



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

**MARCH 23, 2020 7:00 PM**

**NORTH HAMPTON TOWN HALL**

***Approved April 6, 2020***

SELECT BOARD MEMBERS PRESENT: Chairman Jim Maggiore, Vice Chairman James Sununu, Selectman Larry Miller

ALSO PRESENT: Interim Town Administrator Michael Tully, Finance Director Ryan Cornwell, Police Chief Kathryn Mone

**AGENDA**

Chairman Pro Tempore Jim Maggiore welcomed everyone to the March 23, 2020 North Hampton Select Board Meeting and called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance. He congratulated and welcomed James Sununu to the Select Board.

Chairman Pro Tempore Maggiore said they were coming from 3 sessions of Non-Public with motions made in the first two and Town Administrator to act on the intent of the motions with intent to seal all sessions.

**Motion:** To seal the minutes of Non-Public Session I of March 23, 2020

**Motioned:** Selectman Miller

**Seconded:** Selectman Sununu

**Vote:** Motion approved by a vote of 3-0

**Motion:** To seal the minutes of Non-Public Session II of March 23, 2020

**Motioned:** Selectman Miller

**Seconded:** Selectman Sununu

**Vote:** Motion approved by a vote of 3-0

***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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**Motion:** To seal the minutes of Non-Public Session III of March 23, 2020

**Motioned:** Selectman Miller

**Seconded:** Selectman Sununu

**Vote:** Motion approved by a vote of 3-0

Chairman Pro Tempore Maggiore requested that item 13.8 under New Business be moved up in the agenda to after Committee Assignments.

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

*Call 603-758-1447 for Public Comments*

Frank Ferraro of Post Road called re agenda item 13.8 Department of Revenue 10% Rule, and said someone should calculate the 10% rule before the Deliberative and should have kept track of the articles as they are being passed. He does not believe there is an issue with the 10% rule as only the Bond and Unassigned Fund Balance needed approval, and Library Trustees were authorized to act as spending agents.

Laurel Pohl of 100 North Road noted that Select Board members did not have laptops for checking email questions from the public. She asked on what basis the 10% rule is being challenged, and asked how they could exceed the 10% with multiple people calculating during Deliberative.

Chairman Pro Tempore Maggiore stated that the Governor put out Emergency Order #12 today permitting State and Government local bodies to participate electronically in meetings and waive the quorum requirement.

### **Consent Calendar**

7.1 Payroll Manifest of March 19, 2020 in the amount of \$68,776.08

7.2 Accounts Payable Manifest of March 19, 2020 in the amount of \$1,068,697.23

7.3 Approval of Elderly Exemptions

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

**Motioned:** Selectman Miller

**Seconded:** Selectman Sununu

**Vote:** Motion approved by a vote of 3-0

### **Correspondence**

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

#### **8.1 Correspondence from Michael and Lori Badolato**

Dated March 9, 2020 Regarding Renumbering of Winterberry Drive: they are in favor of renumbering, appreciate the Board's efforts, see more risk in the idea of creating Public Ways, and request the Board move ahead with consideration of the renumbering.

#### **8.2 Correspondence from North Hampton Public Library Trustees**

Dated Wednesday March 18, 2020 thanking the Select Board for the invitation to meet and discuss the 10% Rule and recent Election results. Library Trustees do not believe the 10% Rule has been exceeded and encourage the Board to follow DRA guidelines.

8.3 Correspondence from Rockingham Planning Commission (RPC)

Dated February 18, 2020 from the Rockingham Metropolitan Planning Organization (MPO) to provide technical advice and recommendations to the Policy Committee concerning transportation issues and provide input to NH DOT and other agencies. Letter to insure each RPC community is represented by one member on the Transportation Advisory Committee (TAC) and the Policy Committee (PC). Items on the Agenda; to be forwarded to Planning Board.

8.4 Correspondence from Xfinity

Regarding the postponement of Cartoon Network moving to Digital Preferred Tier in light of COVID-19 crisis.

**Committee Updates** – No representatives, no meetings

**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 the Town is in good shape financially with 15 weeks left in the Fiscal Year and approximately 29% of the Budget remaining. He said the Fire Department hired Corey Greaney as a paramedic and there is a conditional offer out for another candidate. He said he reassigned Recreation Director Joe Manzi to a Community Wellness position to identify areas where residents may need assistance as pandemic continues. Call 603-964-3170 for assistance.

