



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

JUNE 8, 2020 7:00 PM

NORTH HAMPTON TOWN HALL

APPROVED MINUTES

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

ALSO PRESENT: Interim Town Administrator Michael Tully, Police Chief Kathryn Mone, Aquarion Water Operations Manager Aquarion Water

PRESENT VIA ZOOM: Conservation Commission Chairman Lisa Wilson, Finance Director Ryan Cornwell

AGENDA

Chairman Jim Maggiore welcomed everyone to the June 8, 2020 North Hampton Regular Select Board Meeting and called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance.

Chairman Maggiore said they are still following the guidelines of no more than 10 people; the meeting is broadcast live on YouTube and channel 22; for Public Comment see below.

Statement on Current Events

Chairman Maggiore said he spoke with Chief Mone last week about making a statement from both the Police Department and the Select Board about current events surrounding the murder of George Floyd.

Statement by Police Chief Kathryn Mone

As your Chief of Police, I wanted to address the community of North Hampton, regarding the recent murder of George Floyd, at the hands of several police officers in Minneapolis, MN. As a law enforcement officer, I am horrified by the actions and inactions of the officers involved. The tactics used, and lack of human compassion displayed, are completely counter to the training that law enforcement officers receive and condone.

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.

The North Hampton Police Department, under my direction, maintains the guardian model of policing which is one based in service and the protection of all people and the democratic values of our nation. The community bestows enormous powers upon the police department and its' officers. Police officers are given the authority to investigate, detain, arrest, and use force against persons under appropriate circumstances. The guardian philosophy is grounded in the trust the community places in its' officers and requires the department to maintain that trust. We remain steadfast in the maintenance of this trust by upholding the Constitutional rights of everyone. This is accomplished by maintaining an organizational culture that treats all people with compassion and respect, regardless of sex, race, background, or socio-economic status.

The community should have confidence knowing North Hampton police officers are regularly trained using the most up-to-date practices related to using force in their duties. This training is evident on nearly every call, as our officers de-escalate tensions and use proper judgement to resolve a situation, rather than using force. The police department strives to maintain national best practices in all areas of police services. We accomplish this by reviewing policies and procedures on a regular basis and adopting new practices when appropriate. We are currently pursuing training and furthering our knowledge base related to anti-bias and racial equity as it relates to policing in our nation and community.

In closing, I am proud of the work being done by our officers in this community. Our officers serve with courtesy, empathy, and a passion for the community of North Hampton. We condemn the actions in Minneapolis, we share in the pain it caused, and we are frustrated because it tarnishes the good police work being done across the country. We will continue to deliver police services, as guardians, to make a positive impact on your lives and keep you safe.

Statement by Select Board

We the members of the North Hampton Select Board join in the national chorus to denounce the abhorrent and senseless death of Mr. George Floyd.

Racial discriminations and biases are dangerous, antithetical to our American ideals and a threat to the very democracy of our great nation. Prayers, vigils, and peaceful protests are understandable and necessary in the wake of such a tragedy. However, the legacy of Mr. Floyd and all victims of racial violence must include lasting paradigm shifts, impactful legislation, and most importantly acceptance of individuals regardless of their race, creed or color. In a nation of 330 million people we will not all love or even like each other. If we can accept each other for who we are and what we contribute to our communities we will see each other for our character and wisdom and not by the color of our skin.

It is our hope that North Hampton, New Hampshire, and our nation will stand together in opposition to racial violence in all forms, physical, verbal, educational, and financial and support the promise to address this important issue in every way that we are able.

Discussion: Selectman Miller said he was in complete agreement with both statements and asked if the Select Board would like to adopt these as a joint statement.

Chairman Maggiore said there were two Non-Public Sessions held before the meeting; a motion was made in the second session which was unanimous and the Town Administrator will act on the intent.

Motion: To Seal the Meeting Minutes of Non-Public Session I of June 8, 2020.

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Motioned: Vice-Chair Sununu
Seconded: Selectman Miller
Vote: Motion approved by a vote of 3-0

Motion: To Seal the Meeting Minutes of Non-Public Session II of June 8, 2020.

Motioned: Vice-Chair Sununu
Seconded: Selectman Miller
Vote: Motion approved by a vote of 3-0

First Public Comment Session

Call 603-758-1447 for Public Comments or access via Zoom; email: jmaggiore@northhampton-nh.gov

No Public Comments.

