



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

APRIL 20, 2020 7:00 PM

NORTH HAMPTON TOWN HALL

APPROVED MINUTES

SELECT BOARD MEMBERS PRESENT: Vice Chairman James Sununu, Selectman Larry Miller, Chairman Jim Maggiore (via Zoom)

ALSO PRESENT: Interim Town Administrator Michael Tully, Lieutenant Angelo Puglisi

AGENDA

Vice-Chair Sununu welcomed everyone to the April 20, 2020 North Hampton Select Board Meeting and called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance.

Motion: To Allow Jim Maggiore by majority vote to participate in this meeting.

Motioned: Selectman Miller

Seconded: Vice-Chair Sununu

Vote: Motion approved by a vote of 2-0

First Period of Public Comment

Call 603-758-1447 for Public Comments or access via Zoom

Chairman Maggiore said the public can also email him at: jmaggiore@northhampton-nh.gov

Consent Calendar

- 5.1 Payroll Manifest of April 9, 2020 in the amount of \$202,042.30
- 5.2 Payroll Manifest of April 16, 2020 in the amount of \$63,109.84
- 5.3 Accounts Payable Manifest of April 16, 2020 in the amount of \$1,169,767.35

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.

- 5.4 Approval of Elderly Exemption Application
- 5.5 Approval of Elderly Exemption Application
- 5.6 Approval of Elderly Exemption Application
- 5.7 Approval of Veteran Credit Application
- 5.8 Approval of All Veteran Credit Applications
- 5.9 Approval of Delegation of Authority by the Treasurer
- 5.10 Approval of Delegation of Deposit Authority by the Treasurer

Motion: To approve the Consent Calendar as presented.

Motioned: Selectman Miller

Seconded: Chairman Maggiore

Roll Call Vote: Sununu-aye, Miller-aye, Maggiore-aye; motion approved by a vote of 3-0

Correspondence

Copies of all Correspondence will be attached to these minutes.

6.1 Correspondence from Frank Ferraro

Email dated April 14, 2020; correspondence read in full

Mr. Ferraro asked the Select Board to comply with Warrant Article 9, as amended and approved by voters, to move ahead with the application for the full Library Bond before the May 8th deadline, taking advantage of very low interest rates resulting in cost savings for taxpayers. He circulated an online petition to this effect, signed by 130 North Hampton residents.

6.2 Correspondence from Senator Tom Sherman

Letter dated April 8, 2020 – correspondence read in full

Senator Sherman reinforced his commitment to supporting the Towns in Senate District 24, was actively involved in creating and implementing solutions during the COVID-19 pandemic on a District and State-wide level, and asked if there was anything more he could do to help.

Selectman Miller asked if the Select Board could make a request that more testing be made available to District 24; the Board was in agreement. Chairman Maggiore said Senator Sherman also asked if there was anything recycling centers could use and more PPE was requested; LDI Solutions donated a box of ear-loop face masks for distribution to DPW.

6.3 Correspondence from Glenn Miller

Email dated April 14, 2020; correspondence read in full.

Mr. Miller said the Library bids for expansion/renovation do not meet the standards for bidding, and new Library construction needs a new bidding process. He stated that the Bonding Process is the responsibility of the Select Board and not Library Trustees, and the language in Article 9 only applies after the Bond is secured and funds transmitted.

Committee Updates – No Committee meetings

Report of the Interim Town Administrator

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

Report April 7 to April 17, 2020: Interim Town Administrator Tully stated that with 11 weeks left in the current fiscal year they have 22% of the Budget remaining. The Police Department is now working off the new server with their own domain and continuing work with State Police to curb beach parking. The Fire Department hired new Firefighter Luke Denio; hotel set up in Portsmouth in the event of quarantined Firefighters and Police.

Interim Town Administrator Tully said the coronavirus has spread to our community and there is a State-wide lack of testing capability; State is concerned about the spread in MA; School has been cancelled until the end of the year as well as afterschool programs; Director Joe Manzi continues to assist residents in his capacity as Community Wellness Director (964-3170).

Beach stickers were discussed due to problems with applicants from campgrounds who are not residents, as well as snowbirds returning to Town who do not register their vehicles in North Hampton but own property. Interim Town Administrator Tully asked the Board for guidance and said he was currently working on a case-by-case basis.

Items left on the Table

NEW BUSINESS

10.1 Nomination to the Coastal Adaptation Master Plan Project

Interim Town Administrator Tully said Jenn Rowden of Rockingham Planning Commission (RPC) is heading up this Coastal Adaptation Master Plan Project. He said each of the Town's committees should decide on a person to sit on the Steering Committee to drive this plan going forward, and said each of these positions use their hours toward the Town's in-kind match for the Grant.

Selectman Miller suggested he be the representative to EDC as they are not currently meeting. Interim Town Administrator Tully said the deadline of May 10, 2020 may have to be put off with Town offices closed to group meetings, and asked that the Select Board pick their representative. Vice-Chair Sununu volunteered to serve as the Select Board Representative.

Motion: To nominate James Sununu as the Select Board Representative to the RPC Coastal Adaptation Master Plan Project.

Motioned: Chairman Maggiore

Seconded: Selectman Miller

Roll Call Vote: Sununu-aye, Miller-aye, Maggiore-aye; motion approved by a vote of 3-0

10.2 Discussion of Renumbering South Side of Winterberry Lane

Interim Town Administrator Tully said some lots on Winterberry Lane were subdivided off a lot and some were physically in Stratham, creating a numbering situation of: 2, 2-1, 2a, and 2b. Some residents came to him and Lieutenant Angelo Puglisi asking this be looked into. Chairman Maggiore said a Public Hearing was held on this with good input from residents, and it came down to one idea as a solution which was to renumber the even-numbered side of Winterberry Lane.

Lieutenant Angelo Puglisi said renumbering is the best solution and they will look at the best way to renumber to make sure this does not happen again in future. He said he would work with 9-1-1 and said Stratham was contacted and are on board. They need to figure out if there is developable property and also need to look at number parity. He recommended the Select Board leave it to Public Safety to come up with a plan that is simple, logical, and future-proof.

Motion: To direct our Public Safety to work with 9-1-1 and the State to come up with a renumbering plan for Winterberry Lane that meets all the criteria discussed here.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Roll Call Vote: Sununu-aye, Miller-aye, Maggiore-aye; motion approved by a vote of 3-0

10.4 Discussion of North Hampton Public Library Bond

Vice-Chair Sununu pointed out a correction to a piece of correspondence read earlier which indicated the Board decided not to submit a Bond to the Bond Bank by the May 8th deadline, and said the Select Board did not make any such decision. He said they did decide to continue looking at the issue of the Bond and the appropriation in the context of 10% issue with DRA and other concerns about procurement.

Chairman Maggiore said the Board was waiting for a response from the Department of Revenue Administration (DRA) and Finance Director Cornwell is working with our representative for solutions to the 10% rule. He said to be able to confidently say the Select Board was meeting all of its fiduciary requirements and legal responsibilities, pieces of information were requested including the RFPs that led to the selection of Bonnette, Page & Stone, and copies of the contracts, both received over the weekend.

Vice-Chair Sununu agreed and said the Board definitely had some concerns over the response from DRA regarding the \$305,000 overage on the 10% rule, and said they received 2 letters last week from Bonnette, Page & Stone to clarify that there will be competitive bidding for all the work to be done. He said the Library has a scope of authority, but the Select Board has a general scope of responsibility to be careful stewards of taxpayer money.

Selectman Miller said he did not know what the project looked like and as a result did not know if it met the requirements of the Town and would be voting against this tonight. He also saw a problem in the AIA document which says the owner of the to-be-built Library building is the Library Trustees. He said the Town owns the land and use of the building is leased to the Library Trustees, and did not think it was appropriate or lawful for Library Trustees to own real property or buildings. He said personally he did not feel this was a good time to spend \$2 Mil and was concerned about residents being able to pay their tax bills. He said he did not see a way around this for himself and said he would prefer seeing all the elements bid out and his concerns addressed.

Chairman Maggiore said he did not feel the contract itself expressly gives the rights of ownership to the Library Trustees or expresses the right to that ownership. Selectman Miller asked why he would allow someone to sign a contract in the name of the Town. Vice-Chair Sununu said the Select Board does not have any authority over what the Library can and cannot sign, but agreed there was a concern with the language being in there if it is not appropriate or does not comply with State statutes and they should be clear on what the scope of ownership and usage is. He agreed that the way this was done was not how he would do it, but the Library Trustees have their own ability to go forward and make agreements. He said Select Board members all agree they would like to see the Town's procurement policy adopted for a

project of this scope, but they do have a Warrant Article agreed to at Deliberative Session approved by voters, and it is clear people want to move forward.

Motion for the Library Bond

Motioned: Jim Maggiore

Mr. Chairman, I move the following:

Whereas the voters in North Hampton have approved warrant article #9 for the construction of a new library on the Homestead property, and;

Whereas conditions of warrant article #9 require bonding two million, two hundred and seventy-five thousand dollars (\$2,275,000) for construction of said library, and;

Whereas the Town of North Hampton and New Hampshire Department of Revenue Administration have consulted on the best solution to the violation of NH RSA 32:18 – Limitation of Appropriations (commonly referred to as the 10% rule) and concluded that the Town apply for a bond in the full amount stated and approved in warrant article #9, and;

Whereas the procurement of a bond requires strict compliance set forth in NH RSA 33 - Municipal Finance Act, therefore;

The North Hampton Town Administrator and Finance Director shall engage with bond counsel for the procurement of documentation and application for the Town of North Hampton to apply for a bond in the amount of two million, two hundred and seventy-five thousand dollars (\$2,275,000) with the NH Municipal Bond Bank.

Terms of said bond will be set at terms and rate best for the community as determined by the Select Board.

There are several statements of fact that led me to make my motion:

The new North Hampton Public Library will incorporate the design features that meet federal, state, and local mandates for Stormwater mitigation, requirements of the American with Disabilities Act, state septic standards, and adequate parking for a modern library. Construction of the new library will provide flexibility for the Town to revitalize the existing library for municipal use and address critical deficiencies in the fire and police department buildings.

NH RSA 202-A:11, I expressly states, “every public library in the state shall: Adopt bylaws, rules and regulations for its own transaction of business and for the government of the library.

The Select Board has on multiple occasions asked the Library Trustees to comply with the Town’s purchasing policy, which requires competitive bidding for any project over \$10,000; however, the North Hampton Public Library is a separate governing body and is not specifically subject to the prudent laws and policies accepted by the governing body of the Town (the Select Board). The Select Board can not compel the Trustees to comply with Town rules, ordinances, or policies.

While the library Trustees’ original request for bids more than two years ago (2/23/18) was for renovation of the existing library and a 5000 square foot addition on that building and not for a new library on the

Select Board Regular Meeting
April 20, 2020

Homestead Property, the revised contract between the library Trustees and Bonnette Page and Stone dated April 14, 2020 and received by me Sunday, April 19 does seem satisfactory in its scope.

Specifically, the April 14 revised contract includes requirements in Article 2, Construction Manager's Responsibilities that obligate the construction manager to "take into consideration cost reductions".

It has always been my hope that the competitive bid process for a new library would ensure compliance with prudent town policy and ultimately reduce the tax impact on residents, especially since this new library on the Homestead is going to cost taxpayers a half million dollars more than originally contemplated. That said, I am satisfied that the construction manager will, by the obligations of the revised contract, apply cost efficiencies for the construction of the new library.

Due to the separation of authority, cooperation on the solution to the 10% rule between the Town and Department of Revenue Administration, and the conditions of the April 14 revised construction contract, I can support the motion.

Mr. Chair, without objection I ask that my comments in their entirety be included in the minutes.

Motion Seconded: Vice-Chair Sununu

Roll Call Vote: Sununu-aye, Miller-nay, Maggiore-aye; motion approved by a vote of 2-1

Editorial Comment by Vice-Chair Sununu: *I hope that those in Town who choose to look at people in the Town who disagree with them and call them "corrupt" or "power-hungry" or worse in Public Forum on or offline will take this as a lesson in how to properly deliberate, consider, and perform due diligence and come to a decision as Public Officials to the fullest of their abilities and responsibilities; and whether Mr. Miller, Mr. Maggiore, or myself agree or disagree, it was very disappointing to see that was the attitude taken by some who disagree with the thought process that went into this along the way.*

Motion to Use Library Capital Reserve Fund for Bond Payments

Motioned: Jim Maggiore

Mr. Chairman, I move the following:

Given the decision from the NH Department of Revenue Administration that the North Hampton Public Library Trustees will draw only \$474,774 of the \$780,000 from the Library Building Capital Reserve Fund ("Fund") for the construction of the new library on the Homestead property, the North Hampton Select Board asks the Library Trustees make annual payments on the new library construction bond with the remaining \$305,226 until the Fund is completely expended. Use of the funds will be consistent with the intent of warrant article #9, the original intent of the Fund itself, and reduce the resulting tax burden resulting from principal and interest on the bond.

Motion Seconded: Vice-Chair Sununu, for discussion

Discussion: Chairman Maggiore said when they received the decision Friday from NH DRA, and it was clear that there was going to be the \$305,000 overage from the 10% rule still available, it seemed prudent they find its best use, and payment on the Bond of that money would help North Hampton residents and still meet the spirit and intent and also the legal aspects of the Warrant Article, the fund itself, and our obligations to the Bond Bank. Selectman Miller said he believed spending that money lies solely with the

Select Board Regular Meeting
April 20, 2020

Library Trustees and they could not do anything about it; Vice-Chair Sununu and Chairman Maggiore agreed.

Vice-Chair Sununu said the language of the motion *asks* the Library Trustees, and the \$780,000 in the fund was specifically appropriated from the taxpayers for construction of a New Library with funds from that specific Capital Reserve Fund. Given the direction of DRA to meet the 10% requirement by changing that aspect of the Warrant Article, he said he hoped any money left in that fund would be used to reduce the cost to taxpayers and hoped to see even more savings beyond that.

Roll Call Vote: Sununu-aye, Miller-abstain, Maggiore-aye; motion approved by a vote of 2-0, with 1 abstention

MIINUTES OF PRIOR MEETINGS

Approval of the Regular Meeting Minutes of April 6, 2020

Motion: To approve the Regular Meeting Minutes of April 6, 2020 as presented.

Motioned: Selectman Miller

Seconded: Chairman Maggiore

Roll Call Vote: Sununu-aye, Miller-aye, Maggiore-aye; motion approved by a vote of 3-0

Approval of the Meeting Minutes of Non-Public Session I of April 6, 2020

Motion: To approve Non-Public Meeting Minutes-Session I of April 6, 2020 as presented.

Motioned: Selectman Miller

Seconded: Vice-Chair Sununu

Roll Call Vote: Sununu-aye, Miller-aye, Maggiore-abstain; motion approved by a vote of 2-0 with 1 abstention

Approval of the Meeting Minutes of Non-Public Session II of April 6, 2020

Motion: To approve the Meeting Minutes of Non-Public Session II of April 6, 2020.

Motioned: Selectman Miller

Seconded: Vice-Chair Sununu

Roll Call Vote: Sununu-aye, Miller-aye, Maggiore-abstain; motion approved by a vote of 2-0, with 1 abstention

Approval of the Meeting Minutes of Non-Public Session I of April 14, 2020

Motion: To approve the Meeting Minutes of Non-Public Session I of April 14, 2020.

Motioned: Selectman Miller

Seconded: Vice-Chair Sununu

Roll Call Vote: Sununu-aye, Miller-aye, Maggiore-abstain; motion approved by a vote of 2-0, with 1 abstention

Approval of the Meeting Minutes of Non-Public Session II of April 14, 2020

Motion: To approve the Meeting Minutes of Non-Public Session II of April 14, 2020.

Motioned: Selectman Miller

Seconded: Vice-Chair Sununu

Roll Call Vote: Sununu-aye, Miller-aye, Maggiore-abstain; motion approved by a vote of 2-0, with 1 abstention

Select Board Regular Meeting
April 20, 2020

Any other Item that may Legally Come before the Board

Second Public Comment Session

Call 603-758-1447 for Public Comments or via Zoom

Email from Nancy Monaghan of Atlantic Avenue addressing the unfairness of “no parking” at the Beach for cars while motorcycles are allowed to park with no enforcement intervention and are enjoying the Beach, and asked that the same “no parking” enforcement be applied to motorcycles.

Emily Creighton of 32 Post Road asked that the response from DRA with regard to the 10% rule overage be read for the public. Vice-Chair Sununu read the letter in full; letter posted on website:

<https://www.northhampton-nh.gov/select-board/pages/select-board-meeting-documents-and-correspondence>

Email from Heather & Tim Runnette of Winterberry Lane thanking the Select Board for voting in favor of the renumbering of the even side of Winterberry Lane.

Frank Ferraro of Post Road thanked the Select Board on behalf of the 137 residents who signed his online petition with regard regarding the Library Bond, and asked if the application for the Bond will be made in time for the May 8th deadline. Vice-Chair Sununu said they would go ahead with the Bond application according to the process laid out by the State and the Bond Bank.

Chairman Maggiore said the Board looked to Interim Town Administrator Tully and Finance Director Cornwell to engage with Bond Counsel and move forward as appropriate, hopefully meeting the deadline. Interim Town Administrator Tully said he and Mr. Cornwell had already taken steps getting in touch with the Bond Bank, starting the application, and working with Bond Counsel.

Next Meeting: May 11, 2020

Adjournment

Vice-Chair Sununu adjourned the meeting at 8:11 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary