



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

FEBRUARY 24, 2020 7:00 PM

NORTH HAMPTON TOWN HALL

MINUTES

SELECT BOARD MEMBERS PRESENT: Vice-Chairman Larry Miller, Selectwoman Kathleen Kilgore, Chairman Jim Maggiore (by Speakerphone)

ALSO PRESENT: Interim Town Administrator Michael Tully

AGENDA

Vice Chairman Larry Miller welcomed everyone to the February 24, 2020 North Hampton Select Board Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

Vice-Chair Miller said Non-Public was not held earlier due to a scheduling problem and will be held on Friday.

Motion: To allow Jim Maggiore to participate by telephone for tonight's meeting.

Motioned: Selectwoman Kilgore

Seconded: Vice-Chair Miller

Vote: Motion approved by a vote of 2-0

Selectwoman Kilgore stated that any vote taken tonight would have to be done by roll call vote.

First Period of Public Comment

Vicki Jones of Atlantic Avenue said the Friends of the Library were holding a fund-raiser on Monday from 5:00 to 9:00 pm.

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.

13.1 Discussion of Cable Contract – Attorney Kate Miller

Attorney Kate Miller reviewed the Cable TV Franchise Agreement in North Hampton and possible changes. She said the Federal Communications Commission (FCC) issued an order that changed the way cable companies have been providing free TV services to the community. She said they can either reduce Franchise Fees or assess an additional charge to the community, and said Cable TV for Schools and Libraries were not paid for formerly.

Attorney Miller said the FCC proposed a change to the Franchise Agreement that would take out the section on free TV services and have a separate side agreement that says if a Court reverses this order, and there is a legal actions pending to change that, Comcast would return to free TV. She said other possible changes to Franchise Fees include the placement of the local-access channel in the Cable TV lineup. She said the proposed side-letter agreement deals with the formerly free services, with a short amendment to the existing Franchise Agreement to extend it and delete that section. She said the Town can choose to continue free TV services and pay for them but rates not yet known. She said because of the time it has taken to get to this amendment, she is suggesting a longer addition of years to the term of the Franchise Agreement.

Discussion: Vice-Chair Miller said he felt they should sign what they can with the Cable Company for as long as they can. Attorney Miller said the original Franchise started in 2018 for 5 years, and suggested they turn that into an initial 15-year Franchise Agreement to get to 2028, with renewal negotiations starting in 2025. She said on March 21, 2023 local access channels will be available in Hi-def.

Attorney Miller said the Town will need to hold a Public Hearing on this proposal with 2 weeks' notice, and there is also the separate agreement regarding these Cable TV services. She said the facilities in Town that are affected are listed in the current Franchise Agreement. Interim Town Administrator Tully said the notice would need to be published in the newspaper for 14 days and asked Attorney Miller to provide language for the posting.

Chairman Maggiore asked what “non-exclusive” meant in the new section added to the agreement, and Attorney Miller said it means the franchise the Town grants to Comcast is under law not allowed to be an exclusive franchise, though it is the only franchise offering Cable TV Services in North Hampton. Chairman Maggiore asked about “subscriber cable network drops” being deleted from the Agreement, and Attorney Miller said that was the section dealing with the free TV cable drops and is essentially substituted by the side agreement.

Vice-Chair Miller asked that a Public Hearing Notice for March 23, 2020 be prepared. Selectwoman Kilgore listed the facilities using the free TV services and recommended they take an inventory before the Public Hearing. Vice-Chair Miller asked about payment and Attorney Miller said the costs could either be deducted from the Franchise Fee or paid with a separate invoice.

Consent Calendar

- 7.1 Payroll Manifest of February 13, 2020 in the amount of \$69,312.38
- 7.2 Payroll Manifest of February 20, 2020 in the amount of \$73,195.54
- 7.3 Accounts Payable Manifest of February 20, 2020 in the amount of \$1,103,873.03
- 7.4 Approval of Veterans Tax Credit Application

7.5 Approval of Fire Permits Invoice to State of New Hampshire

Motion: To approve the Consent Calendar as presented in the packet.

Motioned: Selectwoman Kilgore

Seconded: Chairman Maggiore

Roll Call Vote: Maggiore-aye, Miller-aye, Kilgore-aye; motion approved 3-0

Correspondence

Copies of all Correspondence will be attached to these minutes.

8.1 Correspondence from Health Trust – Selectwoman Kilgore read a Public Hearing Notice from Health Trust regarding *Rate Settings & Surplus Returns* for Health Trust coverage lines. Two Hearings are scheduled for March 5, 2020 at 9:30 am or 3:00 pm on the same topic, to be held at Health Trust in Concord, NH. Selectwoman Kilgore agreed to attend the morning session.

8.2 Correspondence from Rockingham Planning Commission – Chairman Maggiore said he received a notice to nominate someone for the Transportation Advisory Committee on or before April 15, 2020.

8.3 Correspondence from Rockingham County Commissioner – Chairman Maggiore said he was asked to make a request of the Department of Health & Human Services for a supplemental appropriation of \$700,000 for an Integrated Delivery Network for a nursing home with no impact on taxes; money to come from their undesignated fund balance.

Committee Updates

Selectwoman Kilgore said the *Economic Development Committee* has not met since the last Select Board meeting. She said she attended a meeting of the Hampton Chamber discussing the Regional Economic Development concept, and said they want to do a public/private collaboration. She said the first 2 years of the position would be solely funded out of the Private Sector.

Chairman Maggiore said the *Heritage Commission* met and said as part of their 10-year agreement for Bond Preservation Easements they are required to have an inspection period. He said they need someone with expertise in reviewing the structural integrity, and the former Code Enforcement Officer expressed interest. He said the *Heritage Commission* is also actively pursuing a way to maintain its images and files online, and a demo will be scheduled shortly.

Selectwoman Kilgore said it looks like the *Heritage Commission* is looking at their own Document Management to archive records, and Chairman Maggiore said their records are much more image-related. Selectwoman Kilgore said it would be worth discussing whether it can be interfaced with the system they are going to have for the Town, and Chairman Maggiore said he would take that back to the Heritage Commission.

Chairman Maggiore said he has no update on the *Water Commission* and there was no meeting.

Vice-Chair Miller said the *Budget Committee* last met at the School Deliberative Session on February 4, 2020 and School Budget and Warrants were approved.

Public Hearing: Pursuant to RSA 231:33a – Address Numbers on Streets and Highways

Vice-Chair Miller opened the Public Hearing to comments regarding the addresses on Winterberry Lane at 7:40 pm.

Interim Town Administrator Tully said the State has come forward with a numbering system for 9-1-1 they would like all communities to adopt. He said a study done in 2008 looked at numbering and records from 9-1-1 and recommended there be a new number every 50 feet in Town, which was not approved at the time. He said there is currently an issue on Winterberry Lane, with house numbers 2, 2-1, 2A and 2B for lots subdivided afterward, that was brought to the attention of the Fire Department as a safety issue. He said their mapping expert Lieutenant Angelo Puglisi is here as well as 9-1-1 field representative Kenny-Lynn Dempsey to provide background.

Lieutenant Angelo Puglisi said Kenny-Lynn Dempsey is a State 9-1-1 Field Representative from the Division of Emergency Services & Communications. He said some residents came to them with concerns and they have to take action, and said those residents voluntarily consented to change their address/house numbers. He said if there is not voluntary consent, a Public Hearing must be held and they are here to discuss the issues. He said from an emergency services standpoint it slows down response time.

Tim Henry of 4 Winterberry Lane said it is a real burden for those who have had the same address for 20 years and have a business, and said the potential of not getting all his permits and certifications could be devastating for his business. He said he has total confidence in the North Hampton Fire Department and Emergency Services, and he asked that the Board not approve this. He said there are a number of non-traditional addresses throughout Town and those houses are not part of the Winterberry Homeowner's Association

Heather Runnette of 2A Winterberry Drive said she is a Stratham Resident but pays North Hampton taxes on part of her property. She said her biggest concern is safety as she has 2 teenagers with life-threatening allergies and both carry EpiPens which are only a stopgap. She said for us knowing that all EMS will be able to find our house quickly and efficiently, it is important that this get changed.

Vice-Chair Miller asked what the house number would be, and Ms. Dempsey said Lieutenant Puglisi recommended the numbers on the odd side of the road line up with the numbers on the even side. Selectwoman Kilgore said that could cause a problem in the future. Interim Town Administrator Tully said the Fire Department gives out street addresses, and they would develop a plan to make changes working with 9-1-1, as well as looking at other developable land that might be a problem in the future. Chairman Maggiore asked Ms. Runnette if she had someone plow her driveway and she said yes.

Laurie Badolato of 2B Winterberry Lane said her postal address is Stratham, they pay taxes to both towns, and maintain their own driveway. She said at some point in the future first responders will be coming from other towns and they won't be able to rely on local knowledge. She said in a recent incident a call was put in to 9-1-1 for a fire at 2-1 Winterberry and dispatch responded that it was not a valid house number, and one of the other numbers had to be given to get service. She said her mail for 2B Winterberry gets delivered to number 28 Winterberry, but medication delivered to an incorrect mailbox could be destroyed. She said she previously changed her address twice with only marginal issues, and said she is in favor of making the change and going forward with a rational safety plan for everyone.

Brian Sellers of 2-1 Winterberry Lane, North Hampton said the Post Office did not like the hyphen in his address and changed it to 2 Winterberry, Lot 1, and said he is very much in favor of changing the

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numbering system. He said he had a propane leak this morning at 3:15 pm and he was out waiting for the Fire and Police Departments with lights on to make sure they stopped. He said his main concern is safety. He said his wife has been a business owner for 20 years and has moved locations frequently.

Aris Damianos of 8 Winterberry Lane said it is a small street with a small neighborhood, and safety is everyone's top priority. He said he is also a parent of 2 kids who went through school with EpiPens, and as a Health Care Provider in the area he realizes the importance to families but wonders if there might be other ways to produce the same results. He said he went through a number change where he lived previously and did not have the same easy experience. He said the change will also involve costs to Winterberry residents. He said he wants to keep everyone safe but to first exhaust all other options that would make sense before changing all the numbers.

Matt Wynne of 17 Winterberry Lane spoke on behalf of the Winterberry Homeowners Association and said a letter was forwarded to the Select Board. He said a lot of great points have been made and safety is the primary concern of everyone. He asked the Fire Department and the Board to find a potentially less invasive solution than renumbering 7 or 8 houses on that street. He added that there is also another Winterberry Lane in Stratham about a half-mile up the road across the Town border.

Nancy Monaghan, Vice-Chair of the North Hampton Planning Board, said she would be happy to carry Mrs. Kilgore's questions back to the Planning Board. Selectwoman Kilgore said they have other properties that are sub-dividable, and Ms. Monaghan said anyone with property has the right to subdivide and come to the Planning Board, but numbering is done by the Fire Department and this issue is particularly difficult because it crosses boundaries.

Interim Town Administrator Tully said this subdivision was added in the early 2000s, and the person who did the numbering did not take into account that other lots could be developed. Ms. Monaghan said the Planning Board does get recommendations from the Fire Department regarding egress, and the Planning Board can only grant a subdivision if they follow the code and subdivision requirements.

Larry Thomas of 9 Winterberry in North Hampton asked the 9-1-1 expert if they track the about of calls in a properly numbered subdivision and asked the percent of accuracy. Ms. Dempsey said as far as response the Fire Department or Police Department would keep track, but said enhanced 9-1-1 does track Automatic Location Identification (ALI) discrepancies, when someone calls in with an address not on their 9-1-1 map. Mr. Thomas said there are a lot of what-ifs but not 100% accuracy. Ms. Dempsey said if the Town decides to go forward with address changes, they will assist to make sure all 9-1-1 maps and databases are updated.

Vice-Chair Miller closed the Public Hearing at 8:24 pm.

Discussion: Interim Town Administrator Tully thanked Lieutenant Puglisi, Ms. Dempsey, and all the residents that came out for or against this change, and said they are trying to do their best and work with everybody. He said in the next step the Board will reach out to some of the residents and come back to another meeting with this agenda to make a decision for or against, or come up with another way to solve this and the Fire Department will enact that afterwards.

Chairman Maggiore said he looked at the RSA for enhanced 9-1-1 which led him to the Bureau of Emergency Communications talking about different possibilities which led to RSA 231:133 about the ability of Select Boards and governing bodies to name streets and roads. He said if people are maintaining

their own driveways, they could convert them into private roads so as not to affect any other numbered property on Winterberry, which should be permissible as they are already existing lots of record, and also permissible under RSA 674-41 Land-Use Planning. He said they would need to consult with the Planning Board and the 3 owners to see if it is a possibility.

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 there are 19 weeks left in the fiscal year with approximately 34% of the Budget remaining. He said the Fire Department has a current candidate in background process for a position in the Department. He said Winterfest was a great success and Selectwoman Kilgore said she attended the breakfast and was at the bonfire and fireworks and heard only great things.

Interim Town Administrator Tully said as far as Document Management, they met with Ricoh last week for information on the process for Planning & Zoning and Rick Millner provided a flow-chart of his processes and they are working on a quote for an immediate price on the software then prices for adding areas and increases for each.

Interim Town Administrator Tully said he got a request from Centennial Hall to write a letter of support for their grant application process. Selectwoman Kilgore said she had no problem with that as long as the letter is factual and reflects they have supported Centennial Hall in the past. Interim Town Administrator Tully said he would write the letter as coming from the Town of North Hampton with his signature. There were no objections by the Select Board.

Items left on the Table

12.1 Discussion of Access to Town Attorney

Vice-Chair Miller said his intention was to make it clear that Select Board Members and the Town Administrator have the ability to access the Town Attorney. Chairman Maggiore said doing that and also notifying the Town Administrator at the same time so it is not just one person being in constant communication. Select Board was in agreement.

12.2 Discussion of Meeting Minutes

Selectwoman Kilgore said Interim Town Administrator Tully had brought to the attention of the Select Board that this year may be over budget. She said Patricia Denmark was brought onboard to help with meeting minutes as it was consuming a lot of time for Jan. She said she felt meeting minutes should be detailed and she was content with the way they are now, as they are the official record of all the meetings. She said she thought it was important to continue and she could reconcile the cost, and after another year they can see if it is a true cost. Vice-Chair Miller said they might be going over something that is underfunded.

Chairman Maggiore said according to RSA meeting minutes needed to include who, what, where and when with a brief summary of what was said. He said in his years on the Select Board there was never a challenge to their minutes and they are looking at a large number. He recommended they change the

format to a brief description with salient points only, plus motions and votes taken, and said it was an opportunity to reduce the Budget.

Vice-Chair Miller said he respectfully disagreed, and did not think reducing the verbiage would save money. Selectwoman Kilgore said for FY2020 through the end of January they are at \$10,000 and 2019 was \$8,500. She said she looked at other communities and they have the same detail, and said right now she did not have a problem with it. Vice-Chair Miller asked Chairman Maggiore if he agreed they should look to see if funding is where it should be for the services they want, and Chairman Maggiore said if they want the services they have now, and the community is okay with that expenditure, but he felt they need to look at this if they are willing to invest that much in the product.

Selectwoman Kilgore said her purpose is transparency and making sure there is a record. Chairman Maggiore said the motion has to be in there but not the discussion leading up to it. Vice-Chair Miller said he would like to look at the funding and determine what they are going to request in the next Budget. Interim Town Administrator Tully suggested that they keep an eye on this as they move forward and follow through and come back with some projections for what it should be in the FY2022 Budget. The Select Board was in agreement.

12.3 Discussion of Correspondence from Thomas A. Grella, Investigator, Rockingham County Attorney

Interim Town Administrator Tully said this correspondence was received by Chairman Maggiore in relation to the Lamprey easement on Atlantic Avenue, and said the Investigator had asked if they had any other open complaints on the property. He said he contacted the Building Inspector and the Conservation Commission. Chairman Maggiore added that he called Mr. Grella and had not yet heard back.

12.4 Warrant Article Nine and Implication upon Passage

Vice-Chair Miller said if Warrant Article Nine passes it would fund the design and building of a Library on the Homestead. He said his concern is that the funding was approved by the Select Board as they seek the Bond, and said the Town has certain requirements for water control. He said if it passes he would hope the Library Trustees and the Town would work together to allow the Town to get what it needs and the Library to get what it needs. He said if the Town is going to fund this he wanted to make it clear that the construction of the Library be bid to 3 different builders. Chairman Maggiore agreed that an open-bid process was critical to continue to provide the transparency and honesty to the community.

Vice-Chair Miller said he was not suggesting design-build, but once the architect of choice comes up with the RFP it will be sent to at least 3 qualified companies. Chairman Maggiore said new design elements make this a new project and it should be sent out to bid.

NEW BUSINESS

13.2 Discussion and Approval of Beach Parking Rate

Interim Town Administrator Tully said since 2017 the current of \$35 rate has not been changed. He said last year they sold 862, up from the previous year, and \$30,158 was put into the Recreation Revolving Fund. He said the rate of the Beach Permits needs discussion by the Select Board.

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Selectwoman Kilgore said she was in favor of leaving the price at \$35/permit. Vice-Chair Miller said it was wise to leave the same since participation has gone up. Chairman Maggiore agreed to leave the price at \$35/permit and said it was a great contribution to the Recreation Commission.

Motion: To set the Beach Parking Permits for 2020 for the Town of North Hampton at \$35 per permit.

Motioned: Selectwoman Kilgore

Seconded: Chairman Maggiore

Roll Call Vote: Maggiore-aye, Miller-aye, Kilgore-aye; motion approved 3-0

13.3 Discussion of the Placement of a Mat on North Hampton State Beach

Chairman Maggiore said last year there were some concerns about rocks washing up on the handicap accessible walkway. He said he contacted the State and they were not going to take any action as the beach is “naturally occurring”, and said the mat will allow some accessibility over the rocks and asked the Board if there is continued support. Selectwoman Kilgore said she was interested in continuing to look at that so they could guarantee handicap access to the beach, and Vice-Chair Miller agreed.

MIINUTES OF PRIOR MEETINGS

Approval of the Non-Public Meeting Minutes of January 27, 2020

Interim Town Administrator Tully said Selectwoman Kilgore has an issue that needs to be settled in Non-Public and he was available for that on Friday. Selectwoman Kilgore said she believed an amendment needed to be added and these are sealed minutes. It was agreed that another Non-Public Meeting be posted for Friday to handle the minutes.

Approval of the Regular Meeting Minutes of February 10, 2020

Motion: To approve the Regular Meeting Minutes of February 10, 2020.

Motioned: Selectwoman Kilgore

Seconded: Chairman Maggiore

Roll Call Vote: Maggiore-aye, Kilgore-aye, Miller-abstain; motion approved 2-0, with 1 abstention

Approval of the Non-Public Meeting Minutes of February 10, 2020 – Meeting Cancelled

Any other Item that may Legally Come before the Board

Second Public Comment Session

No one from the Public came forward.

Adjournment

Selectwoman Kilgore reminded everyone that the North Hampton Business Association (NHBA) will be hosting a Meet-the-Candidates night on Thursday, March 5, 2020 at the Town Hall. She said NHBA is accepting questions by email for each candidate.

Vice-Chair Miller adjourned the Select Board meeting at 9:12 pm.

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Respectfully submitted,

Patricia Denmark, Recording Secretary