



1
2 **TOWN OF NORTH HAMPTON, NEW HAMPSHIRE**
3 **NORTH HAMPTON SELECT BOARD MEETING**

4 **APRIL 20, 2020 7:00 PM**

5 **NORTH HAMPTON TOWN HALL**

6 ***DRAFT MINUTES***

7
8 **SELECT BOARD MEMBERS PRESENT:** Vice Chairman James Sununu, Selectman Larry Miller, Chairman Jim
9 Maggiore (via Zoom)

10
11 **ALSO PRESENT:** Interim Town Administrator Michael Tully, Lieutenant Angelo Puglisi

12
13 **AGENDA**

14
15 Vice-Chair Sununu welcomed everyone to the April 20, 2020 North Hampton Select Board Meeting and
16 called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance.

17
18 **Motion:** To Allow Jim Maggiore by majority vote to participate in this meeting.

19 **Motioned:** Selectman Miller

20 **Seconded:** Vice-Chair Sununu

21 **Vote:** Motion approved by a vote of 2-0

22
23 **First Period of Public Comment**

24 *Call 603-758-1447 for Public Comments or access via Zoom*

25
26 Chairman Maggiore said the public can also email him at: jmaggiore@northhampton-nh.gov

27
28 **Consent Calendar**

29 5.1 Payroll Manifest of April 9, 2020 in the amount of \$202,042.30

30 5.2 Payroll Manifest of April 16, 2020 in the amount of \$63,109.84

31 5.3 Accounts Payable Manifest of April 16, 2020 in the amount of \$1,169,767.35

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

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

40

- 41 5.4 Approval of Elderly Exemption Application
- 42 5.5 Approval of Elderly Exemption Application
- 43 5.6 Approval of Elderly Exemption Application
- 44 5.7 Approval of Veteran Credit Application
- 45 5.8 Approval of All Veteran Credit Applications
- 46 5.9 Approval of Delegation of Authority by the Treasurer
- 47 5.10 Approval of Delegation of Deposit Authority by the Treasurer

48

49 **Motion:** To approve the Consent Calendar as presented.

50 **Motioned:** Selectman Miller

51 **Seconded:** Chairman Maggiore

52 **Roll Call Vote:** Sununu-aye, Miller-aye, Maggiore-aye; motion approved by a vote of 3-0

53

54 **Correspondence**

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

56

57 6.1 Correspondence from Frank Ferraro

58 *Email dated April 14, 2020; correspondence read in full*

59 Mr. Ferraro asked the Select Board to comply with Warrant Article 9, as amended and approved by voters,
60 to move ahead with the application for the full Library Bond before the May 8th deadline, taking
61 advantage of very low interest rates resulting in cost savings for taxpayers. He circulated an online petition
62 to this effect, signed by 130 North Hampton residents.

63

64 6.2 Correspondence from Senator Tom Sherman

65 *Letter dated April 8, 2020 – correspondence read in full*

66 Senator Sherman reinforced his commitment to supporting the Towns in Senate District 24, was actively
67 involved in creating and implementing solutions during the COVID-19 pandemic on a District and State-
68 wide level, and asked if there was anything more he could do to help.

69

70 Selectman Miller asked if the Select Board could make a request that more testing be made available to
71 District 24; the Board was in agreement. Chairman Maggiore said Senator Sherman also asked if there was
72 anything recycling centers could use and more PPE was requested; LDI Solutions donated a box of ear-
73 loop face masks for distribution to DPW.

74

75 6.3 Correspondence from Glenn Miller

76 *Email dated April 14, 2020; correspondence read in full.*

77 Mr. Miller said the Library bids for expansion/renovation do not meet the standards for bidding, and new
78 Library construction needs a new bidding process. He stated that the Bonding Process is the responsibility
79 of the Select Board and not Library Trustees, and the language in Article 9 only applies after the Bond is
80 secured and funds transmitted.

81

82 **Committee Updates** – No Committee meetings

83

84 **Report of the Interim Town Administrator**

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

86

87 Report April 7 to April 17, 2020: Interim Town Administrator Tully stated that with 11 weeks left in the
88 current fiscal year they have 22% of the Budget remaining. The Police Department is now working off the
89 new server with their own domain and continuing work with State Police to curb beach parking. The Fire
90 Department hired new Firefighter Luke Denio; hotel set up in Portsmouth in the event of quarantined
91 Firefighters and Police.

