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

4 **FEBRUARY 27, 2023 7:00 PM**

5 **NORTH HAMPTON TOWN HALL**

6 ***DRAFT MINUTES***

7 SELECT BOARD MEMBERS PRESENT: Chairman James Sununu, Vice-Chairman James Maggiore, Selectman
8 Jonathan Pinette

9 ALSO PRESENT: Town Administrator Michael Tully, Building Inspector/Code Enforcement Officer Jared
10 Shaheen

11
12 Chairman James Sununu welcomed everyone to the Select Board Regular Meeting of February 27, 2023
13 and called the meeting to order at 7:03 pm followed by the Pledge of Allegiance. He said the Board is
14 coming from two Non-Public Sessions and asked for a motion to seal the minutes.

15
16 **Motion:** To seal the minutes of Non-Public Sessions I and II of February 27, 2023.

17 **Motioned:** Selectman Pinette

18 **Seconded:** Vice-Chair Maggiore

19 **Vote:** Motion approved 3-0

20
21 **First Public Comment Session**

22 Call 603-758-1447 or email: jsununu@northhampton-nh.gov

23
24 **Kirsten Larsen Schulz** of Post Road asked if the Select Board might consider allowing for Public Comment
25 after the discussion tonight, since the Cell Tower and eminent domain are of such interest to the public.

26
27 **Consent Calendar**

28 6.1 Payroll Manifest of February 16, 2023 in the amount of \$77,919.20

29 6.2 Payroll Manifest of February 23, 2023 in the amount of \$79,038.14

30 6.3 Accounts Payable Manifest February 16, 2023 in the amount of \$1,434,997.05

31 6.4 Current Use Application

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 a**
37 **DVD recording is available at the North Hampton Town Administrative Offices, 233 Atlantic Avenue, North**
38 **Hampton, New Hampshire 03862.**

39

40 **Motion:** To accept Consent Calendar items 6.1 - 6.4 as presented.

41 **Motioned:** Vice-Chair Maggiore

42 **Seconded:** Selectman Pinette

43 **Vote:** Motion approved 3-0

44

45 **Correspondence**

46 Chairman Sununu read an email from Janet Larsen of 121 Post Road in full, asking for permission and
47 approval to start a Citizens Steering Committee to brainstorm solutions to the Cell Tower dilemma
48 meeting all requirements and avoid use of eminent domain; meeting minutes would be provided to the
49 Town Administrator. She also asked that the Town to seriously consider locating emergency callboxes on
50 Woodland Road and Atlantic Avenue as a short-term solution.

51

52 **Committee Updates**

53 Vice-Chair Maggiore said the *Heritage Commission* met last Thursday with discussions of a routine nature;
54 *Water Commission* has not met.

55

56 Chairman Sununu said *Rails to Trails Committee* has not met but discussed possible trail access with WS
57 Development, owner of Lafayette Crossing; Rockingham Planning Commission (RPC) met with their
58 National Park Service for assistance with trail signage.

59

60 **Report of the Town**

61

62 Period: February 14, 2023 – February 24, 2023: Finance at 36% of Budget with 19 weeks remaining in
63 fiscal year; Officer Kyle Manlow accepting donations for CHAD Police/Fire hockey game in Manchester on
64 March 18 at 1:00 pm; open Firefighter position; Portsmouth Hospital Cardiac Unit recognized 2
65 paramedics for their quality of care; Summer Camp interviews for positions ongoing and registration starts
66 this week; Winter Fest a great success; Route 1 Culvert still an issue and plan is to replace during bridge
67 project on North Road: does the Town have a preference for a 3-week road closure for the project or one-
68 lane access for 4-5 months.

69

70 Vice-Chair Maggiore said with Route 1 the first issue was First Response because of different side routes
71 that would need to be taken; the decision is by the Board but incumbent on how to best serve the
72 community for Police and Fire. Town Administrator Tully said people are going to cut down side roads and
73 Police will need to watch for speeding there. Chairman Sununu said he would like to talk to them ahead
74 of time about a projected schedule for construction for closures.

75

76 **Items Left on the Table** – None

77

78 **NEW BUSINESS**

79

80 **11.1 Discussion of Cell Tower Location**

81 Chairman Sununu said from his perspective at the last meeting re putting up a Cell Tower, there was
82 certainly a lot of pushback and feedback, emails, and petitions and it was clear there are concerns over
83 this. He said the Board will continue to explore other options without acting on this petition for eminent
84 domain. He said the petition was received, Public Hearings held, and next step is a vote of the Board to

85 determine if there is a Public Need which justifies going forward with an eminent domain proceeding. He
86 said he was not going to make that motion tonight or keep moving forward on this petition at this time.
87

88 **11.4 Building Permit Discussion** – Jared Shaheen, Building Inspector/Code Enforcement Officer

89 Jared Shaheen, Building Inspector/Code Enforcement Officer and Health Officer for the Town of North
90 Hampton, said he takes in Building Permit applications for review of code compliance and building safety,
91 and also does inspections on said building projects. He said he wanted to focus on incidents in Town with
92 some contractors acting unscrupulously and selling themselves as professionals getting residents to sign
93 contracts for work to be done then demanding more money before continuing or completing the work.
94

95 Mr. Shaheen stressed the importance of pulling Building Permits for the safety aspect of the code as well
96 as for the consumer protection aspect of getting a quality product. He said it is important to make sure
97 you are hiring someone who is reliable and honest and will give you a good product in the end.
98

99 Vice-Chair Maggiore asked if something does go wrong and a resident does have a permit do they go to
100 the Town or settle with their own attorney. Mr. Shaheen said he encouraged people to come to him with
101 any questions but he cannot offer legal advice; in recent cases the resident signed the contract and work
102 was initiated and he advised all residents to be cautious.
103

104 Selectman Pinette said to break everything down for the public, when you are ready to do a project there
105 should be a permit pulled with the Building Inspector who will be there to look at everything before a
106 significant amount of money is paid and work started. Mr. Shaheen said there is a certain amount of work
107 that would be done upfront to initiate the start of a project and to consider what is a reasonable amount
108 to start a project.
109

110 **Public Comments Specifically related to Cell Tower**

111 **Kathleen Kilgore** of 220 Atlantic Avenue said she was happy the Board decided not to move forward on
112 the eminent domain, but since the Board is not taking a vote and this will be tabled until later, what would
113 the process would be to bring it back onto the table. Chairman Sununu said the Board is not tabling the
114 petition; he said the vote would be to declare there is a public need to move forward with the petition,
115 and they are not going to vote that there is no public need here, they are not going forward with the
116 petition, and the issue is dead. Ms. Kilgore said the public need was tied to that (Cotter) property and she
117 did not understand why the Board would not vote. Chairman Sununu said because no one on the Board
118 wants to make a motion to move forward.
119

120 **Amy Bucklin Faley** of 3 North Road said she did not understand how any of this works and asked what
121 “set aside” means. She said there is a large lack of trust with people, this leaves them in limbo, and
122 personally she finds it unsettling. Chairman Sununu said the vote would be to recognize whether or not
123 there is a public need for eminent domain, and said he believes there is a public need for cell service and
124 will not vote that there is not. Ms. Faley asked why it has to stay linked to the Cotter property.
125

126 **Lori Cotter** of 168 Mill Road said she needs to have this separated; she acknowledged there is a need for
127 cell service in the area but the way the Board is taking it is by eminent domain, and we were told at the
128 two meetings that the Board would take a vote on whether or not they would use eminent domain; the
129 newsletter also said there would be a vote tonight.
130

131 Chairman Sununu said he did not write the Community Newsletter and did not say the Board would vote
132 up or down on eminent domain but would vote for action or no action. Ms. Cotter asked that the Board
133 take a vote and said we cannot continue to live like this knowing it could be a possibility again. Selectman
134 Pinette said there is a refusal of all parties on the Select Board to make a motion, and the Board cannot
135 vote if there is no motion. Vice-Chair Maggiore said without a motion there is no action and the issue is
136 dead.

