents, he was given the letter from Mr. Miller saying he was getting
211 an opinion from the Attorney General. He stated that Mr. Miller did not have the authority to make a
212 decision on behalf of the Town, and said they now had the decision from NHMA. He said the Town was in
213 violation of 91-A for two reasons: (1) the Town did not respond to his specific request within five (5)
214 business days, and (2) the Town did not provide government records for review by its citizens.

215

216 Larry Miller, as a member of the public, reiterated the timing of the events, and said the reasons for his
217 decisions were clearly explained. He said because of previous actions by Ms. Pohl accusing the Board of
218 electioneering, he had decided to ask the Attorney General directly. He said the next day they were
219 accused of electioneering and he assumed he was under investigation. He said they now knew there was
220 no investigation, and that only 2 people were interested in the documents, and he decided to allow them
221 to be viewed in the Town Office tomorrow.

222

223 Mr. Ferraro stated that Mr. Miller reiterated that he decided not to provide the drawings which were
224 government records, and he had not authority to make that decision, and there were two (2) violations
225 here.

226

227 Chairman Maggiore said the accusation was serious. He said when the Town received a 91-A request they
228 had 5 days to respond, and that a response could be as simple as acknowledging its receipt. He asked
229 Town Administrator Kaenrath the timing of when the request came in and the response went out.

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230

231 Town Administrator Kaenrath said the request came via email and he had explained that the Town did
232 not have possession of the documents and were seeking further legal guidance.

233

234 **Next Meeting:** The next regular Select Board Meeting is scheduled for Wednesday, March 27, 2019.

235

236 **Adjournment**

237 Chairman Maggiore adjourned the meeting at 7:55 pm.

238

239 Respectfully submitted,

240 Patricia Denmark, Recording Secretary