Consent Calendar

- 6.1 Payroll Manifest of May 28, 2020 in the amount of \$72,909.41
- 6.2 Payroll Manifest of June 4, 2020 in the amount of \$100,763.94
- 6.3 Accounts Payable Manifest of May 28, 2020 in the amount of \$1,094,337.36
- 6.4 Accounts Payable Manifest of May 28, 2020 in the amount of \$3,333.33
- 6.5 Signature of Cemetery Deed
- 6.6 Approval of Abatement Application
- 6.7 Approval of Notice of Intent to Cut Wood & Timber

Motion: To approve the Consent Calendar as presented.

Motioned: Selectman Miller
Seconded: Vice-Chair Sununu
Vote: Motion approved by a vote of 3-0

Correspondence

Copies of all Correspondence will be attached to these minutes.

Committee Updates

Selectman Miller said the *Economic Development Committee* has not met.

Chairman Maggiore said the *Heritage Commission* has not met since their last meeting, and the *Water Commission* has not met.

Selectman Miller said the *Budget Committee* has not met.

Chairman Maggiore said the State Legislature has a meeting on June 11, 2020 for the first time since March. He said the House Chambers are reserved for the Senate and the House will be meeting at the UNH Whittemore Center.

Report of the Interim Town Administrator

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

Report for May 28 through June 8, 2020: Interim Town Administrator Michael Tully said as far as Finance, with 4 weeks left in the current fiscal year 8% of the Budget remains. He said the Beach opened a little over a week ago; so far minor traffic issues, some complaints, and parking issues are troublesome.

Interim Town Administrator Tully said PCG upgraded computer systems to Windows 10 in the Fire Department, and the Dispatch Software started acting up and not working properly; the company that provided the software was bought out in 2018; the software was never updated to run on Windows 10. PCG tried to restore Windows 7 to Dispatch but the system is still not working; calls have to be put in 4-5 times and are still not holding all information. He said Hampton is bidding out new software, and he would need to vet the software to determine the best program for the Town and get quotes.

Interim Town Administrator Tully said for Facilities, they have one quote for the Bell Tower roof and a second coming in. He said the Town should expect much higher costs as the bell and housing need to be raised up which will require an engineer. For Recreation Joe Manzi is trying to figure out how to do a Summer Camp and the School has cancelled their summer programming. The Town is working on a phased reopening plan starting with the Town Clerk's office.

Items left on the Table

NEW BUSINESS

11.1 Aquarion Water Company Quarterly Report

Carl McMorran, Operations Manager of Aquarion Water, said there have been no interruptions in water service or changes in water quality due to the impact of COVID-19. He said work schedules were adjusted to minimize contact with public, all non-emergency calls were suspended, and work shifted to maintenance items. Water Main replacements continue in coordination with Hampton sewer and drainage projects.

Mr. McMorran said Well 22 received a State permit and they are doing electrical upgrades to put the well back in service this summer but not at full capacity. Well 14A, replacement for Well 14, will start pumping tests this week and be in service by July. As far as water quality, PFAS is still a top issue but numbers remain pretty consistent and do not exceed maximum contaminant levels.

11.2 Discussion of Conservation Commission Grant Application

Chairman of the Conservation Commission Lisa Wilson said she wished to discuss the Conservation Commission's current proposal to construct a 1.4-mile trail to the Little River Conservancy. She said the Conservation Commission received a 24-acre parcel of land in 2018 and acquired a 15-foot strip of land for public access off Woodland Road; this connects the 24 acres to another 44 acres of Conservation land. In 2019 the Student Conservation Association (SCA) AmeriCorps accepted the proposal to construct the trail, and the Conservation Commission learned 2 weeks ago that the Bureau of Trails is administering grants for such projects and said she is here to ask the Select Board to support their application, pending approval by the Conservation Commission.

Questions: Vice-Chair Sununu asked what the Conservation Commission needed from the Select Board to move forward with the funding request to have SCA complete the project. Ms. Wilson said she needed: (1) fill out form that requires project administration authorization; (2) provide a signed letter of support;

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(3) provide an estimate from the Highway Department to create a small 2-space gravel parking area and install signage. She said the deadline for the grant is June 30, 2020. She said the grant is independent of the SCA AmeriCorps agreement to do the project, and will be to pay the SCA Corps fee of about \$21,000 for 22 days of work.

Motion: To empower Interim Town Administrator Tully to complete the Conservation Commission Project Administration Authorization form and obtain signatures, inclusive of any emendations.

Motioned: Selectman Miller

Seconded: Vice-Chair Sununu

Vote: Motion approved by a vote of 3-0

Chairman Maggiore said he would work with the Conservation Commission Chairman to draft the language of a letter of support from the Select Board. Ms. Wilson said there may also be other small technical forms to sign.

Motion: To draft a letter of support for the Conservation Commission project for circulation to the Select Board and signatures.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

Chairman Maggiore said the last piece is looking for an estimate for a 2-space gravel parking area with signage from the Highway Department.

Motion: That the Select Board request the Department of Public Works to provide an estimate for a gravel parking area and signage.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

11.3 Review of Rockingham Planning Commission Correspondence

Chairman Maggiore said a letter was received by the Planning Board from Rockingham Planning Commission (RPC) Senior Planner Jenn Rowden, who reviewed the plans for the Library and raised a number of concerns which were brought up at the last Planning Board Meeting. He said a motion was made and approved by the Planning Board (5-2), and asked for questions or comments about the correspondence.

Vice-Chair Sununu said in the letter there are a number of issues raised that are important to consider; Impervious lot coverage is significantly above the standard which could play into the ability to manage Stormwater; of particular concern is Stormwater Management and being in MS4 compliance, especially with several residential abutters to the property. Chairman Maggiore said MS4 is a Federal Permit which the Town is obligated to comply with, and fines are substantial with the Town on the hook. He asked Vice-Chair Sununu if he had seen the Stormwater Plans from the Library and he said he had not. Chairman Maggiore said Wilcox & Barton, a civil engineering, environmental, and technical firm, prepared a 46-page report that should have been submitted to the Town, which he got through the Planning Board.

Selectman Miller said he has never seen a drawing or rendering of anything to do with the Library. Chairman Maggiore said the Stormwater Management Report was sent to RPC and the Planning Board. He said the Planning Board voted to send the plans to the Town Engineer to consider all the impacts and deficiencies that may exist in the plan, with the option to hold a Public Hearing 60 days before the start of construction. He said he is not aware of the Library Construction Plan Schedule, but also not aware this plan has had a Public Hearing for public input.

Vice-Chair Sununu asked for the statute that applies and Chairman Maggiore said it is RSA 674:54(I-IV) Government Land Use, and specifically highlighted II which says: *“Written notification shall contain plans, specifications, explanations of proposed changes available at the time, a statement of the governmental nature of the use as set forth in paragraph I, and a proposed construction schedule. Such notification shall be provided at least 60 days prior to the beginning of construction. Either the governing body or planning board of the municipality may conduct a public hearing relative to the proposed governmental use. Any such hearing shall be held within 30 days after receipt of notice by the governing body or planning board.”*

Chairman Maggiore said he did not know if the clock started ticking with the notice to the Planning Board. Vice-Chair Sununu asked if a construction schedule had been submitted, and if so it also needs to be submitted 60 days prior to construction. He said the RSA also states: *“A representative of the governmental entity which provided notice shall be available to present the plans, specifications, and construction schedule, and to provide explanations. The governing body or planning board may issue nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations to the sponsor of the governmental use within 30 days after the hearing.”*

11.3.1 Discussion of Library Construction Documents Reviewed by Town Engineer

Vice-Chair Sununu said wherever possible we should comply with the zoning ordinance, though government projects are not obligated, and let the public know where we are not in compliance with Federal Law regarding MS4 Stormwater management. He said they should have the Town Engineer review the plans and might want to have a hearing and provide written comments to the Library and ask how they will address that. Selectman Miller asked that they have their Town Engineer advise them on the plans and Stormwater Management; Vice-Chair Sununu agreed and said he would also like to see an update from Jenn Rowden as well.

Selectman Miller said the letter states that architectural design information “appears” to conform with site-plan regulations, but some information like floor plans and lighting plans were not supplied. Vice-Chair Sununu said a Public Hearing would inform people where this building is not going to be in compliance with zoning ordinances. Selectman Miller asked how they would get a copy of the MS4 Plan to their Town Engineer if they do not have a copy, and Chairman Maggiore said he has a copy as a member of the Planning Board.

Motion: To forward the MS4 Stormwater Plan to the Town Engineer, along with a copy of the letter from RPC Senior Planner Jenn Rowen, and to Rockingham Planning Commission for review and comments.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Discussion: Chairman Maggiore said there was a lot of conversation at the Planning Board Meeting about looking at this plan in its totality, and said not looking at this plan as it relates to the Town Campus as a whole will be embarking on a plan which will not bring us forward and may set us back. Vice-Chair Sununu asked if the Planning Board declined to hold a Public Hearing, and Chairman Maggiore said they

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considered it but felt cooperation between the Select Board and Library Trustees to have a Public Hearing might be appropriate, and said he felt having a Public Hearing was important. Selectman Miller said he would like to hold a Public Hearing after being advised by the Town Engineer.

Vice-Chair Sununu agreed they should hold a Public Hearing but the statute provides that the meeting must be held within 30 days of notice received by the Governing Body or the Planning Board, with a representative available to present the plans and specifications and construction schedule and provide explanations, which is important for people to hear, and they can then submit written comments within 30 days of the hearing. He said it is our responsibility as a Governing Body to take this seriously and look at scheduling a hearing, and said the Planning Board received notice and did not act but this Board did not receive notice.

Vote: Motion approved by a vote of 3-0

Interim Town Administrator Tully said he has the RPC letter, the building plans, and Stormwater plans to send to the Town Engineer and RPC. Chairman Maggiore suggested they make a formal request of the Library Trustees to send over the most recent plans for the Library for consideration and mention the Public Hearing. Vice-Chair Sununu also asked that notice be provided to the Select Board as stipulated, Chairman Maggiore said access to the new Library goes beside the old Library and behind it crossing the lot line. Selectman Miller said the plan uses 2 lots and degrades the land we already have.

Vice-Chair Sununu asked Interim Town Administrator Tully if he was aware of any collaboration that took place between Trustees, or the contractor or architect, and his office or DPW with relation to how this plan would integrate with exiting lots, and Interim Town Administrator Tully said there were no meetings.

Motion: Move to send a letter from the Select Board to the Library Trustees asking them to formally submit the most recent plans for the Library, to include any Stormwater Management Plans as well, and to consider per RSA 674:54 the potential to have a Public Hearing on the most recent set of plans.

Motioned: Chairman Maggiore

Seconded: Vice-Chair Sununu

Vote: Motion approved by a vote of 3-0

Chairman Maggiore said he would draft the letter tomorrow and circulate it to the Board for signatures. He asked if there was any objection to moving item 11.5 for discussion now; the Board was in consensus.

11.5 Completion of Library Bond Agreement

Interim Town Administrator Tully said the Bond Schedule is set, the Bond Application must be returned by June 22, 2020, and tonight is the last meeting before the deadline. He said the interest rate is currently set at 3% and planned for 20 years, with other scenarios 2%/3% over 20 years and 2%/3% over 30 years. He said at 3% the Bond is \$390,000 more and at 2% is \$260,000. He said decisions he needs from the Board today are what terms on the Bond Agreement, and if the Board chooses to sign Finance Director Cornwell is here to answer questions.

Chairman Maggiore said he is not prepared to sign documents this evening with all the unanswered questions. Selectman Miller said he is unwilling to do the same, does not see how this fits with the Town needs, and agrees with the 20-year financing. Vice-Chair Sununu agreed and said he is concerned about MS4 and possible fines levied on the Town. Interim Town Administrator Tully said the next date scheduled

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for the Bond Agreement will be fall with a January Bond Sale. Chairman Maggiore suggested adding to the letter that the Board is unwilling at this time to sign the Bond Agreement until satisfied with questions.

Motion: To table item 11.5 Completion of Library Bond Agreement until such time as the questions of the Board are answered.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

11.4 Stipend for Treasurer

Interim Town Administrator Tully said the Town has a newly elected Treasurer, Angela Blatus, and he needs the Board to determine where to set the stipend. The original stipend was \$6,400 which increased by percentage to \$7,768 currently budgeted. Finance Director Ryan Cornwell recommended the stipend be in the range of where the salary left off, and said the same responsibilities are being done.