137
138 **Motion:** That the Board will not proceed with eminent domain on the petition that was filed.

139 **Motioned:** Chairman Sununu

140 **Seconded:** Vice-Chair Maggiore, for discussion.

141

142 Vice-Chair Maggiore said if the Board did not have a second they would still have no motion and there
143 would be no action; if we vote this down it is dead, which by a parliamentary procedure would be the
144 same exact action. Chairman Sununu said the motion he is making is to not proceed with any further
145 action on the petition that was submitted.

146

147 **Vote:** Vice-Chair Maggiore called the question and the Board voted 3-0 to approve the motion.

148

149 **11.2 Update on Building Project**

150 Town Administrator Tully said contractors are still working on a punch list for Town Offices; pole installed
151 on corner of office and library property to provide underground electrical for the rest of the buildings
152 including Town Hall (a requirement by Eversource). He said biggest issues so far have been with parking;
153 floor drains being put in Fire Station bays; footings and concrete have been poured. He said he heard back
154 from the State on a 50:50 grant for emergency generators for \$51,000; Chief Lajoie continues to look for
155 other grant opportunities.

156

157 **11.3 Discussion of Rail Trail**

158 Chairman Sununu said conversations are ongoing; RPC is continuing to work on this and incorporated the
159 501(c)3 group that will oversee the trail with each of the towns along the way part of the 501(c)3 group;
160 the group will collectively work on maintenance and signage; National Park Service is reviewing signage.
161 Worked with WS Development which owns Lafayette Crossing about trail head access potentially in front
162 of LL Bean Store with landscaping and connect the trail to wrap around the back of the plaza and to our
163 Rail Trail.

164

165 Town Administrator Tully said residents have also discussed the back of the Coakley Landfill and trails it
166 passes; walked the trail with the Building Inspector to look at runoff in that area, signage, and fencing;
167 there is orange sediment runoff by the side of the trail; residents had it tested and it contains iron. He said
168 the Board should discuss that and better signage for that area so people do not go off the trail there.

169

170 **MINUTES OF PRIOR MEETINGS**

171

172 **12.1 Approval of Minutes of Regular Meeting of February 13, 2023**

173 **Motion:** To approve the Regular Meeting Minutes of February 13, 2023 as presented.

174 **Motioned:** Selectman Pinette

175 **Seconded:** Vice-Chair Maggiore

176 **Vote:** Motion approved 3-0

177

178 **12.2 Approval of Minutes of Non-Public Meeting of February 13, 2023**

179 **Motion:** To approve the Minutes of the Non-Public Meeting of February 13, 2023
180 **Motioned:** Selectman Pinette
181 **Seconded:** Vice-Chair Maggiore
182 **Vote:** Motion approved 3-0
183

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

185
186 **Second Public Comment Session**

187 *Call 603-758-1447 or email: jsununu@northhampton-nh.gov*
188

189 **Amy Bucklin Faley** of 3 North Road asked how people got on the list to have well testing in the town.
190 Town Administrator Tully said DES ran a program for private well testing and provided a link to sign up.
191 Ms. Faley said she missed that and asked if she would need to do testing privately at this point. Town
192 Administrator Tully said the program has already run its course and did not think it would happen again
193 in this area; he offered that water companies that do filtrations systems will come in and test water. Ms.
194 Faley asked if the results of the wells tested would be made public; Town Administrator Tully said they
195 would not but PFAS results would be submitted and added to the map.
196

197 Ms. Faley also asked about road paving, etc.; Town Administrator Tully said there is a 15-year Road Plan
198 for the Town; for State roads DOT would need to be involved. He added that North Road was moved up
199 to 2024 due to faster disintegration of the road surface.
200

201 **Next Regular Meeting:** March, 13 2023
202

203 **ADJOURNMENT**

Chairman Sununu adjourned the meeting at 7:50 pm.

204
205 Respectfully submitted,
206 Patricia Denmark, Recording Secretary