92
93 Interim Town Administrator Tully said the coronavirus has spread to our community and there is a State-
94 wide lack of testing capability; State is concerned about the spread in MA; School has been cancelled until
95 the end of the year as well as afterschool programs; Director Joe Manzi continues to assist residents in his
96 capacity as Community Wellness Director (964-3170).

97
98 Beach stickers were discussed due to problems with applicants from campgrounds who are not residents,
99 as well as snowbirds returning to Town who do not register their vehicles in North Hampton but own
100 property. Interim Town Administrator Tully asked the Board for guidance and said he was currently
101 working on a case-by-case basis.

102
103 **Items left on the Table**

104
105 **NEW BUSINESS**

106
107 **10.1 Nomination to the Coastal Adaptation Master Plan Project**

108
109 Interim Town Administrator Tully said Jenn Rowden of Rockingham Planning Commission (RPC) is heading
110 up this Coastal Adaptation Master Plan Project. He said each of the Town's committees should decide on
111 a person to sit on the Steering Committee to drive this plan going forward, and said each of these positions
112 use their hours toward the Town's in-kind match for the Grant.

113
114 Selectman Miller suggested he be the representative to EDC as they are not currently meeting. Interim
115 Town Administrator Tully said the deadline of May 10, 2020 may have to be put off with Town offices
116 closed to group meetings, and asked that the Select Board pick their representative. Vice-Chair Sununu
117 volunteered to serve as the Select Board Representative.

118
119 **Motion:** To nominate James Sununu as the Select Board Representative to the RPC Coastal Adaptation
120 Master Plan Project.

121 **Motioned:** Chairman Maggiore

122 **Seconded:** Selectman Miller

123 **Roll Call Vote:** Sununu-aye, Miller-aye, Maggiore-aye; motion approved by a vote of 3-0

124

125 **10.2 Discussion of Renumbering South Side of Winterberry Lane**

126
127 Interim Town Administrator Tully said some lots on Winterberry Lane were subdivided off a lot and some
128 were physically in Stratham, creating a numbering situation of: 2, 2-1, 2a, and 2b. Some residents came
129 to him and Lieutenant Angelo Puglisi asking this be looked into. Chairman Maggiore said a Public Hearing
130 was held on this with good input from residents, and it came down to one idea as a solution which was to
131 renumber the even-numbered side of Winterberry Lane.

132

133 Lieutenant Angelo Puglisi said renumbering is the best solution and they will look at the best way to
134 renumber to make sure this does not happen again in future. He said he would work with 9-1-1 and said
135 Stratham was contacted and are on board. They need to figure out if there is developable property and
136 also need to look at number parity. He recommended the Select Board leave it to Public Safety to come
137 up with a plan that is simple, logical, and future-proof.

138
139 **Motion:** To direct our Public Safety to work with 9-1-1 and the State to come up with a renumbering plan
140 for Winterberry Lane that meets all the criteria discussed here.

141 **Motioned:** Vice-Chair Sununu

142 **Seconded:** Selectman Miller

143 **Roll Call Vote:** Sununu-aye, Miller-aye, Maggiore-aye; motion approved by a vote of 3-0

144

145 **10.4 Discussion of North Hampton Public Library Bond**

146

147 Vice-Chair Sununu pointed out a correction to a piece of correspondence read earlier which indicated the
148 Board decided not to submit a Bond to the Bond Bank by the May 8th deadline, and said the Select Board
149 did not make any such decision. He said they did decide to continue looking at the issue of the Bond and
150 the appropriation in the context of 10% issue with DRA and other concerns about procurement.

151

152 Chairman Maggiore said the Board was waiting for a response from the Department of Revenue
153 Administration (DRA) and Finance Director Cornwell is working with our representative for solutions to
154 the 10% rule. He said to be able to confidently say the Select Board was meeting all of its fiduciary
155 requirements and legal responsibilities, pieces of information were requested including the RFPs that led
156 to the selection of Bonnette, Page & Stone, and copies of the contracts, both received over the weekend.

157

158 Vice-Chair Sununu agreed and said the Board definitely had some concerns over the response from DRA
159 regarding the \$305,000 overage on the 10% rule, and said they received 2 letters last week from Bonnette,
160 Page & Stone to clarify that there will be competitive bidding for all the work to be done. He said the
161 Library has a scope of authority, but the Select Board has a general scope of responsibility to be careful
162 stewards of taxpayer money.

163

164 Selectman Miller said he did not know what the project looked like and as a result did not know if it met
165 the requirements of the Town and would be voting against this tonight. He also saw a problem in the AIA
166 document which says the owner of the to-be-built Library building is the Library Trustees. He said the
167 Town owns the land and use of the building is leased to the Library Trustees, and did not think it was
168 appropriate or lawful for Library Trustees to own real property or buildings. He said personally he did not
169 feel this was a good time to spend \$2 Mil and was concerned about residents being able to pay their tax
170 bills. He said he did not see a way around this for himself and said he would prefer seeing all the elements
171 bid out and his concerns addressed.

172

173 Chairman Maggiore said he did not feel the contract itself expressly gives the rights of ownership to the
174 Library Trustees or expresses the right to that ownership. Selectman Miller asked why he would allow
175 someone to sign a contract in the name of the Town. Vice-Chair Sununu said the Select Board does not
176 have any authority over what the Library can and cannot sign, but agreed there was a concern with the
177 language being in there if it is not appropriate or does not comply with State statutes and they should be
178 clear on what the scope of ownership and usage is. He agreed that the way this was done was not how he
179 would do it, but the Library Trustees have their own ability to go forward and make agreements. He said
180 Select Board members all agree they would like to see the Town's procurement policy adopted for a

181 project of this scope, but they do have a Warrant Article agreed to at Deliberative Session approved by
182 voters, and it is clear people want to move forward.

183

184 **Motion for the Library Bond**

185 **Motioned:** Jim Maggiore

186 Mr. Chairman, I move the following:

187

188 *Whereas the voters in North Hampton have approved warrant article #9 for the construction of a*
189 *new library on the Homestead property, and;*

190

191 *Whereas conditions of warrant article #9 require bonding two million, two hundred and seventy-*
192 *five thousand dollars (\$2,275,000) for construction of said library, and;*

193

194 *Whereas the Town of North Hampton and New Hampshire Department of Revenue*
195 *Administration have consulted on the best solution to the violation of NH RSA 32:18 – Limitation*
196 *of Appropriations (commonly referred to as the 10% rule) and concluded that the Town apply for*
197 *a bond in the full amount stated and approved in warrant article #9, and;*

198

199 *Whereas the procurement of a bond requires strict compliance set forth in NH RSA 33 - Municipal*
200 *Finance Act, therefore;*

201

202 *The North Hampton Town Administrator and Finance Director shall engage with bond counsel*
203 *for the procurement of documentation and application for the Town of North Hampton to apply*
204 *for a bond in the amount of two million, two hundred and seventy-five thousand dollars*
205 *(\$2,275,000) with the NH Municipal Bond Bank.*

206

207 *Terms of said bond will be set at terms and rate best for the community as determined by the*
208 *Select Board.*

209

210 There are several statements of fact that led me to make my motion:

211

212 The new North Hampton Public Library will incorporate the design features that meet federal, state, and
213 local mandates for Stormwater mitigation, requirements of the American with Disabilities Act, state septic
214 standards, and adequate parking for a modern library. Construction of the new library will provide
215 flexibility for the Town to revitalize the existing library for municipal use and address critical deficiencies
216 in the fire and police department buildings.

217

218 NH RSA 202-A:11, I expressly states, "every public library in the state shall: Adopt bylaws, rules and
219 regulations for its own transaction of business and for the government of the library.

220

221 The Select Board has on multiple occasions asked the Library Trustees to comply with the Town's
222 purchasing policy, which requires competitive bidding for any project over \$10,000; however, the North
223 Hampton Public Library is a separate governing body and is not specifically subject to the prudent laws
224 and policies accepted by the governing body of the Town (the Select Board). The Select Board can not
225 compel the Trustees to comply with Town rules, ordinances, or policies.