Motion: To set the stipend for new Treasurer Angela Blatus at \$7,000 to start.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

11.6 Code Enforcement Policy Discussion

Interim Town Administrator Tully said the Select Board sets the policy for the Town and the Town Administrator follows that policy. He said lately he has received complaints about area properties in writing and verbally, and historically the Building Inspector would insist on a written complaint and that a complaint form be filled out for the Town to investigate. He said he would like a policy decision from the Board on what they would like to see.

Vice-Chair Sununu said he felt it was important that the Town have a specific policy and a procedure and said it is beneficial for the Town to develop a written policy around how any Code Enforcement complaints are handled. Interim Town Administrator Tully said such a policy can be drafted, and asked if changes needed to be made to the old policy. Vice-Chair Sununu said he should first codify a policy of what we already do for the Select Board to review, using other towns as reference. Selectman Miller said a policy and a procedure is needed so everyone is treated the same. Interim Town Administrator Tully said he would research other towns and create a policy to bring back to the Board for review; the Board was in agreement.

Minutes of Prior Meetings

Approval of the Regular Meeting Minutes of May 20, 2020

Motion: To approve the Minutes of the Regular Meeting of May 20, 2020.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

Approval of Non-Public Meeting Minutes of May 20, 2020

Motion: To approve the Minutes of the Non-Public Meeting of May 20, 2020.

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Motioned: Vice-Chair Sununu
Seconded: Selectman Miller
Vote: Motion approved by a vote of 3-0

Approval of the Workshop Meeting Minutes of May 27, 2020

Motion: To approve the Minutes of the Regular Meeting of May 27, 2020.
Motioned: Vice-Chair Sununu
Seconded: Selectman Miller
Vote: Motion approved by a vote of 3-0

Approval of the Regular Meeting Minutes of May 27, 2020

Motion: To approve the Minutes of the Regular Meeting of May 27, 2020.
Motioned: Vice-Chair Sununu
Seconded: Selectman Miller
Vote: Motion approved by a vote of 3-0

Vice-Chair Sununu said thank you to our minutes taker for such thorough and accurate minutes.

Any other Item that may legally come before the Board

Chairman Maggiore said at the last Planning Board Meeting the Governor Dale Property was approved to have Agritourism events, which is a great thing for North Hampton. After a lot of discussion by Planning Board members and property owners the plan was eventually approved. He said the Governor Dale Property falls under the jurisdiction of the Southeast Land Trust (SELT), and the Town has executory interest and is responsible if anything happens with SELT. He asked the Board for permission to send information to arrange a meeting with the Chair of the Planning Board, owner of the property, SELT representative, the Town Administrator and possibly the Deputy Fire Chief to make sure all parties understand who is responsible for what.

Vice-Chair Sununu said he felt that would be wise and asked if SELT also gave approval for the plan. Chairman Maggiore said SPELT agreed in principle to what the owners want to do, but they hold the responsibility of approving all the events there. Vice-Chair Sununu suggested having a signed letter of agreement between all parties, and put a communication process in place. Selectman Miller agreed.

Second Public Comment Session

Call 603-758-1447 for Public Comments or access via Zoom; email: jmaggiore@northhampton-nh.gov

George Chauncey of Hobbs Road said he watched the last Planning Board Meeting and when the Library Trustees submitted their Building Plans the Library Project Engineer described the Stormwater Management system and provided drawings which met all State and Federal requirements.

Chairman Maggiore read an email from Frank Ferraro saying there is a strong argument that since the Chairman of the Select Board is also a Planning Board member, the Select Board was notified when the Chair received notification through the Planning Board.

Kathleen Kilgore of Atlantic Avenue asked if the Chairman had gotten counsel on the fact that the 60 days starts from the time the Library gives notice of the Public Hearing by the Governing Body. Chairman Maggiore said he had not. Ms. Kilgore said the Library Trustees have been transparent and above-board

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regarding the plans and all components, and asked why the Select Board would delay the Bond Hearing while the interest rate is low.

Vice-Chair Sununu said he did not say that, but said the Select Board wants responses to their questions before they go ahead and approve the Bond. He said I am not in receipt of the plan and it was not sent to the Select Board. Chairman Maggiore said they will send all plans to the Town Engineer for review and need all their questions answered as this impacts the whole campus.

Next Regular Meeting: June 22, 2020

Adjournment

Chairman Maggiore adjourned the meeting at 9:12 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary