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

4 **SEPTEMBER 23, 2019 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: Town Administrator Bryan Kaenrath
12

13 **AGENDA**
14

15 Chairman Maggiore welcomed everyone to the September 23, 2019 Select Board Meeting, and called the
16 meeting to order at 7:00 pm, followed by the Pledge of Allegiance. He said the minutes of the 5:30 Non-
17 Public Session held earlier had been sealed.
18

19 **First Public Comment Session**
20

21 Casey O’Kane of Atlantic Avenue asked for clarification on the Select Board minutes posted online and
22 Chairman Maggiore said “Draft” minutes were not yet approved by the Board. Mr. O’Kane stated that his
23 comments in the last minutes were not accurately reflected. He read excerpts from an newspaper article
24 with regard to the last Ethics Committee Meeting, and asked that the public have access to a confidential
25 “Committee-only” memo from Town Counsel. Chairman Maggiore said it was up to the Ethics Committee.
26

27 Mr. O’Kane asked why two meetings ago Town Counsel commented on the merits of Mrs. Kilgore’s
28 request for reimbursement of legal fees and not just on procedural issues. Chairman Maggiore said the
29 Town Administrator has the prerogative to contact Counsel for clarity. Town Administrator Kaenrath said
30 he wanted to make it clear, that in his understanding Public Comment Session was that comments were
31 made, the Board listened, and there was no back-and-forth with the public.
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***
38 ***a DVD recording is available at the North Hampton Town Administrative Offices, 233 Atlantic Avenue, North***
39 ***Hampton, New Hampshire 03862.***
40

41 Rick Stanton of 108 Walnut Avenue said with regard to Facilities, the Library Trustees had refused 4 times
42 to consider a new Library on the Homestead, and it may be appropriate to pivot at this time. He proposed
43 that a new 9,000 sq ft Fire Department be built on the Homestead Lot instead.

44
45 Laurel Pohl said 91-A governs what can be released and what cannot, and asked the Town Administrator
46 how the memo to the Ethics Committee was not subject to 91-A. Town Administrator Kaenrath reiterated
47 that this was not a time for himself or the Board to interact in back-and-forth with the public, but said in
48 the advice of the Town Attorney it was his interpretation of 91-A with regard "written legal opinions".

49

50 **Consent Calendar**

- 51 4.1 Payroll Manifest of September 12, 2019 in the amount of \$238,639.67
- 52 4.2 Payroll Manifest of September 19, 2019 in the amount of \$73,853.00
- 53 4.3 Accounts Payable Manifest of September 19, 2019 in the amount of \$1,202,774.76
- 54 4.4 Select Board Signatures on Correspondence re: Energy Innovation and Carbon Dividend Act

55

56 Chairman Maggiore said with regard to item 4.4, there was a consensus at the last meeting that the Select
57 Board sign on to the Energy Innovation & Carbon Dividend Act, and Town Administrator Kaenrath was
58 asked to change the language and signatures for North Hampton.

59

60 **Motion:** To pull item 4.4 Energy Innovation & Carbon Dividend Act off of the Consent Calendar and make
61 it item 9.5 under New Business.

62 **Motioned:** Selectwoman Kilgore

63 **Seconded:** Selectman Miller

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

65

66 **Motion:** To approve the Consent Calendar as it remains (items 4.1 through 4.3).

67 **Motioned:** Selectman Miller

68 **Seconded:** Selectwoman Kilgore

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

70

71 Selectman Miller requested a new item under New Business be added to discuss the Rail Trail Budget, and
72 Chairman Maggiore said they could not add an item that was not posted for the public.

73

74 **Correspondence**

75 *Correspondence from North Hampton Public Library Trustees*

76

77 Chairman Maggiore read a letter received by the Select Board last week from the North Hampton Library
78 Trustees in full. The letter stated that only the Library Trustees have the right to decide the future of the
79 North Hampton Public Library and to present and implement a plan. The Library Trustees intended to
80 move forward with their plans for expansion, and said at this point the citizens of North Hampton have
81 the right to vote on the issue.

82

83 **Committee Updates**

84

85 Selectwoman Kilgore said the *Economic Development Committee* had not met since the last meeting but
86 the Inventory Sub-Committee met last week to draft a letter of invitation. She said Planning &
87 Informational Sessions for EDC were due to start next Thursday, October 3rd and invitations for the first
88 meeting went out to all Business Property Owners in the IBR from Cedar to Hobbs on Route 1. The second

89 meeting would be for residents and other business operators on October 10th, with the final input session
90 held on November 6, 2019. All input sessions would be held from 5:00 to 7:00 pm.

91
92 Chairman Maggiore said the *Heritage Commission* met on Thursday and have plans to move ahead with
93 the CLG. Selectwoman Kilgore asked if CLG would impact the Village District and Chairman Maggiore said
94 it would not as the defined CLG area would not go past Town property. Chairman Maggiore said the *Water*
95 *Commission* had not met.

96
97 Selectman Miller said the *Budget Committee* met September 19, 2019 and Vice-Chair Sununu presented
98 the Economic Status Report. He said he presented his plan for Town Facilities and a question was raised
99 about majority consensus for him to present his plan. Chairman Maggiore said they would discuss it when
100 under the Agenda item.

101
102 **Report of the Town Administrator**

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

104
105 Town Administrator Kaenrath said with 41 weeks remaining in the current fiscal year they have 78% of
106 the Budget remaining. He said Mr. Schnitzler finished all three sides of Town Hall and the painting had
107 also been completed, with the project under-budget by a substantial amount. He said a Rails-to-Trails
108 Meeting would be held September 24th at 6:30 pm with Rockingham Planning Commission, and Selectman
109 Miller asked if there would be any Rail Trail funds available in the next Budget.

110
111 Town Administrator Kaenrath said with regard to Philbrick Pond, there would be a meeting Thursday at
112 10:00 am at Long Marsh Road to look at the marsh. He said there would be an item on the next agenda
113 to review the Wage Range Report and accept the associated classification scales. He said the next Select
114 Board Meeting was scheduled for October 14th, Columbus Day, and would have to be rescheduled. The
115 Select Board agreed to schedule the next regular meeting for Thursday, October 17, 2019.

116
117 Discussion: Chairman Maggiore said Phil D'Avanza, a Board Member of NHMA, had done the work on the
118 Town Hall Clock and he spoke with him about the clock flashing and issues with water, and he agreed to
119 provide a list of people for that kind of work. Selectwoman Kilgore asked about an update on Recreation
120 Director Manzi's recent request with regard to fundraising, and Town Administrator Kaenrath said it
121 would be on the next Select Board Agenda.

122
123 **Items left on the Table** – None

124
125 **NEW BUSINESS**

126
127 **9.1 Bassett's Christmas Trees Request for Reimbursement of Permit Fee** – Stephen Bassett

128
129 Chairman Maggiore said Mr. Bassett was not at the meeting but he would keep the item open.

130
131 **9.2 Town Facilities Update** – Selectman Miller

132
133 Selectwoman Kilgore recused herself from the discussion and moved to be seated with the public.

134
135 Selectman Miller first reviewed the background and stated that the highest priority was to update the
136 Police/Fire Rescue building and the focus of this plan was to use buildings and land the Town has now to

137 its best purposes. He said the space above the Police Station, currently occupied by Town Administration,
138 was inadequate with no room for storage, as well as the Police Department staff on the first floor, and
139 read a list of inadequacies in the Fire Department building provided by Chief Michael Tully.

140
141 Selectman Miller said there was no alternative location for Town employees who must be relocated to
142 address the needs of the Fire & Police Safety Center. He said there was only one undeveloped location,
143 and the best, fastest, and most economical way was to build a new North Hampton Public Library on the
144 Homestead Lot and said it will benefit all residents. Once the old Library is vacated it can be repurposed
145 for Town employees.

146
147 Selectman Miller said the existing Library was never intended for expansion, was limited by its location
148 and the location of the Stone Building, no additional parking would be added, and the plan does not
149 comply with North Hampton's Town Zoning Ordinance. He went through each of the phases as planned
150 and provided costs for building a new Public Library and expanding the old Library with associated costs
151 for repurposing the old Library and for building a new Town Administration Building on the Homestead.

152
153 Selectman Miller said the Library Trustees have only one cost bid for expansion of over \$3.5 Mil and have
154 spent \$95,000 to date on expansion plans, and said he believed the Select Board and the Library Trustees
155 should work together on a completed design for the Homestead. He said the old building could be
156 repurposed for Town employees and the Town Clerk would remain in place. He said the Select Board
157 should create an RFP to study rebuilding or replacing the Fire Station, inquire the cost of loans from the
158 Bond Bank, and place a Warrant on the March 2020 Ballot.

159
160 Selectman Miller reviewed all the costs of both options and provided drawings to scale of a new Public
161 Library on the Homestead, one on the front of the lot with parking behind and Alden Avenue access and
162 one on the back of the lot with parking in front and Atlantic Avenue access. He said for the new Library on
163 the Homestead they would need an architectural fee and should approach Design-Build firms in the area
164 to confirm costs on both sides.

165
166 Selectman Miller said to continue this quest they needed a good cost-estimate for a new stand-alone
167 Public Library building on the Homestead Lot, and asked permission to contact 2 or 3 design-build firms.
168 Chairman Maggiore said permission would be a motion by the Board and asked where the money would
169 come from to fund this. Selectman Miller said from their Building Maintenance Capital Reserve Fund, and
170 Town Administrator Kaenrath stated the fund currently had over \$200,000.

171
172 Chairman Maggiore said he read all of Selectman Miller's reports to date, compared them with the MRI
173 Study from 2008, read the CIP presentation from the Library Trustees, and reviewed Select Board minutes
174 and tapes. He said they needed to corroborate the costs for a new Library with real hard numbers and he
175 supported going out to get them.

176
177 **Motion:** That this Board empower Selectman Miller, with the assistance of Town Administrator Kaenrath,
178 to obtain costs from Design-Build Firms for building a 10,625 sq ft building on the Homestead, with parking
179 and septic, to serve as the location for a North Hampton Public Library and come back with costs.

180 **Motioned:** Selectman Miller

181 **Seconded:** Chairman Maggiore

182
183 Chairman Maggiore asked Town Administrator Kaenrath if that gave him clarity to move forward with an
184 RFP. Town Administrator Kaenrath stated, to be clear, that he was assisting Mr. Miller with this as it was

185 a prevailing motion of the Board and not because he personally supports this issue. He said the issue was
186 very controversial and he was walking a tightrope between, and he wanted to make that very clear to the
187 Board and everyone in the audience.

188

189 **Vote:** Motion approved 2-0, with Ms. Kilgore recusing herself from the vote

190

191 Selectman Miller said he also wanted to spray-paint the grass around the current Library to mark the
192 outside perimeter of the expansion. Town Administrator Kaenrath said if he wanted to make a motion
193 and pass it, he would again be acting on that motion, and said the Highway Department would need to
194 do the work.

195

196 **Motion:** To ask the Town Administrator to ask the Highway Department to use marking paint to outline
197 on the existing Library Lot where the perimeter of the proposed building will be all around to get an idea
198 of what it looks like as relates to parking, Homestead Lot, and the Stone Building and septic field.

199 **Motioned:** Selectman Miller

200 **Seconded:** Chairman Maggiore

201

202 Discussion: Chairman Maggiore said the Library Trustees should be notified.

203

204 **Vote:** Motion approved 2-0, with Ms. Kilgore recusing herself from the vote

205

206 Selectman Miller also asked that questions be sent to Town Attorney Steve Bennett regarding his memo
207 of 8/15/2019. (1) Do the Library Trustees have the right to expand the current Library building up to the
208 lot line of the Homestead; (2) the present Library is close to the original Town Library repurposed for Town
209 use long ago and existing parking lot will no longer be sufficient: do the Library Trustees have such a right;
210 (3) the distance between the new Library and the Historic Stone Building will be shortened to
211 approximately 10 feet: are Library Trustees entitled to diminish the value and utility of this historic
212 building by such encroachment; (4) the Library Trustees propose keeping the Library open during
213 construction: does the Select Board have the right to protect the Homestead Lot from being used for any
214 purpose by Library Trustees.

215

216 Chairman Maggiore said the first three questions were clearly asking the right of Library Trustees, and
217 said Selectman Miller had made some assumptions. He said in the 4th question he was asking if the Library
218 Trustees have the right to use the Homestead Property. Selectman Miller said there will be two functions
219 on the same parcel of land and there has to be a mitigating force between the right of the Town and its
220 Stone Building and the right of the Trustees to do as they are allowed to do with the building they have.

221

222 Chairman Maggiore said he did not object to going to Counsel about rights as set out by Statute, as long
223 as they are conveyed without opinion and there is no assumption of fact. Selectman Miller suggested
224 adding "potential" as clarification.

225

226 **Motion:** To change to "potential" and ask that questions 1-4 on my memo dated 9/23/2019, with
227 Chairman's emendations, go to Attorney Steve Bennett for answers.

228 **Motioned:** Selectman Miller

229 **Seconded:** Chairman Maggiore

230

231 Town Administrator Kaenrath said for procedure, so everyone is aware, there has been a vote of the Board
232 to seek Counsel's opinion on these exact questions, and said he would email them to the Town Attorney,

233 copy all on correspondence and get a response back. Chairman Maggiore asked how any questions by
234 Attorney Bennett would be resolved, and Town Administrator Kaenrath said to send them to him and he
235 would copy all on correspondence.

236

237 **Vote:** Motion approved 2-0, with Ms. Kilgore recusing herself from the vote

238

239 **9.3 Rockingham Planning Commission Dues Request for 2020**

240

241 Chairman Maggiore called Selectwoman Kilgore back to the table.

242

243 Chairman Maggiore said they received a letter from Barbara Kravitz of the Rockingham Planning
244 Commission that dues for North Hampton for the coming year would be \$4,579.

245

246 **Motion:** To approve the request for dues for the Rockingham Planning Commission as outlined in the
247 letter of September 19, 2019 to Select Board Chair Maggiore for \$4,579.

248 **Motioned:** Selectwoman Kilgore

249 **Seconded:** Selectman Miller

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

251

252 **9.4 Authorization for Police Cruiser Replacement**

253

254 Chief Kathryn Mone said they were looking for an expenditure of \$13,910 from the Revolving Detail Fund
255 to pay for a replacement cruiser. She said the amount is the difference between the new vehicle cost and
256 the amount received from insurance.

257

258 Discussion: Selectman Miller asked about the vehicle and equipment transfer. Chief Mone said the new
259 vehicle was a Ford SUV and the new 2020 cruisers require completely new equipment and at least a 6-
260 month wait. She said they were able to locate a brand new 2017 Ford SUV in MA which they would be
261 outfitted in 2 weeks. Selectwoman Kilgore asked about warranties and Chief Mone said they would be the
262 same as the other vehicles.

263

264 **Motion:** To approve the expenditure of \$13,910 from the Revolving Detail Fund for the purchase of a
265 replacement vehicle for a cruiser recently lost.

266 **Motioned:** Selectwoman Kilgore

267 **Seconded:** Selectman Miller

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

269

270 **9.5 Energy Innovation & Carbon Dividend Act Correspondence**

271

272 Selectwoman Kilgore said she understood the objective of the letter to show their support for the Energy
273 Innovation & Carbon Dividend Act, but said her concern was that changes needed to be made locally in
274 all communities and towns, and felt the Town could do more. Chairman Maggiore said solar was well-
275 defined and permitted in North Hampton and energy systems were defined by RSA. Selectman Miller said
276 they should take steps to put solar on the biggest Town Buildings. Chairman Maggiore said things were
277 being done but there were also issues with State Law.

278

279 **Motion:** To apply our signatures to the letter presenting a resolution of the Town of North Hampton
280 urging the US Congress to enact the Energy Innovation & Carbon Dividend Act of 2019.

281 **Motioned:** Selectman Miller
282 **Seconded:** Selectwoman Kilgore
283 **Vote:** Motion approved 3-0

284
285 **Minutes of Prior Meetings**

286
287 **10.1 Approval of Regular Meeting Minutes of August 26, 2019**

288
289 Selectwoman Kilgore explained that the minutes were tabled because she was concerned about missing
290 information, and made numerous corrections and insertions to the minutes.

291
292 *Per Recording Secretary Patricia Denmark the corrections were all inserted as stated.*

293
294 **Motion:** To approve the Regular Meeting Minutes of August 26, 2019 as amended during discussion.

295 **Motioned:** Selectwoman Kilgore
296 **Seconded:** Selectman Miller
297 **Vote:** Motion approved as amended 3-0

298
299 **10.2 Approval of Regular Meeting Minutes of September 9, 2019**

300
301 Selectwoman Kilgore asked the minutes be held over until the next Select Board Meeting so she could
302 provide corrections to the Second Public Comment Session.

303
304 **Any other Item that may Legally come before the Board**

305
306 Selectwoman Kilgore said she had made the minor corrections requested to the Organizational Chart.
307 Chairman Maggiore explained that Selectwoman Kilgore had created a Town Organizational Chart
308 showing Town structure, and said the chart could go on the website with unanimous consent of the Board.

309
310 **Second Period of Public Comment**

311
312 Laurel Pohl of North Road stated that there was outright disagreement at the Budget Committee Meeting
313 with whether Mr. Miller had the authority to move forward. She said this should come about by taking a
314 vote to authorize someone on a Board to go ahead, and said Mr. Miller's charge was to do research not
315 present the information or put it on a Warrant Article. She asked that a vote be taken at tonight's meeting.

316
317 George Chauncey of Hobbs Road said he found Mr. Miller's explanation for why Library Trustees went out
318 the lot lines of the Homestead absolutely outrageous, as it was by a suggestion of Mr. Miller. He said the
319 Library already had the property staked out showing the perimeter and someone removed the flags. He
320 said according to the opinion of the Town Attorney, the Library has control of the existing building and all
321 lands associated with it, and said the Select Board may need the permission of the Library Trustees.

322
323 **ADJOURNMENT**

324
325 Chairman Maggiore adjourned the meeting at 8:50 pm.

326
327 Respectfully submitted,

DRAFT