



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

JANUARY 13, 2020 7:00 PM

NORTH HAMPTON TOWN HALL

Approved January 27, 2020

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

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

AGENDA

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

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

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

Motioned: Selectwoman Kilgore

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

First Period of Public Comment

George Chauncey of Hobbs Road asked, with regard to Mr. Miller's proposal to build a New Library on the Homestead, if the Town will be supplied with an estimate from contractors to renovate the old building. He asked that Mr. Miller also please explain to the Town, the public, and the voters, why the Select Board is on firm legal ground here.

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

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

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

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

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

Consent Calendar

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

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

Motioned: Selectwoman Kilgore

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

Correspondence

A link to this correspondence is provided at the end of the minutes.

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

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

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

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

Committee Updates

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

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

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

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

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

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Interim Town Administrator Tully said the RFP for the Town Warrant went out to 3 bidders and bids were opened at the January 8th Select Board Meeting with the Board currently researching options. He said work is being done on contractors for siding for the Chevalier Building; Winterfest is scheduled for February 22, 2020 and Christmas trees will be used for the bonfire; Ricoh gave a presentation on Document Management earlier; next Town Administrator Open Office hours scheduled for January 27th; Election scheduled for February 11, 2020.

14.2 Discussion of Proposed New Library Bids

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

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

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

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

Motioned: Selectman Miller

Seconded: Chairman Maggiore

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

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

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

Presentation on Construction of New Public Library on Homestead Property

Selectman Miller said he found 20 Design-Builders, and eventually came up with 3 firms interested and sent the RFP: Ricci Construction, Whitcher Builders, and Careno Construction. He said Whitcher recommended TW Designs, LLC as Architect, and he contacted them to get a price for the original design and to come up with an RFP package. He said he told TW Designs they have a 1-acre lot, requirements to take care of, and provided them with data to consider. He said they went to Ambent Engineering for a plot survey, located the original ledge survey for the property, and TW Designs came up with a ledge impact study. He said a septic plan was needed and they contacted Susan Faretta who did a new Septic System Plan at the back of the lot within required setbacks.

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

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

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

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

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

Discussion of Town Warrant Article for New Public Library Building

Chairman Maggiore said the purpose of the Warrant Article is to consider the issuance of a Bond for construction of a New Public Library to raise and appropriate the sum of \$2,723,907, less donations or

contributions. Interim Town Administrator Tully said the Select Board had the option to use part of Fund Balance, and Selectman Miller said using Fund Balance to reduce the amount and the long-term life of the Bond as it is not pre-payable. He said as far as order, he would like the Town Warrant to go first. Chairman Maggiore said by direction of the DRA and by statute, all Warrant Articles requiring a Bond go first, with the highest value at the top. He read the Warrant Article for the New Public Library in full, which requires 3/5ths Ballot Vote and recommendation by the Select Board and the Budget Committee.

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

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

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

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

Motioned: Chairman Maggiore

Seconded: Selectman Miller, for discussion

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

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

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

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

Motioned: Selectman Miller

Seconded: Chairman Maggiore

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.

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

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

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

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

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

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

Laurel Pohl asked whether the Select Board and the Library could get together so they do not have two Warrants on the Ballot, and asked Mr. Miller how he would compromise his Bond Article to get rid of two Warrants. Selectman Miller said if this article passes the architect will work with the Library Trustees on

the interior, but will be working for the Town as they will be under contract. Mr. Pohl stated it was clear that he would not compromise, and Selectman Miller said they can't do anything about Deliberative.

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

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

Items left on the Table – No items

Mrs. Kilgore returned to her seat at the table.

NEW BUSINESS

14.1 Introduction of Interim Town Administrator Michael Tully

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

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

14.3 Discussion of Town Administrator Position

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

14.4 Discussion of Agriculture Commission Agreement

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

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

Motioned: Selectwoman Kilgore

Seconded: Selectman Miller

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

The Motion withdrawn and a second motion made.

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

Motioned: Selectwoman Kilgore

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

14.5 Discussion of Town Warrant Articles

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

Warrant Article - Change Town Treasurer to an Appointed Position

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

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

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

Warrant Article - Establish Water Commission Expendable Trust Fund

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

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

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

Motioned: Chairman Maggiore

Seconded: Selectwoman Kilgore

Vote: Motion recommended by a vote of 3-0

Warrant Article - Contribution to Water Commission Expendable Trust Fund

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

Motioned: Chairman Maggiore

Seconded: Selectwoman Kilgore

Vote: Motion recommended by a vote of 3-0

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

Motion: To rescind the prior motion

Motioned: Chairman Maggiore

Seconded: Selectwoman Kilgore

Vote: Motion approved 3-0 to rescind prior motion

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

Motioned: Chairman Maggiore

Seconded: Selectman Miller

Vote: Motion recommended by a vote of 3-0

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

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

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

Motion: To rescind the Code of Ethics.

Motioned: Selectman Miller

Seconded: Selectwoman Kilgore

Vote: Motion recommended by a vote of 3-0

Warrant Article – Support Centennial Hall (by Citizens Petition)

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

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

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

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 9th 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.

Select Board Regular Meeting
January 13, 2020

Second Public Comment Session

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

Adjournment

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

Respectfully submitted,

Patricia Denmark, Recording Secretary

Link to copy of correspondence: <https://www.northhampton-nh.gov/select-board/pages/legal-opinion-bcm-environmental-land-law-pllc>