COVID-19: Meeting with State and surrounding community leaders as well as screening School, Fire, and Police before entering the buildings. Town Offices and Town Clerk closed to public and transitioned to virtual offices. Phone system put in place for residents to stay in touch during meetings (603-758-1447).

Chairman Pro Tempore Maggiore said another emergency order came through for temporary authority to perform secure online notarization and will be posted online.

**Items left on the Table**

**NEW BUSINESS**

**13.1 Public Oath of Office of James Sununu as Select Board Member**

The public oath will not be held this evening; James Sununu was properly sworn as a member of the Select Board.

**13.2 Election of Select Board Officers**

**Chairman of the Select Board:**

**Motion:** To nominate *Jim Maggiore* as *Chairman of the Select Board*.

**Motioned:** Selectman Miller

**Seconded:** Selectman Sununu

**Vote:** Motion approved by a vote of 3-0

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**Vice Chairman of the Select Board:**

**Motion:** To nominate *James Sununu* as *Vice Chairman of the Select Board*.

**Motioned:** Selectman Miller

**Seconded:** Chairman Maggiore

**Vote:** Motion approved by a vote of 3-0

**13.3 Discussion of Committee Assignments**

Chairman Maggiore said the Select Board has *ex officio* members that serve from the Select Board on several boards and committees in the Town.

**13.3.1 Budget Committee**

Selectman Miller volunteered to serve as Select Board Representative to the Budget Committee.

**Motion:** To nominate *Larry Miller* as *Select Board Representative to the Budget Committee*.

**Motioned:** Chairman Maggiore

**Seconded:** Vice-Chair Sununu, for discussion

**Discussion:** Vice-Chair Sununu said he was happy to support Selectman Miller for the Budget Committee as he has represented the Board now for 6 years and is very passionate about what the Budget Committee does for the Town and School.

**Vote:** Motion approved by a vote of 3-0

**13.3.2 Planning Board**

Chairman Maggiore said the Planning Board is the only board that is required to meet at least once/month, and volunteered as Select Board Representative to the Planning Board.

**Motion:** To nominate *Chairman Maggiore* as *Select Board Representative to the Planning Board*.

**Motioned:** Chairman Maggiore

**Seconded:** Selectman Miller

**Vote:** Motion approved by a vote of 3-0

**13.3.3 Heritage Commission**

Chairman Maggiore volunteered to continue as Select Board Representative to the Heritage Commission.

**Motion:** To nominate *Chairman Maggiore* as *Select Board Representative to the Heritage Commission*.

**Motioned:** Vice-Chair Sununu

**Seconded:** Selectman Miller

**Vote:** Motion approved by a vote of 3-0

**13.3.4 Water Commission**

Chairman Maggiore stated that the *ex officio* member of the Water Commission is the Chairman and no vote is required.

**13.3.5 Capital Improvement Committee (CIP)**

Vice-Chair Sununu volunteered to serve as Select Board Representative to the CIP Committee.

**Motion:** To nominate *Vice-Chair Sununu* as *Select Board Representative to the CIP Committee*.

**Motioned:** Chairman Maggiore

**Seconded:** Selectman Miller

**Vote:** Motion approved by a vote of 3-0

**13.3.6 Economic Development Committee**

Selectman Miller volunteered as Select Board Representative to the Economic Development Committee.

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**Motion:** To nominate *Selectman Miller* as *Select Board Representative to the Economic Development Committee* (EDC).

**Motioned:** Chairman Maggiore

**Seconded:** Selectman Miller

**Vote:** Motion approved by a vote of 3-0

### 13.3.7 Standing Ethics Committee

Chairman Maggiore said the Code of Ethics was rescinded by the Town, and asked if an Ethics Committee was needed. Vice-Chair Sununu suggested that unless it is defined outside of the Code of Ethics it does not exist, and Interim Town Administrator Tully said he was not sure what the Committee would look at without a basis in an Ethics Code to follow.

**Motion:** To Move 13.3.7 Standing Ethics Committee to the next Select Board Meeting.

**Motioned:** Chairman Maggiore

**Seconded:** Vice-Chair Sununu

**Vote:** Motion approved by a vote of 3-0

### 13.3.8 Any other Committee

Chairman Maggiore said Labor Negotiations requires a Select Board Member, and Interim Town Administrator Tully suggested waiting until they got closer to early summer when they would receive the letter to negotiate.

## **13.8 Discussion of Department of Revenue Budget 10% Rule**

Rule codified in municipal law under RSA 32:18, RSA 32:18-A

Chairman Maggiore stated that the total appropriated by the Town at the Town Meeting cannot exceed the amount recommended by the Budget Committee by more than 10%, computed on the total amount recommended by the Budget Committee less any part of the appropriation that includes fixed charges which include interest and principal payments on bonds and notes, as well as mandatory assessments imposed on towns by County, State, or Federal Governments. He said the 10% Rule can be overridden by a proper warrant article in the case of a bond request. When the amount is exceeded, the NH Department of Revenue Administration (NH DRA) will typically disallow on a "last voted, first out" basis.

Finance Director Ryan Cornwell provided a spreadsheet illustrating warrant articles with financial impact as well as Town Meeting warrants posted for Deliberative Session, a copy of the Ballot with results, copies of relevant RSAs, and guidelines from the NH Municipal Association. The spreadsheet shows the maximum allowable appropriations and total gross appropriations voted. The first column on top indicates Total Gross Appropriations for the Warrant prior to Deliberative Session, with the amount per article and a running subtotal.

Finance Director Cornwell said prior to Deliberative, financial warrant articles totaled approximately \$14.5 Mil, of which \$11.14 Mil was recommended by the Budget Committee prior to the Deliberative Session. He said an MS737 is provided, part of which is a supplemental schedule of what the 10% was based on prior to Deliberative. The bottom of the column shows the \$11.14 Mil recommended, then reduced by exclusions (principal & interest on long-term debt) and the amount to be funded by Article 9 through bonds of \$2.275 Mil, gets you to an amount recommended less exclusions of \$8.6 Mil, which is the amount the 10% is calculated on (not the amount recommended by the Budget Committee). The amount is

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\$860,000 which is then added to the recommended Budget Committee amount of \$11.14 Mil giving approximately \$12 Mil, showing they were before Deliberative by \$2.5 Mil to the 10% override.

Finance Director Cornwell said the third column shows the amount recommended by the Budget Committee subsequent to the Deliberative with changes to Article 9, Article 10, and Article 17, resulting in an excess that looks to be above the Maximum Allowable Appropriation of \$305,000. Total Gross Appropriations per official Ballot Vote equal exactly what is in the third group of numbers as what was recommended by the Budget Committee and passed at the actual Ballot Vote.

Finance Director Cornwell said he spoke today with their DRA representative and she believes the Town is in violation of RSA 32:18 and total appropriations votes exceeded the 10% limit based on the original Budget Committee recommendation after adjustments for fixed charges. He said she verified the RSA contains legal guidance on the limitation of appropriations but does not specifically address, in any terms, what actions will be taken by DRA, though it is standard practice to disallow articles starting with the last financial warrant article until the appropriation is reduced below the maximum allowable appropriation.

Finance Director Cornwell said because the statute does not address what happens in the event total appropriations exceed the 10% limit, the representative agrees with his suggestion to contest the DRA's standard practice of "last voted in, first out" by having the Select Board formulate a deliberate and agreeable plan to address the overage in a written communication to James Jerry, Director of Municipal & Property Division for the Department of Revenue.

Discussion: Vice-Chair Sununu said the information put together by Finance Director Cornwell is thorough, DRA was consulted for guidance, and DRA believes they have a problem. He said rather than have DRA arbitrarily chop out last articles, the Select Board should come up with a plan to address this in a manner best for the Town. Finance Director Cornwell said they have 20 days from the meeting on March 10 and he is required to report the results and complete certain DRA documents by March 30, 2020, however their DRA representative said given the circumstances that is the date to definitively provide the information in the DRA Portal, then compose and forward the communication to the Director of the Municipal Property Division of the DRA.

Selectman Miller said the total passed by voters on Article 9 is \$3.9 Mil, and if they were to reduce that by \$305,226 that would bring the Town into compliance. Finance Director Cornwell said they are willing to work with the Town, and just because they have a standard practice does not mean it is legally enforceable. He said he believes it is in the Town's best interest to formulate a plan provided to them by the Select Board for their review and their judgement on that.

Chairman Maggiore agreed with Selectman Miller that they can honor the intent of the voters on every Warrant Article, maintain transparency in Town policies which is the open-bid process, and get through that process to get below where they need to be. He said his concern is how to complete all that in the proper time. Finance Director Cornwell said based on his discussion today he believed they should report the information to the DRA Portal with the caveat that they understand, are addressing it, and will be communicating in the immediate future.

Selectman Miller suggested they take Article 9 and give it a maximum value as far as appropriation and go through the bid process. He said the bid will be for the same property and the same circumstances, and they can specify it be less than a certain amount. Vice-Chair Sununu said guidance from DRA is critical

here and it is important for the Board to come up with a plan as soon as practically possible, and should do a thorough review of all the warrant articles.

Finance Director Cornwell said he will first go to the DRA Portal and report the articles amended with the amounts, which will generate new reports for Select Board signature. Selectman Miller felt rather that revisit all the articles they should work with Article 9, which was changed at Deliberative and has plenty of money. Chairman Maggiore said he agrees with Selectman Miller but is concerned about how to codify this.

Interim Town Administrator Tully suggested they put the issue on the agenda for the next meeting, and he will work with the Finance Director to craft the plan as the Board described. Finance Director Cornwell said it would have had to have been supported by the Select Board and not recommended by the Budget Committee in order to add the language, and zeroing out Article 10 did not help because it was not recommended by the Budget Committee.

#### **13.4 Position for Rockingham Planning Commission Transportation Advisory Committee (TAC)**

Forwarded to Planning Board.

#### **13.5 Representative for NH Seacoast Transportation Corridor Vulnerability Assessment & Plan**

Chairman Maggiore said in January 2020 Rockingham Planning Commission was awarded \$17,550 in grant funds from the New Hampshire Department of Environmental Services (NHDES) Coastal Resiliency Municipal Planning Board Grant on behalf of the Town of North Hampton and the Little Boar's Head District to enable them to develop a robust strategy for addressing coastal hazards through the development of Joint Master Plan Chapters. Various boards and committees of both districts are being asked to appoint a member to the Steering Committee for this project, and the letter will be forwarded to the Planning Board.

Vice-Chair Sununu volunteered to serve as a member of the Steering Committee.

**Motion:** To appoint *James Sununu* to the *Steering Committee for the Coastal Resiliency Master Plan Project*.

**Motioned:** Selectman Miller

**Seconded:** Chairman Maggiore

Interim Town Administrator Tully said he would streamline the process, send the letter to the other boards, and send out TAC as well as the Transportation Vulnerability Assessment to the Planning Board.

**Vote:** Motion approved by a vote of 3-0

#### **13.6 Discussion of Request from Richard Luff, Chair Economic Development Committee**

Chair Richard Luff of the Economic Development Committee (EDC) sent a memorandum from the Committee requesting an additional meeting with Jeff Hyland of Ironwood, to answer EDC questions regarding the February 5<sup>th</sup> presentation, and requesting an additional \$300-\$400 to complete the task.

Vice-Chair Sununu said he had no objections and thought the request for additional funds of \$300-\$400 to finish the work they started would provide something productive to the Town as far as economic development. Chairman Maggiore was reluctant to spend additional funds to get back where they started, but they would then not get what they signed up for. Interim town Administrator Tully said some of the

members felt the vision presented was different from what they wanted and this meeting would help them get back on track so the \$12,000 being spent on the project would present the most to the Town going forward.

Vice-Chair Sununu said if this allows them to complete the project in a way that gives them something to present, they should try to complete the process as effectively as possible. Selectman Miller agreed and said it was time put in as well as money invested. Interim Town Administrator Tully said if they waited they would miss this chance to make sure the final product is what they want it to be and to see a benefit from their investment. Vice-Chair Sununu felt it was an important part of closing out this process.

**Motion:** To approve the additional expenditure not to exceed \$400 as requested by the EDC to complete their work.

**Motioned:** Vice-Chair Sununu

**Seconded:** Chairman Maggiore

**Vote:** Motion approved 3-0

### **13.7 Discussion of Town Office Copier Purchase**

Interim Town Administrator Tully said the lease on the copier in the Town Offices was up this year. He said to keep the machine they have, they would have to buy it out and it is 4 years old with increasing maintenance expenses. He said they priced different machines and were able to purchase the better Konica-Minolta machine for the price of the lesser Xerox machine, and said the total cost also includes yearly maintenance. He broke down the costs of keeping the old machine versus leasing or outright purchase, and recommended the Town purchase the new Konica-Minolta outright using funds from the IT Account with no cost to the Town.

**Motion:** To authorize the Town Administrator to enter into a contract for a new Konica-Minolta office copier under general outlines as indicated.

**Motioned:** Vice-Chair Sununu

**Seconded:** Selectman Miller

**Vote:** Motion approved by a vote of 3-0

### **13.9 Discussion of Certified Local Government**

Chairman Maggiore said the Heritage Commission has been working on presenting the idea of Certified Local Government (CLG) to the Select Board, by identifying a certain area of Town as Historic. This allows the entire Town to benefit from grant opportunities through the US Department of Interior, and the Heritage Commission would like to define the area from Town Hall over to the Homestead Property as Historic. If approved by CLG the Town will be eligible for grant opportunities anywhere in Town, and DHR and the Department of the Interior has awarded \$60,000-\$65,000 for local governments. Chairman Maggiore asked for a consensus of the Board to allow the Heritage Commission to continue to continue to put information together to bring to the Select Board for a final decision. The Board was in agreement.

## **MIINUTES OF PRIOR MEETINGS**

### **Approval of the Regular Meeting Minutes of March 9, 2020**

**Motion:** To approve the Regular Meeting Minutes of March 9, 2020 as presented.



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**Motioned:** Selectman Miller  
**Seconded:** Vice-Chair Sununu, for discussion  
**Vote:** Motion approved by a vote of 2-0, with 1 abstention

**Approval of the Meeting Minutes of Non-Public Session I of March 9, 2020**

**Motion:** To approve the Meeting Minutes of Non-Public Session I of March 9, 2020.  
**Motioned:** Chairman Maggiore  
**Seconded:** Selectman Miller  
**Vote:** Motion approved by a vote of 2-0, with 1 abstention

**Approval of the Meeting Minutes of Non-Public Session II of March 9, 2020**

**Motion:** To approve the Meeting Minutes of Non-Public Session II of March 9, 2020.  
**Motioned:** Chairman Maggiore  
**Seconded:** Selectman Miller  
**Vote:** Motion approved by a vote of 2-0, with 1 abstention

**Approval of the Emergency Meeting Minutes of March 16, 2020**

Interim Town Administrator Tully said the Minutes of the March 16, 2020 did not get into the packet and could be voted on at the next Board meeting.

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

Chairman Maggiore said he received a complaint from a resident about over-flowing garbage cans at North Hampton State Beach. He said he is waiting to hear back from the State. Interim Town Administrator Tully said he also spoke to the State and they are currently low on manpower.

Chairman Maggiore said he received a letter from a resident with regard to the new Town Library Project asking if there would be independent oversight of the Library Trustees Board. Chairman Maggiore felt it was important to draft a letter to the Library Trustees that they allow all Library Trustee Meetings, including Work Sessions, to be televised on Channel 22 for transparency. Interim Town Administrator Tully said he would draft the letter and get it out.

Chairman Maggiore noted that the Town of Rye may be considering the closure of all beaches due to the COVID-19 crisis. He spoke to the Rye Select Board Chair and sent a note to the Governor's office about intentions. He asked that the Town be attentive to any controls or any enforcement they may have to bring to the Town and reduce the risk for Fire and Police.

**Second Public Comment Session**

*Call 603-758-1447 for Public Comments*

Laurel Pohl of 100 North Road requested that when contacting DRA, they be asked if donations need to be appropriated.

**Adjournment**

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Chairman Maggiore adjourned the meeting at approximately 8:45 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary