



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

**JANUARY 14, 2019 7:00 PM**

**NORTH HAMPTON TOWN HALL**

***DRAFT MINUTES***

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

ALSO PRESENT: Town Administrator Bryan Kaenrath, Easement Sub-Committee Chair Andrew Vorkink, Fire Chief Michael J. Tully, Cable Director John Savastano,

**AGENDA**

Chairman Jim Maggiore welcomed everyone to the first Regular Select Board Meeting of 2019 and called the meeting to order at 7:05 pm, followed by the Pledge of Allegiance.

Chairman Maggiore said they had just come from **Non-Public Sessions I and II Pursuant to RSA 91-A:3 II (c)** and no motions were made.

Selectwoman Kilgore made a motion to seal the minutes from Non-Public Session I, which was seconded by Selectman Miller. The motion to seal the minutes of Non-Public Session I was approved by a vote of 3-0.

Selectwoman Kilgore made a motion to seal the minutes from Non-Public Session II, which was seconded by Selectman Miller. The motion to seal the minutes of Non-Public Session II was approved by a vote of 3-0.

**Citizens Petition Warrant Articles**

*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](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.*

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Chairman Maggiore said they needed to address the two (2) Citizens Petition Warrant Articles that were submitted legally with the required number of signatures. He said as discussed, they would table the discussion until the noticed meeting of the Budget Committee on January 22, 2019. He asked that Budget Committee Chairman Jonathan Pinette be notified they wished to have a brief meeting before the Public Hearing.

**Motion:** To table Citizens Petition Warrant Articles until January 22, 2019.

**Motioned:** Chairman Maggiore

**Seconded:** Town Administrator Bryan Kaenrath

**Vote:** Approved 3-0

### **First Period of Public Comment**

Mr. Scott Baker of Squire Drive expressed concern about the number of business closings and the decrease in the amount of commercial activity in the Town of North Hampton and asked if the Town had any plans to address this and come up with a master Plan to help make North Hampton more attractive to businesses.

Selectwoman Kilgore stated that she was the Select Board Representative on the Economic Development Committee (EDC) and said they had been active doing research. She said they were working with UNH to do studies and they were enrolled in the UNH Business Retention & Expansion Program. She said they had done a lot of work and still had a lot to do, and would welcome his contributions. Mr. Baker said he would also like the Town to look at the aesthetics of businesses on Route 1.

### **Consent Calendar**

Payroll Manifest of 12/13/2018 in the amount of \$217,897.96  
Payroll Manifest of 12/20/2018 in the amount of \$65,845.27  
Payroll Manifest of 1of2/27/2018 in the amount of \$60,145.59  
Payroll Manifest of 01/03/2019 in the amount of \$70,394.81  
Payroll Manifest of 01/10/2019 in the amount of \$197,437.72  
Accounts Payable Manifest of 12/13/2018 in the amount of \$168,069.00  
Accounts Payable Manifest if 12/27/2018 in the amount of \$1,200,951.68  
Accounts Payable Manifest of 01/10/2019 in the amount of \$80,603.44  
Veteran Tax Credit Application  
Veteran Tax Credit Application  
Veteran Service Connected Disability Tax Credit Application

Selectman Miller made a motion to approve the Consent Calendar as presented, which was seconded by Selectwoman Kilgore. The Consent Calendar was approved by a vote of 3-0.

### **Correspondence**

**(1) Letter from Laurel Pohl dated December 27, 2018** to the North Hampton Select Board with regard to the November 7<sup>th</sup> Select Board Meeting in which Selectwoman Kilgore questioned the appropriateness of asking a Town employee to participate in a Political Action Committee (PAC). She said she defended Selectwoman Kilgore as doing her job, and asked if any taxpayer funds had been used to support any of the series of “educational events” sponsored by the Step Up Group.

Chairman Maggiore stated that no taxpayer funds have ever been used to pay for any Step Up events and addressed the specifics listed: (1) No materials used by Step Up were created by employees of the Town; (2) No employee attending any Step Up event was ever paid by the Town to attend nor paid by Step Up;

(3) No Town equipment, facilities or supplies have been used by Step Up to prepare any materials. Any comments about Step Up should be handled outside the confines of the Select Board Meeting.

**(2) Letter from Robert Fitta dated December 10, 2018** which stated that with the Federal Reserve deliberating over interest percentages and Social Security doling out very minor COLA adjustments, the Town of North Hampton was handing out 8.3% increases to property taxes. He said he was aware the Town was been revaluated but felt people were being taxed out of their homes and he did not feel an increase of that size was fair.

Chairman Maggiore stated that an 8.3% property tax was not a standard increase for every property, and noted the right of anyone to appeal their valuation.

Discussion: Selectwoman Kilgore said she believed 8.3% was the Town's overall increase which was an average. Selectman Miller said it was important to understand that the State required revaluation at least every 5 years, and the Town employed a professional company to do that. He said the Select Board could only control 26% of the taxes and the Town increases this year were minimal. Chairman Maggiore suggested people submit questions and information would be provided.

#### **Committee Updates**

Selectwoman Kilgore said the *Economic Development Committee* would be meeting on Wednesday. She said the *Heritage Commission* met Thursday and there was no update from Water, and the *Water Commission* would be meeting next Thursday. Chairman Maggiore said the information requested for that meeting was not available yet and they would have their regular quarterly meeting with Aquarion rescheduled to the first meeting in February.

Selectman Miller said the *Budget Committee* had not met since their last meeting and the Chair conducted the Public Hearing for the Warrant Articles for the Town and the School. He said the next meeting would be another Public Hearing for the Petition Warrant Articles on January 22, 2019, with the Select Board Meeting being conducted prior to.

Cable Director John Savastano provided an update on *Channel 22* and said their goal had been to increase streaming on a global basis and they had set up their own webpage. He said they added sports events, and an electronic news gathering application. He said they did camera training, planned future shows involving Seacoast subjects, and were starting a program working with kids at the High School. He said they were in good shape with equipment and kept an eye on projected costs and innovation.

#### **Public Hearing – Pursuant to RSA-31:95-b: To consider whether the Town should acquire a 15 foot-wide strip of land to access the Higginson lot 6-80.**

Chairman Maggiore stated that the Conservation Commission asked that the Town accept the following draft legal documents:

- (1) Deeded lot line adjustment;
- (2) Release by Town of a 15 foot-wide access easement across the Gregoire lot;
- (3) Release by Town of a 15 foot-wide access easement across the Brightman lot;
- (4) Mill Place Homeowners Association consent to the adjustment.

Mr. Adam Vorkink, Chairman of the Easement Sub-Committee, said the Select Board had approved the acquisition of the Higginson lot between Mill Road and Woodland Road, which was donated to the Town. Selectman Miller stated that he was an abutter of the property and would move to the audience during

the hearing, but did not intend to recuse himself. Mr. Vorkink said the lot was 6-80 on the map and the issue of public access was raised at the time of approval as the parcel was landlocked. He said Mill Place Development had been approved by the Planning Board in 1998 on condition that there be Town access from Squire Drive, and the developers gave the Town access easement across two (2) lots.

Mr. Vorkink stated that 4 years later the developer gave the Town lots 12-14, 12-22, 6-79, and 6-78 which were in conservation. With those additional lots, a 15 foot-wide strip of land connecting to lot 12-14 was available as access from Woodland Road and the other access easement was no longer needed. He said the Conservation Commission solution for accessing lot 6-80 was a 200 strip of land across the bottom of Mr. Gregoire's property, which he would gift to the Town in return for the release by the Town of the unused access across the top of his property. He said the town would get a 15 foot-wide strip of land, in conservation, as a lot line adjustment to the Higginson property and subject to all conservation provisions.

Mr. Vorkink said this left the future potential for the Town to have a trail from Woodland Road of approximately 80 acres of land 4,000 feet long. He said the proposition from the Conservation Commission was for the Select Board to approve the acquisition of the land, at no cost except for documentation, in return for release by the Town of the unused access easement. He said if this was approved, he would next go to the Planning Board for approval of the lot line adjustment.

Discussion: Chairman Maggiore asked the length of the line they were swapping. Mr. Vorkink said 248 feet on Mr. Gregoire's land and the rest on Mr. Brightman's land for a total of 426 feet. He said they were giving up an easement right and gaining a 15' by 230' piece of land. Chairman Maggiore asked if the agreement would be null and void if the Planning Board did not approve it, and Mr. Vorkink said the deed would be held in escrow until the Planning Board had a Public Hearing and voted on the matter. If approved, the transaction would be registered with the Registry of Deeds and the Warranty Deed to acquire the 15-foot strip to the Higginson property

Chairman Maggiore opened the Public Hearing at 8:02 pm.

Mr. Craig Salomon of 100 Woodland Road asked if the deeds had been drafted and reviewed by counsel, and Mr. Vorkink said the deeds were drafted by Michelle Peckham, outside counsel on easements for the Conservation Commission. Mr. Salomon asked if the strip of land would also be subject to conservation restrictions, and Mr. Vorkink said the Warranty Deed stated that it would.

Mr. Scott Baker of 6 Squire Drive said he lived across from the proposed entrance and felt it would be great to have a place for walking, and asked if the Conservation Commission had a plan going forward. Mr. Vorkink said there was no current active plan to create a trail and stated that part of the area was wetlands. He said lot 6-80 was uplands and a beautiful piece of property.

Mr. Larry Miller of 141 Mill Road said his property abutted lot 6-80. He said other lands owned by the Conservation Commission had recently become available, which solved and opportunity for the Town to move the access to a wooded area away from private homes. He said the new access was of interest to the whole Town because it would link lots 6-79 and 6-80.

Chairman Maggiore closed the Public Hearing at 8:12 pm.

Discussion: Selectwoman Kilgore said she would like to request the Conservation Commission to look at putting a trail through the properties. Chairman Maggiore asked if it would be possible to have the Eagle

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Scouts put in trails, and Mr. Vorkink said it was possible, but they had just given the Eagle Scouts a project working on existing trails. Chairman Maggiore asked the best way to word the motion, and Mr. Vorkink said the transaction was integral, and the Town would not want to release the access across the property without getting the deed approved for the gift of land on the southern part of the property.

**Motion:** To approve the warranty deed to accept the property, as presented by the Conservation Commission, to also release by the Town a 15-foot access easement across the Gregoire lot 12-20-21, to release by the Town a 15-foot access easement across the Brightman lot 12-30-20, and to forward to the Planning Board for a lot-line adjustment in order to effectuate the intent of the Conservation Commission.

**Motioned:** Chairman Maggiore

**Seconded:** Selectwoman Kilgore

**Vote:** Approved 2-0, with 1 abstention

**Report of the Town Administrator** – Bryan Kaenrath

**Personnel:**

Police Department - New hire Meagan McBride currently at the Police Academy; painting at the Police Department completed.

Fire Department – New Fire Fighter Bryan Tangney; hydrant photo-id project completed.

**Facilities:**

Town Hall Renovation Project – No responses to bids from contractors; go back to former contractor.

Town Office Building – Begin more siding work in the spring as well as some painting.

**Projects:**

New Town Sign – Finally installed.

Coakley Landfill Group – Next meeting Wednesday, January 16<sup>th</sup> at 2:30 pm at Portsmouth City Hall.

Elections – Filing for municipal candidate with Town Clerk starting next week January 23<sup>rd</sup> and closing February 1<sup>st</sup>; Deliberative Session scheduled for February 2, 2019 at 8:30 am in the School Cafeteria.

Recreation Department – Continuing to offer new programs; Boston Red Sox trip planned for June 9, 2019.

Selectwoman Kilgore asked the status of the van and Town Administrator Kaenrath said it should be delivered within the next 2 weeks. Selectwoman Kilgore asked for the trade-in value, and Town Administrator Kaenrath said \$10,000 even.

Rails to Trails – Meeting in Portsmouth City Hall in mid-December to discuss latest agreement; on the agenda for this evening.

Community Outreach – Next Town Administrator open hours on February 25, 2019 from 3:30-5:00 pm in Town Clerk's office; attended first meeting of Hampton Area Chamber of Commerce Public Policy Committee.

Philbrick Pond Study – Walked potential site of access road with Chief Tully and identified 5 property owners who could be impacted by gravel access road and sent out letters.

Document Management Systems – RFP sent out to 6 firms and received 3 responses; possible special meeting for presentations by Conway Office Solutions, NE Document Systems, and Exception Technology week after February 8, 2019.

Meeting Schedule – Next regularly scheduled Select Board Meeting January 28, 2019.

**Items left on the Table** - None

**NEW BUSINESS**

**Rails to Trails Agreement**

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Town Administrator Kaenrath said he attended a meeting in mid-December at Portsmouth City Hall, and DOT wanted all towns unanimous on this so they could move forward with purchasing the corridor. He said this latest copy of the Rails to Trails Agreement addressed outstanding concerns and several towns had already voted to approve the agreement. He said the Rails to Trails Agreement was being presented to the Select Board this evening for approval by the Town of North Hampton so DOT could move forward with the purchase.

Discussion: Selectman Miller said he understood that this Rails to Trails Agreement was between State DOT and the Town of North Hampton, and said he wanted to know what the State intended to build if the Town was expected to maintain and improve it. He said he did not want to agree to something if he did not know what it was, and said there was no mention of the construction except that a Rail Trail would be built and that the Town of North Hampton was supposed to maintain and improve it. He said the agreement further stated bonds would be needed for construction and that there was no expiration date for the agreement.

Town Administrator Kaenrath said they were asking that the Town approve this draft, and Selectman Miller said he could not do it. Chairman Maggiore said he read the agreement differently in that it was up to the Town if they chose to make future improvements, and said he did not assume the State was going to develop the land. Selectman Miller said the State would remove all the railroad ties but did no plan was included build anything, and at the end the agreement stated that if they wanted the land back they could take it back. Selectwoman Kilgore said the State reserved the right to take the land back to build a railroad if necessary as it was Federal land.

Chairman Maggiore said if there was no objection he would allow Public Comment on this, and asked that the representative of the Rockingham Planning Commission Rails to Trails Committee address the concerns.

Public Comment: Jeff Hilliard of Glendale Road said the project was moving slowly but he understood that the State had finalized the agreement of purchasing the right-of-way. He said that Scott Vogel would know the answers to the questions but he was currently attending the meeting in Rye and hoped to make it to this meeting. He said 2 or 3 years ago a prior Select Board signed a preliminary document and the State had finally agreed to standardize the agreement for all the towns.

Mr. Scott Baker said he was not there on an official capacity, but Mr. Vogel had asked him to be at the meeting to answer any questions. He said the purpose of the agreement was literally to give the State DOT the confidence that the community rail trails would go through their Town and that they would maintain the trail once it was built. He said the document did not yet address what was to be built but that it would be a stone dust trail, low cost and low maintenance. Selectman Miller said he did not want the Town to be responsible for anything until the State actually built the trail.

Chairman Maggiore asked if they could request that the State add an appendix to this agreement which stated in simple terms what the construction would be and a proposed schedule for that construction. Town Administrator Kaenrath said he did not know if DOT would be willing as they were late in the process and wanted to move forward with purchasing the property. Mr. Baker said with respect to building, there was no concrete plan, however DOT was thinking of a stone dust trail. He said there was no specific timing right now as the land had not even been purchased, and this document was just for the towns to agree that once the trail was built they would take care of it. He said the agreement had been highly vetted by all the towns.

Chairman Maggiore said the Select Board had another meeting this month and asked if it was possible to send questions and comments to the Town Administrator and Scott Vogel at DOT to reply by January 28<sup>th</sup>. Selectman Miller pointed out that as soon as DOT purchased the land the Town's tax benefit would go away. Selectwoman Kilgore said she was behind the Rails to Trails Agreement and felt it was very important. She suggested they table the contract tonight, get some answers, and reconvene for a vote. She said there was a critical time for the State with a window for purchase. Town Administrator Kaenrath asked that all concerns be submitted to him in writing to transmit forward, and the Board try for a unanimous vote.

Mr. Hilliard said he hated to see the Board rushed to jump into the agreement in order to show their support, and said it had been a long, complicated process for the State to acquire the right-of-way back from the Railroads. He recommended they take their time and do the job right. Town Administrator Kaenrath asked that it be completed within January as only Portsmouth had not yet voted. Chairman Maggiore asked that the language of paragraph 3.10 be clarified, and questioned the placement of the right of the State to revoke the trail agreement at any time and if it was consistent with Federal Guidelines. Mr. Banks said it was his understanding that the language was the same for DOT Contracts generally on rail trails throughout the State.

#### **Cable Television Agreement**

Town Administrator Kaenrath said the memo was from Attorney Kate Miller at DTC with her recommendations and they needed to decide if they would take her recommendations or reconstitute a Cable Advisory Committee. He said she recommended an amendment with a 5-year extension.

Discussion: Selectwoman Kilgore said there were a lot of concerns in the business community and residential that internet speeds were not fast enough and the technology was outdated. She asked that before the Town just sign on for what they already had for 5 more years, they find out what was new and what might be available. Selectman Miller stated that it was the job of Kate Miller to review and negotiate cable contracts, and if she said she got the best deal possible for the Town, it was unlikely the Cable Company would give more. Chairman Maggiore said he echoed Selectman Miller as the memo stated there were "no other benefits for which the Town could successfully negotiate under the law". He said he understood Selectwoman Kilgore's sentiment but did not want to put up taxpayer dollars if they could not get anything for it.

Cable Program Director John Savastano said he updated the modem at the School last year though it was not part of the contract, and said there were options but there was a limit to what you could ask for. Chairman Maggiore asked if he could outline things they would be able to negotiate and forward that to Kate Miller for input. He said if she agreed, he could act on behalf of the Town in the negotiation. Mr. Savastano said he had technical issues that needed to be addressed, but said Town equipment was antiquated and new equipment was needed. He asked about the deadline and Chairman Maggiore said they were out of contract since November 11, 2018.

Selectman Miller asked Mr. Savastano to specify if the things he was asking for were new things or fixes, and Chairman Maggiore said he should also note whether they fell within the scope of the key provisions of the original agreement and also that he identify which could be addressed through technical upgrades they could pursue through capital equipment.

#### **Citizens Petitioned Warrant Articles** - Tabled

**Acceptance of Funds in the Amount of \$4,461.75 from FEMA**

Chairman Maggiore said they were notified on December 31, 2018 that FEMA declared a Major Disaster for the State of New Hampshire due to a severe storm and as authorized in the Public Assistance Grant Program we are eligible for reimbursement. He said because this fell under the amount required for a public hearing, the Select Board could vote to accept the grant.

Fire Chief Michael J. Tully said the funds were from a Federal Disaster Declaration and split into 5 different projects. He said the first storm was the beach floods in March and the second was the snowstorm in April. He said this was the first check and the next would be for \$11,000, with the amounts getting larger and public hearings would be needed.

**Motion:** To accept the funds from FEMA in the amount of \$4,461.75.

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

**Vote:** Approved 3-0

**Acceptance of the Minutes of Prior Meetings**

**Motion:** Motion by Selectwoman Kilgore to **approve** the **December 10, 2018 Regular Meeting Minutes**; seconded by Selectman Miller; approved 3-0.

**Motion:** Motion by Selectwoman Kilgore to **approve** the minutes of **December 10, 2018 Non-Public I Session**; seconded by Selectman Miller; approved 3-0.

**Motion:** Motion by Selectwoman Kilgore to **unseal** the minutes of **December 10, 2018 Non-Public I Session**; seconded by Selectman Miller; approved 3-0.

**Motion:** Motion by Selectwoman Kilgore to **approve** the minutes of **December 10, 2018 Non-Public II Session**; seconded by Selectman Miller; approved 3-0.

**Motion:** Motion by Selectwoman Kilgore to **unseal** the minutes of **December 10, 2018 Non-Public II Session**; seconded by Selectman Miller; approved 3-0.

**Motion:** Motion by Selectwoman Kilgore to **approve** the minutes of **December 10, 2018 Non-Public III Session**; seconded by Selectman Miller; approved 3-0.

**Motion:** Motion by Selectwoman Kilgore to **unseal** the minutes of **December 10, 2018 Non-Public III Session**; seconded by Selectman Miller; approved 3-0.

**Minutes of the December 19, 2018 Workshop Meeting:**

Changes and corrections: Selectman Miller said the second word on line 73 should be "by" instead of "be". He said on lines 221 and 235 the motions carried but no vote count was included. Chairman Maggiore said legally they had to include the vote count and recommended they table these minutes.

**Motion:** To table the minutes of the December 19, 2018 Workshop Meeting until January 28, 2019.

**Motioned:** Selectwoman Kilgore

**Seconded:** Selectman Miller

**Vote:** Approved 3-0

**Motion:** Motion by Selectman Miller to **approve** the minutes of **August 14, 2017 Non-Public I Session**; seconded by Selectwoman Kilgore; approved 3-0.

**Motion:** Motion by Selectman Miller to **unseal** the minutes of **August 14, 2017 Non-Public I Session**; seconded by Selectwoman Kilgore; approved 3-0.

**Motion:** Motion by Selectman Miller to **approve** the minutes of **August 14, 2017 Non-Public II Session**; seconded by Selectwoman Kilgore; approved 3-0.



**Motion:** Motion by Selectman Miller to *unseal* the minutes of *August 14, 2017 Non-Public II Session*; seconded by Selectwoman Kilgore; approved 3-0.

**Motion:** Motion by Selectman Miller to *approve* the minutes of *August 21, 2017 Non-Public I Session*; seconded by Selectwoman Kilgore; approved 3-0.

**Motion:** Motion by Selectman Miller to *unseal* the minutes of *August 21, 2017 Non-Public I Session*; seconded by Selectwoman Kilgore; approved 3-0.

**Motion:** Motion by Selectman Miller to *approve* the minutes of *August 21, 2017 Non-Public II Session*; seconded by Selectwoman Kilgore; approved 3-0.

**Motion:** Motion by Selectman Miller to *approve* the minutes of *August 21, 2017 Non-Public III Session*; seconded by Selectwoman Kilgore; approved 3-0.

**Motion:** Motion by Selectman Miller to *unseal* the minutes of *August 21, 2017 Non-Public III Session*; seconded by Selectwoman Kilgore; approved 3-0.

**Motion:** Motion by Selectman Miller to *approve* the minutes of *August 28, 2017 Non-Public I Session*; seconded by Selectwoman Kilgore; approved 3-0.

**Motion:** Motion by Selectman Miller to *approve* the minutes of *August 28, 2017 Non-Public II Session*; seconded by Selectwoman Kilgore; approved 3-0.

**Motion:** Motion by Selectwoman Kilgore to *unseal* the minutes of *August 28, 2017 Non-Public II Session*; seconded by Selectman Miller; approved 3-0.

**Any Other Item that may legally come before the Board** – None

**Second Period of Public Comment**

Mr. Craig Salomon of 100 Woodland Road said he was present as the Vice-Chair of Step Up North Hampton in regard to the letter addressed by the Chairman earlier. He said a majority of registered voters in North Hampton did not show up for Town Meeting and fewer still at the Deliberative Session, and said partisanship discouraged the kind of participation needed. He said Step Up had endorsed a candidate and taken a position on some Warrant Articles, but said they were not a PAC as earlier alleged and were engaged in educational outreach to the community. He said Step Up had never given and money to a candidate, and felt this was nothing more than an attempt to discredit the group without any evidence or proof. He said this would be their last comment prior to the Town Meeting.

**Adjournment**

Chairman Maggiore adjourned the meeting at 9:39 pm

Respectfully submitted,

Patricia Denmark, Recording Secretary