226

227 While the library Trustees' original request for bids more than two years ago (2/23/18) was for renovation
228 of the existing library and a 5000 square foot addition on that building and not for a new library on the

229 Homestead Property, the revised contract between the library Trustees and Bonnette Page and Stone
230 dated April 14, 2020 and received by me Sunday, April 19 does seem satisfactory in its scope.

231
232 Specifically, the April 14 revised contract includes requirements in Article 2, Construction Manager's
233 Responsibilities that obligate the construction manager to "take into consideration cost reductions".

234
235 It has always been my hope that the competitive bid process for a new library would ensure compliance
236 with prudent town policy and ultimately reduce the tax impact on residents, especially since this new
237 library on the Homestead is going to cost taxpayers a half million dollars more than originally
238 contemplated. That said, I am satisfied that the construction manager will, by the obligations of the
239 revised contract, apply cost efficiencies for the construction of the new library.

240
241 Due to the separation of authority, cooperation on the solution to the 10% rule between the Town and
242 Department of Revenue Administration, and the conditions of the April 14 revised construction contract,
243 I can support the motion.

244
245 Mr. Chair, without objection I ask that my comments in their entirety be included in the minutes.

246
247 **Motion Seconded:** Vice-Chair Sununu
248 **Roll Call Vote:** Sununu-aye, Miller-nay, Maggiore-aye; motion approved by a vote of 2-1

249
250 Editorial Comment by Vice-Chair Sununu: *I hope that those in Town who choose to look at people in the*
251 *Town who disagree with them and call them "corrupt" or "power-hungry" or worse in Public Forum on or*
252 *offline will take this as a lesson in how to properly deliberate, consider, and perform due diligence and*
253 *come to a decision as Public Officials to the fullest of their abilities and responsibilities; and whether Mr.*
254 *Miller, Mr. Maggiore, or myself agree or disagree, it was very disappointing to see that was the attitude*
255 *taken by some who disagree with the thought process that went into this along the way.*

256
257 **Motion to Use Library Capital Reserve Fund for Bond Payments**

258 **Motioned:** Jim Maggiore
259 Mr. Chairman, I move the following:

260
261 *Given the decision from the NH Department of Revenue Administration that the North Hampton*
262 *Public Library Trustees will draw only \$474,774 of the \$780,000 from the Library Building Capital*
263 *Reserve Fund ("Fund") for the construction of the new library on the Homestead property, the*
264 *North Hampton Select Board asks the Library Trustees make annual payments on the new library*
265 *construction bond with the remaining \$305,226 until the Fund is completely expended. Use of the*
266 *funds will be consistent with the intent of warrant article #9, the original intent of the Fund itself,*
267 *and reduce the resulting tax burden resulting from principal and interest on the bond.*

268
269 **Motion Seconded:** Vice-Chair Sununu, for discussion

270
271 Discussion: Chairman Maggiore said when they received the decision Friday from NH DRA, and it was
272 clear that there was going to be the \$305,000 overage from the 10% rule still available, it seemed prudent
273 they find its best use, and payment on the Bond of that money would help North Hampton residents and
274 still meet the spirit and intent and also the legal aspects of the Warrant Article, the fund itself, and our
275 obligations to the Bond Bank. Selectman Miller said he believed spending that money lies solely with the

276 Library Trustees and they could not do anything about it; Vice-Chair Sununu and Chairman Maggiore
277 agreed.
278

279 Vice-Chair Sununu said the language of the motion *asks* the Library Trustees, and the \$780,000 in the fund
280 was specifically appropriated from the taxpayers for construction of a New Library with funds from that
281 specific Capital Reserve Fund. Given the direction of DRA to meet the 10% requirement by changing that
282 aspect of the Warrant Article, he said he hoped any money left in that fund would be used to reduce the
283 cost to taxpayers and hoped to see even more savings beyond that.
284

285 **Roll Call Vote:** Sununu-aye, Miller-abstain, Maggiore-aye; motion approved by a vote of 2-0, with 1
286 abstention
287

288 **MIINUTES OF PRIOR MEETINGS**
289

290 **Approval of the Regular Meeting Minutes of April 6, 2020**

291 **Motion:** To approve the Regular Meeting Minutes of April 6, 2020 as presented.

292 **Motioned:** Selectman Miller

293 **Seconded:** Chairman Maggiore

294 **Roll Call Vote:** Sununu-aye, Miller-aye, Maggiore-aye; motion approved by a vote of 3-0
295

296 **Approval of the Meeting Minutes of Non-Public Session I of April 6, 2020**

297 **Motion:** To approve Non-Public Meeting Minutes-Session I of April 6, 2020 as presented.

298 **Motioned:** Selectman Miller

299 **Seconded:** Vice-Chair Sununu

300 **Roll Call Vote:** Sununu-aye, Miller-aye, Maggiore-abstain; motion approved by a vote of 2-0 with 1
301 abstention
302

303 **Approval of the Meeting Minutes of Non-Public Session II of April 6, 2020**

304 **Motion:** To approve the Meeting Minutes of Non-Public Session II of April 6, 2020.

305 **Motioned:** Selectman Miller

306 **Seconded:** Vice-Chair Sununu

307 **Roll Call Vote:** Sununu-aye, Miller-aye, Maggiore-abstain; motion approved by a vote of 2-0, with 1
308 abstention
309

310 **Approval of the Meeting Minutes of Non-Public Session I of April 14, 2020**

311 **Motion:** To approve the Meeting Minutes of Non-Public Session I of April 14, 2020.

312 **Motioned:** Selectman Miller

313 **Seconded:** Vice-Chair Sununu

314 **Roll Call Vote:** Sununu-aye, Miller-aye, Maggiore-abstain; motion approved by a vote of 2-0, with 1
315 abstention
316

317 **Approval of the Meeting Minutes of Non-Public Session II of April 14, 2020**

318 **Motion:** To approve the Meeting Minutes of Non-Public Session II of April 14, 2020.

319 **Motioned:** Selectman Miller

320 **Seconded:** Vice-Chair Sununu

321 **Roll Call Vote:** Sununu-aye, Miller-aye, Maggiore-abstain; motion approved by a vote of 2-0, with 1
322 abstention
323

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

325

326 **Second Public Comment Session**

327 *Call 603-758-1447 for Public Comments or via Zoom*

328

329 Email from Nancy Monaghan of Atlantic Avenue addressing the unfairness of “no parking” at the Beach
330 for cars while motorcycles are allowed to park with no enforcement intervention and are enjoying the
331 Beach, and asked that the same “no parking” enforcement be applied to motorcycles.

332

333 Emily Creighton of 32 Post Road asked that the response from DRA with regard to the 10% rule overage
334 be read for the public. Vice-Chair Sununu read the letter in full; letter posted on website:

335 [https://www.northhampton-nh.gov/select-board/pages/select-board-meeting-documents-and-](https://www.northhampton-nh.gov/select-board/pages/select-board-meeting-documents-and-correspondence)
336 [correspondence](https://www.northhampton-nh.gov/select-board/pages/select-board-meeting-documents-and-correspondence)

337

338 Email from Heather & Tim Runnette of Winterberry Lane thanking the Select Board for voting in favor of
339 the renumbering of the even side of Winterberry Lane.

340

341 Frank Ferraro of Post Road thanked the Select Board on behalf of the 137 residents who signed his online
342 petition with regard regarding the Library Bond, and asked if the application for the Bond will be made in
343 time for the May 8th deadline. Vice-Chair Sununu said they would go ahead with the Bond application
344 according to the process laid out by the State and the Bond Bank.

345

346 Chairman Maggiore said the Board looked to Interim Town Administrator Tully and Finance Director
347 Cornwell to engage with Bond Counsel and move forward as appropriate, hopefully meeting the deadline.
348 Interim Town Administrator Tully said he and Mr. Cornwell had already taken steps getting in touch with
349 the Bond Bank, starting the application, and working with Bond Counsel.

350

351 **Next Meeting:** May 11, 2020

352

353 **Adjournment**

354

355 Vice-Chair Sununu adjourned the meeting at 8:11 pm.

356

357 Respectfully submitted,

358

359 Patricia Denmark, Recording Secretary

360

361

362

363