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

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

5 **NORTH HAMPTON TOWN HALL**

6 ***DRAFT MINUTES***  
7

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

10  
11 ALSO PRESENT: interim Town Administrator Michael Tully, Police Chief Kathryn Mone, Agricultural  
12 Commission Member Audrey Prior  
13

14 **AGENDA**  
15

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

19 Chairman Maggiore said they were just coming out of Non-Public, a motion was made and passed, and  
20 the Interim Town Administrator will act on the intent. He said they did not get to the other Non-Public  
21 Sessions and would postpone or hold after this meeting.  
22

23 **Motion:** To seal the Minutes of the Non-Public Session-I of January 13, 2020.

24 **Motioned:** Selectwoman Kilgore

25 **Seconded:** Selectman Miller

26 **Vote:** Motion approved by a vote of 3-0  
27

28 **First Period of Public Comment**  
29

30 George Chauncey of Hobbs Road asked, with regard to Mr. Miller's proposal to build a New Library on the  
31 Homestead, if the Town will be supplied with an estimate from contractors to renovate the old building.  
32 He asked that Mr. Miller also please explain to the Town, the public, and the voters, why the Select Board  
33 is on firm legal ground here.  
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***  
39 ***a DVD recording is available at the North Hampton Town Administrative Offices, 233 Atlantic Avenue, North***  
40 ***Hampton, New Hampshire 03862.***

41  
42 Frank Ferraro of Post Road said he reviewed the January 8<sup>th</sup> Select Board meeting, as well as the RFP and  
43 project documents. He said the documents specify roof-top HVAC but the design is for a pitched roof; the  
44 RFP specifies the Town as responsible for septic design, but not for materials and insulation costs; IT costs  
45 for contractor/computers/software are not included. He asked if the Town would pay if contractor costs  
46 exceed allowances, asked about change orders, and said the notice for the Bond Hearing for the proposed  
47 expansion will need to be published tomorrow to meet the deadline.

48  
49 Paul Marquis of Hobbs Road asked what would happen if both warrant articles got voted in, asked if a  
50 double appropriation would occur, and if the governing body can decide which to implement. He asked if  
51 the Town's plan passes, will the governing body turn that over to the Library Trustees, and asked if the  
52 Trustees are tied to any constraint or cost, or can they go with their contract. He also asked if these articles  
53 will pass the muster of the Department of Revenue & Administration.

54  
55 Chairman Maggiore said they will have a Public Hearing on the Bond, a presentation on this before the  
56 Public Hearing, and a chance to ask questions.

57

58 **Consent Calendar**

- 59 8.1 Payroll Manifest of December 26, 2019 in the amount of \$76,918.40
- 60 8.2 Payroll Manifest of January 2, 2020 in the amount of \$72,241.64
- 61 8.3 Payroll Manifest of January 9, 2020 in the amount of \$254,522.05
- 62 8.4 Accounts Payable Manifest of December 26, 2019 in the amount of \$1,247,374.43
- 63 8.5 Accounts Payable Manifest of January 9, 2020 in the amount of \$97,817.33
- 64 8.6 Approval of Veterans Tax Credit Applications
- 65 8.7 Approval of Elderly and Disabled Tax Deferral

66

67 **Motion:** To approve the Consent Calendar as documented in our packet.

68 **Motioned:** Selectwoman Kilgore

69 **Seconded:** Selectman Miller

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

71

72 **Correspondence**

73

74 Chairman Maggiore read email/correspondence he received today relevant to the conversation and read  
75 it in full. He said the Board previously met in Non-Public to discuss hiring an attorney who specializes in  
76 land use so they can be on firm ground about where they stand. He said the firm was BCM Environmental  
77 Law in Concord, and Attorney Jason Reimers was the attorney hired.

78

79 In the letter Attorney Reimers stated that he was asked to consider the authority of the North Hampton  
80 Public Library Board of Trustees to expand the existing Public Library onto additional portions of the lot  
81 Map 7, lot 145, that shares the lot with the Stone Building which was the Town's original Public Library in  
82 1907. He said the current Public Library was built in 1973 following the approval of Warrant Article 6 at  
83 the 1992 Town Meeting, and Library Trustees now wish to expand the footprint. He said the Trustees have  
84 no more authority than RSA 202-A delegates to them, and RSA 202-A:6 gives the Trustees the entire  
85 custody and management of the Public Library and all property of the Town related thereto.

86

87 Attorney Reimers said with regard to the expansion proposed by the Library Trustees, the question is  
88 whether the land proposed for expansion of the Library is "property of the Town relating thereto", and

89 stated that it was his opinion that RSA 202-A:6 does *not* authorize the Trustees to expand the Library on  
90 surrounding land without a vote pursuant to RSA 202-A:3 because the surrounding land is not “property  
91 of the Town relating thereto” and not in the Trustees’ custody and management. He said: (1) the language  
92 of the original vote did not dedicate the surrounding land for Library purposes, (2) RSA 202-A:3 requires  
93 a vote at a Town Meeting to dedicate land to Library purposes, and (3) property surrounding the Library  
94 is Town-owned land maintained by the Town pursuant to a Memorandum of Understanding (MOU) and  
95 not used for Library purposes.

96  
97 Chairman Maggiore said he originally asked what the liabilities, rights, and responsibilities of the Town if  
98 they are going to build a Library on the Homestead Property, and Attorney Reimers said essentially the  
99 Town cannot build a Library on Town-owned property without a vote of the legislative body. He said a  
100 Warrant Article would have to be presented stating that the Library is going to be built and used for that  
101 purpose, and the Town can only move ahead with a majority vote of the legislative body.

102  
103 **Committee Updates**

104  
105 Selectwoman Kilgore said the *Economic Development Committee* met January 8, 2020. She said a  
106 presentation by Ironwood Design on their draft plan did not happen as they needed more time. She said  
107 Kirsten Larsen-Schultz gave a presentation on behalf of John Nyhan of the Hampton Chamber of  
108 Commerce to discuss the Regional Economic Development position, which would be developed over the  
109 next 2 years. She said EDC is looking to use the position to help fill empty storefronts, and the Committee  
110 also concurred that they may need an Economic Development person on staff here.

111  
112 Chairman Maggiore said the *Heritage Commission* has not met and will be meeting this Thursday, and said  
113 the *Water Commission* has not met since the last meeting.

114  
115 Selectman Miller said the *Budget Committee* met last Monday and have agreed upon a Town Budget. He  
116 said at the next meeting on Tuesday January 21st they will do the Warrant Articles for the Town and the  
117 School.

118  
119 Chairman Maggiore said before holding the Public Hearing, in order to have a full and frank conversation,  
120 the Select Board needs to choose the contractor for the New Public Library Project and provide a price.  
121 He recommended New Business item 14.2 be moved up in the Agenda, and asked Interim Town  
122 Administrator Tully if he would do his Town Report first.

123  
124 **Report of the Interim Town Administrator**

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

126  
127 Interim Town Administrator Tully said with 25 weeks left in the current fiscal year, approximately 48% of  
128 the budget is remaining. He said Officer Manlow will again be participating in the CHAD Hockey Game,  
129 and the Police Department is working on upgrades to computer security with PCG. He said the Fire  
130 Department is advertising for on-call firefighters to assist fulltime staff and a regular training initiative has  
131 started with Rye and Greenland.

132  
133 Interim Town Administrator Tully said the RFP for the Town Warrant went out to 3 bidders and bids were  
134 opened at the January 8<sup>th</sup> Select Board Meeting with the Board currently researching options. He said

135 work is being done on contractors for siding for the Chevalier Building; Winterfest is scheduled for  
136 February 22, 2020 and Christmas trees will be used for the bonfire; Ricoh gave a presentation on  
137 Document Management earlier; next Town Administrator Open Office hours scheduled for January 27<sup>th</sup>;  
138 Election scheduled for February 11, 2020.

139

#### 140 **14.2 Discussion of Proposed New Library Bids**

141

142 Selectwoman Kilgore recused herself from the discussion and moved to the public area at 7:36 pm.

143

144 Selectman Miller said the three (3) bids that were opened were essentially very close, and said the Select  
145 Board discussed design elements and discussed the proposal for a ceiling truss system to open up the  
146 ceiling and the cupola. He said personally he favors using the truss system because it opens up the floor  
147 plan and allows natural light to enter, and said each bidder added that expense. He said 2 of the bidders  
148 used the Architect that the Town hired and one did not, and said the 2 higher bids were Careno  
149 Construction and Whitcher Builders, with Ricci Construction the low bidder.

150

151 Interim Town Administrator Tully provided the added costs for the truss system: Ricci \$36,130; Careno  
152 \$35,000, with possible \$5-\$10 for light fixtures; Whitcher \$20,000. He said the low bidder (Ricci) was  
153 \$2,723,907, with the next closer bidder at \$2,867,725. Chairman Maggiore said the truss system was an  
154 outstanding feature to allow natural light, and said he was comfortable moving ahead and making a  
155 decision on which company. Selectman Miller suggested choosing Ricci Construction, the low bidder by  
156 approximately \$150,000.

157

158 **Motion:** To award the contract to Ricci Construction, as low bidder, for the construction of a New Public  
159 Library on the Homestead Property.

160 **Motioned:** Selectman Miller

161 **Seconded:** Chairman Maggiore

162

163 Chairman Maggiore said the Select Board needs to choose a builder so they can have a price to have a  
164 Public Hearing. He said Selectman Miller will give a presentation, they will have a Public Hearing, and for  
165 the Bond Hearing they will be considering a figure of \$2,723,907.

166

167 **Vote:** Motion approved by a vote of 2-0; Mrs. Kilgore recused prior

168

169 Chairman Maggiore read a compilation of thoughts before the presentation on the Library on the  
170 Homestead Property, which reminded everyone that this is only one (1) of two (2) possible buildings which  
171 could be used as a Library for the Town. This is not an attempt to divide the community but a proposal  
172 determined by the Select Board and CIP to be the superior choice. Thank you to everyone in the  
173 community for listening and considering our proposal.

174

#### 175 **Presentation on Construction of New Public Library on Homestead Property**

176

177 Selectman Miller said he found 20 Design-Builders, and eventually came up with 3 firms interested and  
178 sent the RFP: Ricci Construction, Whitcher Builders, and Careno Construction. He said Whitcher  
179 recommended TW Designs, LLC as Architect, and he contacted them to get a price for the original design

180 and to come up with an RFP package. He said he told TW Designs they have a 1-acre lot, requirements to  
181 take care of, and provided them with data to consider. He said they went to Ambent Engineering for a  
182 plot survey, located the original ledge survey for the property, and TW Designs came up with a ledge  
183 impact study. He said a septic plan was needed and they contacted Susan Faretta who did a new Septic  
184 System Plan at the back of the lot within required setbacks.

185  
186 Selectman Miller said with the piece of land, a site survey, and a septic plan they now needed engineering  
187 to locate the building on the lot and design a parking lot. He said locating the building on the back of the  
188 lot would require removal of the ledge to accommodate the design for Stormwater control, which consists  
189 of an underground compartment below the parking lot for a cost of approximately \$150,000. He said they  
190 took out the egress under the 30-space parking lot and would be sharing the Town egress on the lot next  
191 door, again meeting all setbacks.

192  
193 Selectman Miller said the RFP was sent out to the three (3) builders with 2 weeks allowed for response.  
194 He said the Architect also had to lay out the Library design spaces, and he sent the requirements of the  
195 Library Trustees and asked it be put in the plan. The builders came back with 3 bids and 3 prices, including  
196 the Architect's own work of the design of the building. Elevations were shown of the front, sides, and  
197 back, with the cupola on top which would have the truss system to let in natural light.

198  
199 Selectman Miller said in the bid price they get: the building, septic system, parking lot, and Stormwater  
200 surge containment system for \$2,723,907, which is less than expanding the current Library. He said some  
201 of the soft costs are not included, and though the Library Expansion has soft costs they do not have  
202 engineering included. He said the bid does not include moving costs or \$75,000 worth of furniture. He  
203 said the public has already given Library Trustees over \$750,000 which will clearly take care of furniture.

204  
205 Selectman Miller said if this Warrant passes, the Library can move in the next year if they want and the  
206 current Library building will remain a Town-owned building. He said the cost to build a brand new 5,600  
207 sq ft Town Office building so employees can move out of the Police Station is well over \$1.1 Mil. He said  
208 the Town would have to immediately add ADA access to the current Library building, so the cost avoidance  
209 to the Town is greater than \$1 Mil plus the difference between the costs of 2 proposals or approximately  
210 \$1.5 Mil. He said the builders all quoted 28-30 weeks for construction.

211  
212 Selectman Miller said this plan is about the way to use the facilities and land the Town has for the best  
213 possible use and best possible costs. He said it is a huge costs savings and empowers the Town to get  
214 their employees out of the Police Station, and said the Select Board is trying to make the best choice  
215 with what the Town has, and there are now two choices available. He said for the Bond Hearing they  
216 need to know how much they need to borrow.

217  
218 **Discussion of Town Warrant Article for New Public Library Building**  
219

220 Chairman Maggiore said the purpose of the Warrant Article is to consider the issuance of a Bond for  
221 construction of a New Public Library to raise and appropriate the sum of \$2,723,907, less donations or  
222 contributions. Interim Town Administrator Tully said the Select Board had the option to use part of Fund  
223 Balance, and Selectman Miller said using Fund Balance to reduce the amount and the long-term life of the  
224 Bond as it is not pre-payable. He said as far as order, he would like the Town Warrant to go first. Chairman

225 Maggiore said by direction of the DRA and by statute, all Warrant Articles requiring a Bond go first, with  
226 the highest value at the top. He read the Warrant Article for the New Public Library in full, which requires  
227 3/5ths Ballot Vote and recommendation by the Select Board and the Budget Committee.  
228

229 Selectman Miller said the total amount with the added truss system is \$2,723,907, and said \$100,000 has  
230 been dedicated in donations. He said for the debt part they need to know how much to borrow, and said  
231 he would like to borrow \$1,000 more than the Library Trustees which would be \$2,275,000, and use Fund  
232 Balance for the difference. Interim Town Administrator Tully said that amount would be \$348,907.  
233 Chairman Maggiore said at last count Fund Balance was around \$700,000 so this would cut that in half.  
234

235 Chairman Maggiore said if there are two (2) Warrant Articles on the Ballot and they both pass: (1) Select  
236 Board would have 2 appropriations to go to Bond, and would have to meet and vote to rescind one of  
237 those; (2) the Select Board would have the authority to decide which article to move on per DRA, and  
238 would meet in cooperation with the Library Trustees, then rescind one of the Bonds. He said if the Budget  
239 Committee does not recommend either of these articles, a note will be put at the top of the Warrant  
240 Article which protects the 10% rule at Deliberative Session which can affect the bottom line of the Budget  
241 by 10% up or down. He said he does not fully understand the 10% rule and does not know how the  
242 issuance of a Bond affects the Operating Budget.  
243

244 Chairman Maggiore said with regard to the question about who would get control if the Select Board  
245 article passes, the Town and the Board of Trustees signed a Memorandum of Understanding (MOU) in  
246 2016. He said essentially everything inside the building is the responsibility of the Trustees and everything  
247 outside the building is the responsibility of the Town. He said his intent is that the MOU would remain in  
248 effect and he would move that and vote in favor.  
249

250 **Motion:** To approve the use of \$348,907 from Undesignated Fund Balance for the purpose of reducing  
251 the Bond amount for the Town Warrant Article to build a New Public Library.

252 **Motioned:** Chairman Maggiore

253 **Seconded:** Selectman Miller, for discussion  
254

255 Discussion: Selectman Miller said the purpose of this is to make up the difference between the cost of  
256 the building by amended lowest bidder, lowered also by donations, and Fund Balance to get to the  
257 \$2,275,000 Bond. Chairman Maggiore said this is of direct benefit to the residents of the Town as this is  
258 cost and tax avoidance for monies already appropriated through past elections.  
259

260 **Vote:** Motion approved by a vote of 2-0; Mrs. Kilgore recused prior  
261

262 Chairman Maggiore said they now have a Warrant Article that reads: to raise and appropriate the sum of  
263 \$2,723,907 using \$348,907 from Fund Balance, a commitment of \$100,000, and total is the issuance of  
264 not more than \$2,275,000 from Bond. Interim Town Administrator Tully said if donations increase they  
265 can bond less than what is on the Warrant but not more.  
266

267 **Motion:** To recommend the Town Warrant Article to build a New Library as stated above.

268 **Motioned:** Selectman Miller

269 **Seconded:** Chairman Maggiore

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Discussion: Chairman Maggiore said he did go to the Municipal Bond Bank to get rates for 15-, 20-, and 30-year Bonds, and noted that the rate in January was 1.83%. He said for a 15-year Bond 3.5%, for a 20-year Bond 3.75%, and for a 30-year Bond 4.25%, and the not carries through for all.

**Vote:** Motion recommended by a vote of 2-0; Mrs. Kilgore recused prior

**PUBLIC HEARING**

***Pursuant to RSA 33 the purpose of the Public Hearing is to consider the Issuance of a Bond for Construction of a New Public Library***

Frank Ferraro of Post Road said he believed the Warrant proposed by the Governing Body goes before a Bond proposed by Citizen’s Petition at Deliberative Session. He asked that more clarity on the 10% rule be provided, and said costs for moving and furnishings should also be in this number. Selectman Miller said the Townspeople have already funded the Trustees with a great deal of cash and said the money for moving and furnishings already exists. Mr. Ferraro said it should be included in the gross amount.

Mr. Ferraro said he would like answers to comments he made at previous Select Board meetings relating to this issue, such as IT costs not listed in the RFP and an answer to his question about the rooftop HVAC system. He asked if the contractor, with regard to the ledge, specified any change orders or exceedance of allowances as cost plus and what the markup is. Selectman Miller said they do not know that at this point but the renovation of the current Library building would need a ledge survey done.

Lauri Etela of 785 Exeter Road said the contractor’s quote is a Design-Build and does not include every little item; for site work and ledge they use the engineer’s estimate. He said all contractors have said there is some room in those numbers and they will get solid numbers from sub-contractors as they go through. He said IT Equipment is personal property like furnishings; 50 electrical outlets will be provided with space in the Mechanical Room for IT Equipment; fire protection is called out; HVAC is rooftop and goes in the attic with vents in eaves or gable ends.

Mr. Etela said this is a Design-Build project, not a complete design, and they will pay the rest of the design from architects and engineers for a guaranteed price. He said we have the option to negotiate any savings in site work. Selectman Miller said all utilities will be hooked up; there will be a wire-drop to a transformer for servicing the building; they will bring water to the building and hook up gas lines.

Kelly Parrot of 2 Garret Drive asked if the design-build price was a guaranteed maximum, and Selectman Miller said the bids say GMP. She asked if Ricci Construction had ever built a Library before, and Selectman Miller said the current Library. She asked if a current space assessment for Town employees had been done, what their space needs were, and the intended use of the current space. Selectman Miller said the upstairs of the Police Station would be used for police expansion, and said both Police and Fire would definitely have uses for that space.

Selectman Miller said he is trying to get something done that is quick and effective, and said it is a beautiful building with no walls in the way and is bigger than the current Trustees’ building plan. He said if it passes, the Library Trustees will have \$700,000 in case to move and do the interior any way they want. Ms. Parrot

315 addressed Chairman Maggiore and said he might want to revisit the MOU mentioned earlier as it is more  
316 limited than was explained.

317

318 Jeff Hillier of Glendale Road said he would like to thank Mr. Miller for a very clear-headed explanation of  
319 what he has been working on, and said the highlight is that Alden Avenue would be spared. He said the  
320 Warrant for the Library Trustees was originally a regular warrant and not a citizen's petition, and  
321 Selectman Miller said things have changed. Mr. Hillier said is my hope that between now and Deliberative  
322 Session the two (2) different proposals, both with a great deal of merit, and the 2 bodies can somehow  
323 get together and figure out how this can work. He said with both parties pulling together, this has the best  
324 chance of getting passed in this Town.

325

326 Paul Marquis of Hobbs Road said he echoed pretty much what Jeff Hillier said. He told Mr. Miller it must  
327 have taken a lot of effort to put the Public Library on the Homestead. Selectman Miller said it was not his  
328 idea and was originally the Chauncey Plan, which he did not agree with at the time. He said after the  
329 Safety Building did not pass and the purchase of the land across the street did not pass, this is what is left.  
330 Mr. Marquis said he has been viewing Select Board meetings since 2015, and after the Chauncey Study  
331 there were 2 Warrants on the Ballot, one for Campus and one for a Safety Building on the Homestead and  
332 none of it passed. He said this has been a community effort.

333

334 Mr. Marquis said if builders mimicked the desires of the Library Trustees and it mirrors that, we probably  
335 got what we wanted in this design. He said the Library Trustees deserve some time to look at and assess  
336 the plan. He said it is not that residents have an adversarial relationship but that people have different  
337 ideas, and if they are willing to try different ideas that is pretty good. Selectman Miller said the Design-  
338 Build process is very different from what the Library Trustees are going through. He said he asked what  
339 would happen if it passes, and was told they will a builder and an architect and the process will start. He  
340 said he was told there was a lot of latitude with the design, the process will take 2 or 3 months, and  
341 changes can be made on the inside with input from Library Trustees.

342

343 Susan Leonardi of 10 Birch Road said she thought they would all like a new Library. She said she did not  
344 like the idea there were "cost savings", and said the Trustees have already spent \$130,000 on their plan  
345 and money has been spent from the Town Building Maintenance Fund. She said she also felt both  
346 Warrants should be on the Ballot for the people to decide. She said she also wanted to make it clear that  
347 there are problems in the current Library building, and there will be additional costs to change the use to  
348 Town Offices. Selectman Miller said they currently have no parking and the septic can't be done, and the  
349 Town uses the parking lot as well.

350

351 Ms. Leonardi said when she started in 2013 they were building a stand-alone Library on the Homestead,  
352 and said we have been trying. She said a year ago they could have changed direction, and she feels  
353 conflicted at having spent \$130,000 of taxpayer money. She said the idea was to take the Library out of  
354 the equation so property could be developed for other Town offices.

355

356 Laurel Pohl asked whether the Select Board and the Library could get together so they do not have two  
357 Warrants on the Ballot, and asked Mr. Miller how he would compromise his Bond Article to get rid of two  
358 Warrants. Selectman Miller said if this article passes the architect will work with the Library Trustees on  
359 the interior, but will be working for the Town as they will be under contract. Mr. Pohl stated it was clear  
360 that he would not compromise, and Selectman Miller said they can't do anything about Deliberative.

361



362 Frank Ferraro of Post Road said he was brainstorming and asked if the Select Board would consider  
363 approving, if there was just one Bond for a New Library, the numbers the Library Trustees had already  
364 costed out, and commit to the Trustees controlling the project using their own architect and contractor.  
365 He said the Trustees would have to decide, but maybe with committing the \$780,000 Building Fund and  
366 the \$300,000 in donations in their Article and Bond, and committing \$420,000 from Fund Balance would  
367 bring the Bond to \$2.5 Mil. He said the Trustees have not authorized me to speak.

368  
369 Chairman Maggiore asked to let the idea percolate and said they have until February 1<sup>st</sup>, and he closed  
370 the Public Hearing at 9:08 pm. He asked that any questions be forwarded to the Interim Town  
371 Administrator and they will get answers and respond.

372  
373 **Items left on the Table** – No items

374  
375 Mrs. Kilgore returned to her seat at the table.

376  
377 **NEW BUSINESS**

378  
379 **14.1 Introduction of Interim Town Administrator Michael Tully**

380  
381 Chairman Maggiore stated that in Non-Public Session on December 9<sup>th</sup> the Board discussed the process  
382 to fill the Town Administrator position being vacated by Mr. Kaenrath. They agreed to appoint an Interim  
383 Town Administrator, a motion was made by Selectwoman Kilgore to appoint Chief Tully effective January  
384 2, 2020 with a potential bonus/compensation negotiated at the end of his tenure, and was approved by  
385 the Select Board 3-0.

386  
387 Interim Town Administrator Tully said he appreciates the faith of the Board, and said his goal is to have a  
388 seamless change from Mr. Kaenrath, who did a great job.

389  
390 **14.3 Discussion of Town Administrator Position**

391  
392 Chairman Maggiore said in a subsequent motion on the same day, Selectwoman Kilgore moved to revisit  
393 and reassess the process of filling the Town Administrator Position at the Select Board Meeting of  
394 February 10, 2020, and reconvene in Non-Public Session to discuss.

395  
396 **14.4 Discussion of Agriculture Commission Agreement**

397  
398 Audrey Prior of Exeter Road said she was here on behalf of the Agricultural Commission, and said she  
399 agreed with Selectwoman Kilgore that there were no substantive changes to the document.

400  
401 **Motion:** To adopt the Garden Use Waiver of Liability, Release, and Indemnification Agreement.

402 **Motioned:** Selectwoman Kilgore

403 **Seconded:** Selectman Miller

404  
405 Ms. Prior asked about putting the document on Town letterhead, and Selectwoman Kilgore she they  
406 would like it on Town letterhead, with numbered pages, and with a list all signatories.

407  
408 *The Motion withdrawn and a second motion made.*

409

410 **Second Motion:** To adopt the edits provided by Town Counsel into the Garden Use Waiver of Liability,  
411 Release, and Indemnification Agreement and adopt it effective immediately.

412 **Motioned:** Selectwoman Kilgore

413 **Seconded:** Selectman Miller

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

415

416 **14.5 Discussion of Town Warrant Articles**

417

418 Chairman Maggiore said they already handled the Warrant for the New Library but some Warrants were  
419 still outstanding.

420

421 **Warrant Article - Change Town Treasurer to an Appointed Position**

422 Chairman Maggiore said he contacted the Executive Director of NHMA to find out specific requirements  
423 for the position and best practices, and was told there were no detailed job descriptions outside what is  
424 written in *RSA 41-29: Duties of Elected & Appointed Town Treasurers*. Selectman Miller said the purpose  
425 is the belief that expectations of a Town Treasurer today are not the same as previously, and there is no  
426 way to expect that a person running will be qualified. He said they had to have some way to make sure  
427 the Treasurer can perform, and to appoint them to some period of time.

428

429 Selectwoman Kilgore asked what guarantees that the appointment will be a qualified person and what is  
430 deemed as qualified. She said the current Treasurer has been delegating responsibilities and asked if that  
431 will still be an option. She also asked what RSA applies to a term limit, and what authority is given to the  
432 Board to remove a person. Selectman Miller said they would appoint someone for some term under  
433 circumstance they choose for one period of time and provide minimum requirements to be appointed to  
434 service. Chairman Maggiore said he cannot find an RSA about the position, and either the Board moves  
435 on this as it stands or do more homework.

436

437 Selectman Miller asked if there was anything the Town Attorney could do, and Selectwoman Kilgore felt  
438 that would be a quicker way to get an answer. Interim Town Administrator Tully asked the Board to  
439 forward their questions to him and he would put them together for NHMA or Town Counsel to get  
440 answers. Selectwoman Kilgore said she preferred sending them to Counsel.

441

442 **Warrant Article - Establish Water Commission Expendable Trust Fund**

443 Chairman Maggiore read the Warrant Article with the Water Commission listed as agents to expend, and  
444 said he asked the Finance Director for the spending history of the Water Commission. He said since 2012  
445 they came up with an average of \$7,500 over time. He said they purport to give the Water Commission  
446 the ability to go out and fight a rate case which can avoid an enormous cost, and to continue doing work  
447 they are authorized to do by the Charter of 1957.

448

449 Selectman Miller said as an Expendable Trust the money will stay in the fund and not go into Fund Balance.  
450 He said it is important that they have something to work with, but if they accept the responsibility why  
451 can't they do the minutes and keep track of their meetings, as Ms. Kilgore has said before. Selectwoman  
452 Kilgore said she sees the need for the fund, and any adjustments can be made as they go into Budget  
453 Season to account for variations. She said her one issue is lack of 91-A compliance. She said she would like  
454 to see them meeting more often, and felt they should take the lead on Coakley.

455

456 **Motion:** To recommend the Warrant Article to Establish the Water Commission Expendable Trust Fund  
457 as presented.

458 **Motioned:** Chairman Maggiore  
459 **Seconded:** Selectwoman Kilgore  
460 **Vote:** Motion recommended by a vote of 3-0

461

462 **Warrant Article - Contribution to Water Commission Expendable Trust Fund**

463

464 **Motion:** To recommend the contribution to the Water Commission Expendable Trust Fund in the amount  
465 of \$7,500 as presented.

466 **Motioned:** Chairman Maggiore

467 **Seconded:** Selectwoman Kilgore

468 **Vote:** Motion recommended by a vote of 3-0

469

470 Interim Town Administrator Tully asked if the Board wanted to add where the money is to come from,  
471 and the Warrant says to raise and appropriate.

472

473 **Motion:** To rescind the prior motion

474 **Motioned:** Chairman Maggiore

475 **Seconded:** Selectwoman Kilgore

476 **Vote:** Motion approved 3-0 to rescind prior motion

477

478 **Motion:** To recommend that the Town raise and appropriate \$7,500 from taxation, to be contributed to  
479 the Water Commission Expendable Trust Fund.

480 **Motioned:** Chairman Maggiore

481 **Seconded:** Selectman Miller

482 **Vote:** Motion recommended by a vote of 3-0

483

484 **Warrant Article - Rescind the Code of Ethics (by Citizens Petition)**

485 Chairman Maggiore read the Citizens Petition to rescind the Code of Ethics for the Town, stamped on  
486 December 19, 2019 as valid by the Town Clerk.

487

488 Discussion: Selectman Miller said he thought at this point it was not doing what it was intended to do,  
489 and until or unless reworked, he supported the Petition to rescind.

490

491 **Motion:** To rescind the Code of Ethics.

492 **Motioned:** Selectman Miller

493 **Seconded:** Selectwoman Kilgore

494 **Vote:** Motion recommended by a vote of 3-0

495

496 **Warrant Article – Support Centennial Hall (by Citizens Petition)**

497 Chairman Maggiore read the Warrant Article to support Centennial Hall in full.

498

499 Discussion: Selectwoman Kilgore said the wording is deficient, as how it is to be raised and appropriated  
500 is not specified. She said it has to be amended at a Town Meeting. Chairman Maggiore said they could not  
501 make the assumption of where the money was coming from. He asked the author of the Petition to bring  
502 the document to Deliberative Session and have it corrected there.

503

504 Chairman Maggiore said it was the consensus of the Select Board that all would recommend the Warrant  
505 Article if changed appropriately at Deliberative Session.

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**Warrant Article - Expansion and Renovation of Public Library Building** (by Citizens Petition)  
Chairman Maggiore read the Warrant Article for the Expansion and Renovation of the Public Library Building for \$2,274,000 in Bonds in full. Interim Town Administrator Tully said they received a request to sit with the Select Board on Thursday, January 9, 2020 which the Trustees did, and he received the Citizens Petition on Friday. Chairman Maggiore said we have this petition in front of us and will take this first.

**Motion:** That the Select Board recommend Expansion and Renovation of Public Library Building (by Citizens Petition) as presented.

**Motioned:** Selectwoman Kilgore

**Seconded:** Chairman Maggiore

**Vote:** Recommended by the Select Board 1-2

**Warrant Article - Expansion and Renovation of Public Library Building** (original)

Chairman Maggiore said they originally voted 2-1 to move to Ballot, and having voted in the affirmative, he would vote to rescind the January 9<sup>th</sup> vote to move Expansion and Renovation of Public Library Building to official Ballot.

**Motion:** To rescind the vote on January 9, 2020 to move the Warrant for Expansion and Renovation of Public Library Building to official Ballot.

**Motioned:** Chairman Maggiore

**Seconded:** Selectman Miller

**Vote:** Motion approved 3-0 – *Not on Ballot*

**14.6 Discussion and Review of SAU Threat Incident on January 2, 2020** – Chief Kathryn Mone

Police Chief Kathryn Mone said she was contacted on the afternoon of January 2, 2020 by Principal Snyder of the North Hampton School that a bomb threat had been called in to Seabrook about an Elementary School in our SAU. She said she spoke to the Police Chief in Seabrook who said at that time there was no reason to believe North Hampton was affected. She then met with Principal Snyder in her office along with Officer Whitcomb. She said Seabrook tracked down the threat which was out-of-state and there was never a bomb. She said she spoke with Chief Tully and the issue is resolved.

**Minutes of Prior Meetings**

**Approval of the Non-Public Meeting Minutes of December 23, 2019**

**Motion:** to approve the Minutes of the Non-Public Meeting of December 23, 2019

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

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

**Any other Item that may Legally Come before the Board**

Interim Town Administrator Tully said with regard to the Christmas trees at Dearborn Park, Joe Manzi is collecting trees from residents and they can be dropped off at the park.

**Second Public Comment Session**

Select Board Regular Meeting  
January 13, 2020

554 Frank Ferraro said a Bond Hearing needs to be scheduled and a Notice published for the Citizens Petition  
555 for a Bond, and tomorrow is the deadline. Interim Town Administrator Tully said he had already done that  
556 on Friday.

557

558 **Adjournment**

559

560 Chairman Maggiore adjourned the Select Board meeting at 10:04 pm.

561

562 Respectfully submitted,

563

564 Patricia Denmark, Recording Secretary

DRAFT