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

4 **MARCH 23, 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, Finance Director Ryan Cornwell, Police Chief
12 Kathryn Mone

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14 **AGENDA**

15
16 Chairman Pro Tempore Jim Maggiore welcomed everyone to the March 23, 2020 North Hampton Select
17 Board Meeting and called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance. He
18 congratulated and welcomed James Sununu to the Select Board.

19
20 Chairman Pro Tempore Maggiore said they were coming from 3 sessions of Non-Public with motions made
21 in the first two and Town Administrator to act on the intent of the motions with intent to seal all sessions.

22
23 **Motion:** To seal the minutes of Non-Public Session I of March 23, 2020

24 **Motioned:** Selectman Miller

25 **Seconded:** Selectman Sununu

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

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28 **Motion:** To seal the minutes of Non-Public Session II of March 23, 2020

29 **Motioned:** Selectman Miller

30 **Seconded:** Selectman Sununu

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

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

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Motion: To seal the minutes of Non-Public Session III of March 23, 2020

Motioned: Selectman Miller

Seconded: Selectman Sununu

Vote: Motion approved by a vote of 3-0

Chairman Pro Tempore Maggiore requested that item 13.8 under New Business be moved up in the agenda to after Committee Assignments.

First Period of Public Comment

Call 603-758-1447 for Public Comments

Frank Ferraro of Post Road called re agenda item 13.8 Department of Revenue 10% Rule, and said someone should calculate the 10% rule before the Deliberative and should have kept track of the articles as they are being passed. He does not believe there is an issue with the 10% rule as only the Bond and Unassigned Fund Balance needed approval, and Library Trustees were authorized to act as spending agents.

Laurel Pohl of 100 North Road noted that Select Board members did not have laptops for checking email questions from the public. She asked on what basis the 10% rule is being challenged, and asked how they could exceed the 10% with multiple people calculating during Deliberative.

Chairman Pro Tempore Maggiore stated that the Governor put out Emergency Order #12 today permitting State and Government local bodies to participate electronically in meetings and waive the quorum requirement.

Consent Calendar

7.1 Payroll Manifest of March 19, 2020 in the amount of \$68,776.08

7.2 Accounts Payable Manifest of March 19, 2020 in the amount of \$1,068,697.23

7.3 Approval of Elderly Exemptions

Motion: To approve the Consent Calendar as presented.

Motioned: Selectman Miller

Seconded: Selectman Sununu

Vote: Motion approved by a vote of 3-0

Correspondence

Copies of all Correspondence will be attached to these minutes.

8.1 Correspondence from Michael and Lori Badolato

Dated March 9, 2020 Regarding Renumbering of Winterberry Drive: they are in favor of renumbering, appreciate the Board's efforts, see more risk in the idea of creating Public Ways, and request the Board move ahead with consideration of the renumbering.

8.2 Correspondence from North Hampton Public Library Trustees

Dated Wednesday March 18, 2020 thanking the Select Board for the invitation to meet and discuss the 10% Rule and recent Election results. Library Trustees do not believe the 10% Rule has been exceeded and encourage the Board to follow DRA guidelines.

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8.3 Correspondence from Rockingham Planning Commission (RPC)

Dated February 18, 2020 from the Rockingham Metropolitan Planning Organization (MPO) to provide technical advice and recommendations to the Policy Committee concerning transportation issues and provide input to NH DOT and other agencies. Letter to insure each RPC community is represented by one member on the Transportation Advisory Committee (TAC) and the Policy Committee (PC). Items on the Agenda; to be forwarded to Planning Board.

8.4 Correspondence from Xfinity

Regarding the postponement of Cartoon Network moving to Digital Preferred Tier in light of COVID-19 crisis.

Committee Updates – No representatives, no meetings

Report of the Interim Town Administrator

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

Interim Town Administrator Tully said the Town is in good shape financially with 15 weeks left in the Fiscal Year and approximately 29% of the Budget remaining. He said the Fire Department hired Corey Greaney as a paramedic and there is a conditional offer out for another candidate. He said he reassigned Recreation Director Joe Manzi to a Community Wellness position to identify areas where residents may need assistance as pandemic continues. Call 603-964-3170 for assistance.

COVID-19: Meeting with State and surrounding community leaders as well as screening School, Fire, and Police before entering the buildings. Town Offices and Town Clerk closed to public and transitioned to virtual offices. Phone system put in place for residents to stay in touch during meetings (603-758-1447).

Chairman Pro Tempore Maggiore said another emergency order came through for temporary authority to perform secure online notarization and will be posted online.

Items left on the Table

NEW BUSINESS

13.1 Public Oath of Office of James Sununu as Select Board Member

The public oath will not be held this evening; James Sununu was properly sworn as a member of the Select Board.

13.2 Election of Select Board Officers

Chairman of the Select Board:

Motion: To nominate *Jim Maggiore* as *Chairman of the Select Board*.

Motioned: Selectman Miller

Seconded: Selectman Sununu

Vote: Motion approved by a vote of 3-0

136 **Vice Chairman of the Select Board:**

137 **Motion:** To nominate *James Sununu* as *Vice Chairman of the Select Board*.

138 **Motioned:** Selectman Miller

139 **Seconded:** Chairman Maggiore

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

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142 **13.3 Discussion of Committee Assignments**

143 Chairman Maggiore said the Select Board has *ex officio* members that serve from the Select Board on
144 several boards and committees in the Town.

145

146 **13.3.1 Budget Committee**

147 Selectman Miller volunteered to serve as Select Board Representative to the Budget Committee.

148 **Motion:** To nominate *Larry Miller* as *Select Board Representative to the Budget Committee*.

149 **Motioned:** Chairman Maggiore

150 **Seconded:** Vice-Chair Sununu, for discussion

151 **Discussion:** Vice-Chair Sununu said he was happy to support Selectman Miller for the Budget Committee
152 as he has represented the Board now for 6 years and is very passionate about what the Budget Committee
153 does for the Town and School.

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

155

156 **13.3.2 Planning Board**

157 Chairman Maggiore said the Planning Board is the only board that is required to meet at least
158 once/month, and volunteered as Select Board Representative to the Planning Board.

159 **Motion:** To nominate *Chairman Maggiore* as *Select Board Representative to the Planning Board*.

160 **Motioned:** Chairman Maggiore

161 **Seconded:** Selectman Miller

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

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164 **13.3.3 Heritage Commission**

165 Chairman Maggiore volunteered to continue as Select Board Representative to the Heritage Commission.

166 **Motion:** To nominate *Chairman Maggiore* as *Select Board Representative to the Heritage Commission*.

167 **Motioned:** Vice-Chair Sununu

168 **Seconded:** Selectman Miller

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

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171 **13.3.4 Water Commission**

172 Chairman Maggiore stated that the *ex officio* member of the Water Commission is the Chairman and no
173 vote is required.

174

175 **13.3.5 Capital Improvement Committee (CIP)**

176 Vice-Chair Sununu volunteered to serve as Select Board Representative to the CIP Committee.

177 **Motion:** To nominate *Vice-Chair Sununu* as *Select Board Representative to the CIP Committee*.

178 **Motioned:** Chairman Maggiore

179 **Seconded:** Selectman Miller

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

181

182 **13.3.6 Economic Development Committee**

183 Selectman Miller volunteered as Select Board Representative to the Economic Development Committee.

184 **Motion:** To nominate *Selectman Miller as Select Board Representative to the Economic Development*
185 *Committee* (EDC).

186 **Motioned:** Chairman Maggiore

187 **Seconded:** Selectman Miller

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

189

190 13.3.7 Standing Ethics Committee

191 Chairman Maggiore said the Code of Ethics was rescinded by the Town, and asked if an Ethics Committee
192 was needed. Vice-Chair Sununu suggested that unless it is defined outside of the Code of Ethics it does
193 not exist, and Interim Town Administrator Tully said he was not sure what the Committee would look at
194 without a basis in an Ethics Code to follow.

195

196 **Motion:** To Move 13.3.7 Standing Ethics Committee to the next Select Board Meeting.

197 **Motioned:** Chairman Maggiore

198 **Seconded:** Vice-Chair Sununu

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

200

201 13.3.8 Any other Committee

202 Chairman Maggiore said Labor Negotiations requires a Select Board Member, and Interim Town
203 Administrator Tully suggested waiting until they got closer to early summer when they would receive the
204 letter to negotiate.

205

206 13.8 Discussion of Department of Revenue Budget 10% Rule

207 Rule codified in municipal law under RSA 32:18, RSA 32:18-A

208

209 Chairman Maggiore stated that the total appropriated by the Town at the Town Meeting cannot exceed
210 the amount recommended by the Budget Committee by more than 10%, computed on the total amount
211 recommended by the Budget Committee less any part of the appropriation that includes fixed charges
212 which include interest and principal payments on bonds and notes, as well as mandatory assessments
213 imposed on towns by County, State, or Federal Governments. He said the 10% Rule can be overridden by
214 a proper warrant article in the case of a bond request. When the amount is exceeded, the NH Department
215 of Revenue Administration (NH DRA) will typically disallow on a "last voted, first out" basis.

216

217 Finance Director Ryan Cornwell provided a spreadsheet illustrating warrant articles with financial impact
218 as well as Town Meeting warrants posted for Deliberative Session, a copy of the Ballot with results, copies
219 of relevant RSAs, and guidelines from the NH Municipal Association. The spreadsheet shows the maximum
220 allowable appropriations and total gross appropriations voted. The first column on top indicates Total
221 Gross Appropriations for the Warrant prior to Deliberative Session, with the amount per article and a
222 running subtotal.

223

224 Finance Director Cornwell said prior to Deliberative, financial warrant articles totaled approximately \$14.5
225 Mil, of which \$11.14 Mil was recommended by the Budget Committee prior to the Deliberative Session.
226 He said an MS737 is provided, part of which is a supplemental schedule of what the 10% was based on
227 prior to Deliberative. The bottom of the column shows the \$11.14 Mil recommended, then reduced by
228 exclusions (principal & interest on long-term debt) and the amount to be funded by Article 9 through
229 bonds of \$2.275 Mil, gets you to an amount recommended less exclusions of \$8.6 Mil, which is the amount
230 the 10% is calculated on (not the amount recommended by the Budget Committee). The amount is

231 \$860,000 which is then added to the recommended Budget Committee amount of \$11.14 Mil giving
232 approximately \$12 Mil, showing they were before Deliberative by \$2.5 Mil to the 10% override.

233

234 Finance Director Cornwell said the third column shows the amount recommended by the Budget
235 Committee subsequent to the Deliberative with changes to Article 9, Article 10, and Article 17, resulting
236 in an excess that looks to be above the Maximum Allowable Appropriation of \$305,000. Total Gross
237 Appropriations per official Ballot Vote equal exactly what is in the third group of numbers as what was
238 recommended by the Budget Committee and passed at the actual Ballot Vote.

239

240 Finance Director Cornwell said he spoke today with their DRA representative and she believes the Town
241 is in violation of RSA 32:18 and total appropriations votes exceeded the 10% limit based on the original
242 Budget Committee recommendation after adjustments for fixed charges. He said she verified the RSA
243 contains legal guidance on the limitation of appropriations but does not specifically address, in any terms,
244 what actions will be taken by DRA, though it is standard practice to disallow articles starting with the last
245 financial warrant article until the appropriation is reduced below the maximum allowable appropriation.

246

247 Finance Director Cornwell said because the statute does not address what happens in the event total
248 appropriations exceed the 10% limit, the representative agrees with his suggestion to contest the DRA's
249 standard practice of "last voted in, first out" by having the Select Board formulate a deliberate and
250 agreeable plan to address the overage in a written communication to James Jerry, Director of Municipal
251 & Property Division for the Department of Revenue.

252

253 Discussion: Vice-Chair Sununu said the information put together by Finance Director Cornwell is
254 thorough, DRA was consulted for guidance, and DRA believes they have a problem. He said rather than
255 have DRA arbitrarily chop out last articles, the Select Board should come up with a plan to address this in
256 a manner best for the Town. Finance Director Cornwell said they have 20 days from the meeting on March
257 10 and he is required to report the results and complete certain DRA documents by March 30, 2020,
258 however their DRA representative said given the circumstances that is the date to definitively provide the
259 information in the DRA Portal, then compose and forward the communication to the Director of the
260 Municipal Property Division of the DRA.

261

262 Selectman Miller said the total passed by voters on Article 9 is \$3.9 Mil, and if they were to reduce that
263 by \$305,226 that would bring the Town into compliance. Finance Director Cornwell said they are willing
264 to work with the Town, and just because they have a standard practice does not mean it is legally
265 enforceable. He said he believes it is in the Town's best interest to formulate a plan provided to them by
266 the Select Board for their review and their judgement on that.

267

268 Chairman Maggiore agreed with Selectman Miller that they can honor the intent of the voters on every
269 Warrant Article, maintain transparency in Town policies which is the open-bid process, and get through
270 that process to get below where they need to be. He said his concern is how to complete all that in the
271 proper time. Finance Director Cornwell said based on his discussion today he believed they should report
272 the information to the DRA Portal with the caveat that they understand, are addressing it, and will be
273 communicating in the immediate future.

274

275 Selectman Miller suggested they take Article 9 and give it a maximum value as far as appropriation and
276 go through the bid process. He said the bid will be for the same property and the same circumstances,
277 and they can specify it be less than a certain amount. Vice-Chair Sununu said guidance from DRA is critical

278 here and it is important for the Board to come up with a plan as soon as practically possible, and should
279 do a thorough review of all the warrant articles.

280
281 Finance Director Cornwell said he will first go to the DRA Portal and report the articles amended with the
282 amounts, which will generate new reports for Select Board signature. Selectman Miller felt rather that
283 revisit all the articles they should work with Article 9, which was changed at Deliberative and has plenty
284 of money. Chairman Maggiore said he agrees with Selectman Miller but is concerned about how to codify
285 this.

286
287 Interim Town Administrator Tully suggested they put the issue on the agenda for the next meeting, and
288 he will work with the Finance Director to craft the plan as the Board described. Finance Director Cornwell
289 said it would have had to have been supported by the Select Board and not recommended by the Budget
290 Committee in order to add the language, and zeroing out Article 10 did not help because it was not
291 recommended by the Budget Committee.

292
293 **13.4 Position for Rockingham Planning Commission Transportation Advisory Committee (TAC)**
294 Forwarded to Planning Board.

295
296 **13.5 Representative for NH Seacoast Transportation Corridor Vulnerability Assessment & Plan**
297

298 Chairman Maggiore said in January 2020 Rockingham Planning Commission was awarded \$17,550 in grant
299 funds from the New Hampshire Department of Environmental Services (NHDES) Coastal Resiliency
300 Municipal Planning Board Grant on behalf of the Town of North Hampton and the Little Boar's Head
301 District to enable them to develop a robust strategy for addressing coastal hazards through the
302 development of Joint Master Plan Chapters. Various boards and committees of both districts are being
303 asked to appoint a member to the Steering Committee for this project, and the letter will be forwarded
304 to the Planning Board.

305
306 Vice-Chair Sununu volunteered to serve as a member of the Steering Committee.
307 **Motion:** To appoint *James Sununu* to the *Steering Committee for the Coastal Resiliency Master Plan*
308 *Project*.

309 **Motioned:** Selectman Miller
310 **Seconded:** Chairman Maggiore

311
312 Interim Town Administrator Tully said he would streamline the process, send the letter to the other
313 boards, and send out TAC as well as the Transportation Vulnerability Assessment to the Planning Board.

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

315
316 **13.6 Discussion of Request from Richard Luff, Chair Economic Development Committee**

317
318 Chair Richard Luff of the Economic Development Committee (EDC) sent a memorandum from the
319 Committee requesting an additional meeting with Jeff Hyland of Ironwood, to answer EDC questions
320 regarding the February 5th presentation, and requesting an additional \$300-\$400 to complete the task.

321
322 Vice-Chair Sununu said he had no objections and thought the request for additional funds of \$300-\$400
323 to finish the work they started would provide something productive to the Town as far as economic
324 development. Chairman Maggiore was reluctant to spend additional funds to get back where they started,
325 but they would then not get what they signed up for. Interim town Administrator Tully said some of the

326 members felt the vision presented was different from what they wanted and this meeting would help
327 them get back on track so the \$12,000 being spent on the project would present the most to the Town
328 going forward.

329
330 Vice-Chair Sununu said if this allows them to complete the project in a way that gives them something to
331 present, they should try to complete the process as effectively as possible. Selectman Miller agreed and
332 said it was time put in as well as money invested. Interim Town Administrator Tully said if they waited
333 they would miss this chance to make sure the final product is what they want it to be and to see a benefit
334 from their investment. Vice-Chair Sununu felt it was an important part of closing out this process.

335
336 **Motion:** To approve the additional expenditure not to exceed \$400 as requested by the EDC to complete
337 their work.

338 **Motioned:** Vice-Chair Sununu

339 **Seconded:** Chairman Maggiore

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

341

342 **13.7 Discussion of Town Office Copier Purchase**

343

344 Interim Town Administrator Tully said the lease on the copier in the Town Offices was up this year. He
345 said to keep the machine they have, they would have to buy it out and it is 4 years old with increasing
346 maintenance expenses. He said they priced different machines and were able to purchase the better
347 Konica-Minolta machine for the price of the lesser Xerox machine, and said the total cost also includes
348 yearly maintenance. He broke down the costs of keeping the old machine versus leasing or outright
349 purchase, and recommended the Town purchase the new Konica-Minolta outright using funds from the
350 IT Account with no cost to the Town.

351

352 **Motion:** To authorize the Town Administrator to enter into a contract for a new Konica-Minolta office
353 copier under general outlines as indicated.

354 **Motioned:** Vice-Chair Sununu

355 **Seconded:** Selectman Miller

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

357

358 **13.9 Discussion of Certified Local Government**

359

360 Chairman Maggiore said the Heritage Commission has been working on presenting the idea of Certified
361 Local Government (CLG) to the Select Board, by identifying a certain area of Town as Historic. This allows
362 the entire Town to benefit from grant opportunities through the US Department of Interior, and the
363 Heritage Commission would like to define the area from Town Hall over to the Homestead Property as
364 Historic. If approved by CLG the Town will be eligible for grant opportunities anywhere in Town, and DHR
365 and the Department of the Interior has awarded \$60,000-\$65,000 for local governments. Chairman
366 Maggiore asked for a consensus of the Board to allow the Heritage Commission to continue to continue
367 to put information together to bring to the Select Board for a final decision. The Board was in agreement.

368

369 **MIINUTES OF PRIOR MEETINGS**

370

371 **Approval of the Regular Meeting Minutes of March 9, 2020**

372

373 **Motion:** To approve the Regular Meeting Minutes of March 9, 2020 as presented.

Select Board Regular Meeting
March 23, 2020

374 **Motioned:** Selectman Miller
375 **Seconded:** Vice-Chair Sununu, for discussion
376 **Vote:** Motion approved by a vote of 2-0, with 1 abstention
377

378 **Approval of the Meeting Minutes of Non-Public Session I of March 9, 2020**

379
380 **Motion:** To approve the Meeting Minutes of Non-Public Session I of March 9, 2020.
381 **Motioned:** Chairman Maggiore
382 **Seconded:** Selectman Miller
383 **Vote:** Motion approved by a vote of 2-0, with 1 abstention
384

385 **Approval of the Meeting Minutes of Non-Public Session II of March 9, 2020**

386
387 **Motion:** To approve the Meeting Minutes of Non-Public Session II of March 9, 2020.
388 **Motioned:** Chairman Maggiore
389 **Seconded:** Selectman Miller
390 **Vote:** Motion approved by a vote of 2-0, with 1 abstention
391

392 **Approval of the Emergency Meeting Minutes of March 16, 2020**

393
394 Interim Town Administrator Tully said the Minutes of the March 16, 2020 did not get into the packet and
395 could be voted on at the next Board meeting.
396

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

398
399 Chairman Maggiore said he received a complaint from a resident about over-flowing garbage cans at
400 North Hampton State Beach. He said he is waiting to hear back from the State. Interim Town Administrator
401 Tully said he also spoke to the State and they are currently low on manpower.
402

403 Chairman Maggiore said he received a letter from a resident with regard to the new Town Library Project
404 asking if there would be independent oversight of the Library Trustees Board. Chairman Maggiore felt it
405 was important to draft a letter to the Library Trustees that they allow all Library Trustee Meetings,
406 including Work Sessions, to be televised on Channel 22 for transparency. Interim Town Administrator Tully
407 said he would draft the letter and get it out.
408

409 Chairman Maggiore noted that the Town of Rye may be considering the closure of all beaches due to the
410 COVID-19 crisis. He spoke to the Rye Select Board Chair and sent a note to the Governor's office about
411 intentions. He asked that the Town be attentive to any controls or any enforcement they may have to
412 bring to the Town and reduce the risk for Fire and Police.
413

414 **Second Public Comment Session**

415 *Call 603-758-1447 for Public Comments*
416

417 Laurel Pohl of 100 North Road requested that when contacting DRA, they be asked if donations need to
418 be appropriated.
419

420 **Adjournment**

421

Select Board Regular Meeting
March 23, 2020

422 Chairman Maggiore adjourned the meeting at approximately 8:45 pm.

423

424 Respectfully submitted,

425

426 Patricia Denmark, Recording Secretary

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DRAFT