



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

AUGUST 10, 2020 7:00 PM

NORTH HAMPTON TOWN HALL

Approved August 24, 2020

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

ALSO PRESENT: Interim Town Administrator Michael Tully, Deputy Fire Chief Jason Lajoie, Building Inspector Travis Murray, Joseph Lessard of MRI

AGENDA

Chairman Jim Maggiore welcomed everyone to the August 10, 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 were coming from Non-Public Session and a motion was made which was unanimous to hire a temporary Firefighter to replace a Firefighter called to active duty; Mr. Jared Butler will serve 6 months to one year starting this Wednesday; no need to seal the minutes.

First Public Comment Session

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

Paul Marquis said it was refreshing at the last meeting to hear about plans for the old Library and how to approach that problem and start with other Town issues. He said he would like to see a motion tonight that shows the Select Board is supporting the Library Trustees. He said the voters voted for the New Library on the Homestead and we need to respect the voters.

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.

Consent Calendar

- 5.1 Payroll Manifest of July 30, 2020 in the amount of \$83,077.62
- 5.2 Payroll Manifest of August 6, 2020 in the amount of \$313,855.55
- 5.3 Accounts Payable Manifest of August 6, 2020 in the amount of \$358,919.29

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.

Correspondence from New Hampshire Department of Transportation (NHDOT) dated July 30, 2020

Chairman Maggiore read the letter from C.R. Willeke, PE, Municipal Planning Engineer, Bureau of Planning & Communication Assistance, regarding Highway Block Grant Aid for Maintenance, Construction, and Reconstruction for Class IV and V Highways. The total amount for FY 2020/2021 will be \$100,997.87 in 4 installments. Selectman Miller said last year they received \$90,000.

Committee Updates

Selectman Miller said the *Economic Development Committee* had not met since the last meeting and scheduled the next meeting for September 2, 2020 when they will hear from Ironwood Design Group LLC.

Chairman Maggiore said the *Heritage Commission* has not met but the *Sub-Committee for Demolition Review* met and took action on a pending application. The *Water Commission* has not met.

Selectman Miller said the *Budget Committee* has not met since the last meeting; next *Budget Committee* meeting is August 17, 2020.

Vice-Chair Sununu said the *CIP Committee* is working on their Report and finalizing by September.

Chairman Maggiore said as Representative to the *Planning Board*, they received a ton of text comments and emails on the clearing of land on Route 1 across from the Juice Box, and said an application was approved for a self-storage facility there. He said he expressed his concerns for fire safety publicly during the vote and said he felt it was not the best use for the Town. Selectman Miller said to save the trees they would need to buy the land or encumber it with an agreement.

Public Hearing

Consideration of Amending all Existing Pole Licenses to Include Language Regarding Taxation Pursuant to RSA 72:23, and to Consider Adopting a Revised Pole and/or Conduit License Form which will include Language Regarding Taxation pursuant to RSA 72:23. This Hearing is Being Held to Determine if it is in the Best Interests of the Public Good to Amend the Pole Licenses so they are Consistent with the Property Taxation Statutes (RSA 72:23).

Select Board Regular Meeting

July 27, 2020

Mr. Joe Lessard of MRI said the purpose of this hearing is to receive input from the public or the utilities affected by the proposal, and for the Select Board to decide if it is in the public interest to change the wording to include what statutes provide for, which is taxation of the use of the Town's right-of-way for poles and/or conduit licenses, and currently tax their physical property; except for PSNH as electric company values are included and not separated out. He said most of the poles in Town are owned 50/50 by electricity/telephone; telephone company property is not taxable but their use of the Town's right-of-way is taxable if licenses for putting in those poles includes that language that allows it.

Questions: Selectman Miller asked if all Towns do this, and Mr. Lessard said all towns do once they hold the Public Hearing. He said the whole thing started in 2011 with a change in the statutes. He said currently the matter is back up to the Supreme Court in terms of some of the issues. Chairman Maggiore said the NHBA has been active in this and working with legislatures.

Vice-Chair Sununu said to clarify, we have pole licenses in place for utilities or conduits in the Town's right-of-way and we currently tax their physical property for use of those rights-of-way. He said the Town's taxation system is based on property taxes and he has an issue when they go beyond taxing physical property to taxing the use of that property. He said the Town has agreements with the owners of this infrastructure (poles) and they pay tax on that value; intrinsic in the value is its use by other companies, then tax other companies that make agreements to utilize that property. He said he has a philosophical problem with this type of tax and is not sure he can get comfortable with it.

Mr. Lessard said it is correct that we tax people for property, but there are definitions in the statutes for what is real estate that is different in New Hampshire. He said we are talking about an entity that is taxable, though the Town as the owner does not pay any tax, so the State has provided that if government allows private entities to use that property, that right ought to be taxed on the basis of the value of their ability to use it.

Chairman Maggiore opened Public Comment at 7:25 pm and invited the public to call in at 758-1447.

As no one from the public called in, Chairman Maggiore closed the Public Hearing at 7:26 pm.

Selectman Miller asked Mr. Lessard if any town in his experience had *not* adopted this measure, and Mr. Lessard said he is not aware of any town who has not adopted this after a Public Hearing and MRI provides service to about 2 dozen towns. Interim Town Administrator Tully suggested reading the motion and adding in all the names so it can be done in one motion. Mr. Lessard said it is very difficult to estimate the added tax to the Town, but it is close to \$1,500-\$15,000 in tax dollars.

Motion: I hereby move that it is in the public good to do so, that the Board of Selectmen amend all permissions/licenses previously given in any form or manner for the infrastructure of Public Service New Hampshire doing business as Eversource Energy (PSNH) (hereinafter "Eversource"); Unitil Energy Systems Inc. (hereinafter "Unitil"); Northern New England Telephone Operations, LLC doing business as FairPoint Communications-NNE doing business as Consolidated Communications (hereinafter "NNEETO"); Hudson Light and Power Department Generation; Nextera Energy Seabrook LLC; Mass Municipal Wholesale Electric; and Taunton Municipal Lighting Co Generation and to any of and all of those companies its predecessors to be located in Town highways or rights of way or public grounds, so as to impose upon all of the aforementioned companies, their heirs, successors, agents or assigns the obligation under RSA 72:23 to pay both current and potential real and personal property taxes for the use and occupation of the said Town highways or rights of way or public grounds and the obligation to pay real and personal

property taxes on structures or improvements in such Town highways or rights of way or public grounds that are added in the future by all of the aforementioned companies, their heirs, successors, agents or assigns, and to indicate pursuant to RSA 72:23, I (c), that failure of all of the aforementioned companies, their heirs, successors, agents, or assigns to pay the duly assessed real and personal property taxes when due shall be cause to terminate said permissions/licenses by the Town of North Hampton, and to sign the Amendment to Permissions/Licenses provided for that purpose.

Motioned: Chairman Maggiore

Seconded: Selectman Miller

Vote: Motion approved by a vote of 2-1

Report of the Interim Town Administrator

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

Report period July 28, 2020 to August 7, 2020: Interim Town Administrator Tully said FY2020 will stay open until September to pay invoices received; FY2021-2022 Budgets are due September 7, 2020 for Department Heads; Budget Workshop to be scheduled by Select Board mid to late September. Fire continued talks with Rye about mutual aid and sharing equipment; Philbrick Pond projects (2) included in CIP; Town Administrator to ask for power to sign wetlands permits and DOT issues at next meeting; \$50,000 available for 2 projects: (1) Cobble Weir; (2) health of the marsh.

Any other Item that may legally come before the Board

Chairman Maggiore stated that Ruth Griffen, a 100-year-old resident of North Hampton, passed away. She was the last recipient of the Boston Post Cane as oldest Town resident. Interim Town Administrator Tully said a duplicate of the Cane was made and the Town might consider recognizing the oldest person in North Hampton and passing on the Cane.

Chairman Maggiore said the Fire Department had a retirement from Lieutenant Peter Francis, who asked to leave quietly without fanfare. Interim Town Administrator Tully said Lieutenant Francis was always there when needed, and said he worked with him both as a Firefighter and as Chief. He said he is a terrific person, an excellent Fire Lieutenant, and he reluctantly agreed to stay as a call man to help with training and Dispatch. Vice-Chair Sununu said he respects his desire for lack of fanfare but wanted to thank him for his service.

Deputy Fire Chief Jason Lajoie said he cannot say anything bad about Lieutenant Francis and said he brings a little bit of everything to the table. Lieutenant Francis passed on his knowledge, was an exceptional Fire Officer and leader, and served 33 years fulltime in North Hampton plus 4 years of call and is continuing on. He thanked Pete and his family for their sacrifice.

NEW BUSINESS

11.1 Building Inspector Request for Access Clarification for Proposed Library

Building Inspector/Code Enforcement Officer Travis Murray stated that he has a permit from the Library and they have given him everything he asked them to do, including Fire Protection Engineers and Stormwater Reports. He said he just needs to know that the Town is granting them access from the old Library Parking Lot to the new Library on the Homestead.

July 27, 2020

Questions: Selectman Miller said the reason his question is being asked is because Library plans presently include land that is not permitted by Warrant Article 9. Building Inspector Murray said Library Trustees are in control of the new building, but not in control of the old building or lot when they move so they need permission from the Town, and he needs clarity on that so he can process their permit.

Chairman Maggiore said an issue was raised from the Board that went to Counsel about the limits of Warrant Article 9. He said the Library was given the right to construct on the Homestead Property (Town owned) and has funds to do so, to build exclusively on the Homestead Property. At issue was access to that property: (1) DOT curb cut (not approved), (2) access from Alden Avenue (not investigated), or (3) access through the existing parking lot which the Library proposes in their plan. They cannot use an easement from one Town-owned property to another; cannot use an easement because it conveys ownership and the Library cannot own property. He said the Town/Select Board also has two conflicting comments from Counsel: Library Counsel says access is a moot point; Select Board Counsel feels it is appropriate to grant the access in some formal way to get from one Map and Lot to another, and have something on paper.

Building Inspector Travis Murray said he does not want to grant anything that is going to cause the Town to sue itself, and needs clarity on who owns land and if access is being allowed or not.

Questions/Comments: Selectman Miller said where access is granted is a big deal, and said he has made it clear that access should be granted in front of the property and the requested access will become a permanently unsafe situation. He asked how the upgrade will be paid for because the Library cannot pay for it, and said the best way is to put this on a Ballot and convey it that way to provide funding; anything you do grant to them will be questionable and appealable to the ZBA.

Vice-Chair Sununu said he made it clear that the Library design is not his personal preference, and agrees with Larry that access and parking would be better in front, but disagrees that it creates an imminent safety issue. He said he agreed that some form of permission to access should be clarified, and said the Library has other funds in their Capital Reserve Fund. He said he would not do things the same way if he were a Library Trustee, but feels it is in the Town's best interest for the project to be completed. He said they need to move forward to authorize access, and allow Mr. Murray to issue the Building Permit.

Motion: I move to allow the North Hampton Public Library Trustees to access from the property owned by the Town of North Hampton at Map and Lot 007-145, lot where current North Hampton Library and Town Clerk buildings are located, to the property owned by the Town of North Hampton at Map and Lot 007-138, commonly referred to as the Homestead Property.

Motioned: Chairman Maggiore

Seconded: Vice-Chair Sununu

Vote: Motion approved by a vote of 2-1

Chairman Maggiore said the vote is 2 in favor and 1 opposed, Motion passes. He stated that a communication was received late today and the length of letters from Library Trustees speak to this issue just addressed which allows the Building Inspector also to move forward, and did not see the need to read through all those letters.

11.2 Discussion of NHMA Legislative Policy Process

Chairman Maggiore said every year the New Hampshire Municipal Association (NHMA), who represent every community and municipality in the State, goes through a Legislative Policy-Setting Process, and at that time delegates can go through the process and vote for different issues that NHMA will prioritize and advocate for the Legislature. He asked the Board if there were any issues they would like to submit to NHMA about new legislation. He said the process will be different this year and the Executive Committee met to decide how to do this.

Vice-Chair Sununu said once they get all this input in aggregate do they circulate all the items that will be pending at the discussion for the Board to consider their position on each item. Chairman Maggiore said they break up into 4 sub-categories with all that information sent to a particular group; the information is then prioritized within the groups who then recommend goals. Vice-Chair Sununu said with School Board delegate assemblies, the proposals that come before that organization before that meeting, designated representatives from each organization meet so they can formulate and decide. He asked if the proposals will come to the Select Board beforehand to be discussed, with the representative then voting accordingly. Chairman Maggiore said yes, and said delegates are the only ones who can vote.

11.3 Fire Department Software Request – Deputy Lajoie

Deputy Fire Chief Lajoie said the Department found a few weeks ago that their dispatch and reporting software was not compatible with Windows 10, part of the Town-wide migration, and all of their dispatch reports were not being saved. He said he looked into this with PCG who worked with Firehouse Tech Support and determined their software was not compatible and is reaching the end of its life. Short-term PCG brought back Windows 7 with added security to maintain their reporting capabilities. He said long-term other platforms are being offered from other companies.

Deputy Fire Chief Lajoie said the choices are: (1) Firehouse ESO, (2) Emergency Reporting, and (3) Red Alerts, and said Firehouse ESO offers the best solution. He said with the current company and with 18 years of data, Firehouse ESO is the only company who can migrate all their history over to the new platform. He said they need to be able to look at immediate history when a report is pulled, and said he looked at the benefits in cost as well as what programs could be provided.

Firehouse ESO: \$25,000 fee broken up over a period of 4 years. He said this is an unplanned expenditure and he needed to decide if the Department could afford this right off as and how to do that. He said Interim Town Administrator Tully said they could try to find the money in the Budget, and if not would there be a potential of finding money in the Town's IT Fund. Emergency Reporting: Reasonable cost but can't migrate all information over and does not offer all the benefits of Firehouse ESO and no advanced features. Red Alerts: Startup cost of \$26,000 and annual fee of \$5,500.

Deputy Fire Chief Lajoie said the most affordable would be Firehouse ESO with a startup cost just short of \$6,000 which he thinks can be found in the Fire Department Budget now, but not the annual cost of \$6,280 moving forward, which includes tech support and licensing fees; there will be a recurrent cost every year, just starting with a 4-year period.

Discussion: Selectman Miller asked the current costs for Firehouse, and Deputy Lajoie said the software was purchased for \$4,000 in 2002 and is currently \$915/year for tech support. Vice-Chair Sununu asked if starting costs were built into the \$6,820 and Deputy Lajoie said it was all included. Vice-Chair Sununu said to do this now the initial cost is \$5,922.05 and asked if that was plus the \$6,280. Deputy Lajoie said the annual fee will start in year 2; Vice-Chair Sununu said that would then be something they can budget for

in FY2022. Chairman Maggiore said his concern is after the 4 years they will be right back where they are now and really do not have much of a choice.

Vice-Chair Sununu said given the full migration of history plus the additional reporting requirements, it would make sense to go with Firehouse ESO, and asked the current balance in the Town's IT Fund. Interim Town Administrator Tully said the fund currently had a balance of around \$40,000. Vice-Chair Sununu said as this is not a budgeted-for expense, and given the current situation with First Responders and Public Safety, this is the kind of thing the IT Reserve Fund was set up for and suggested they approve the withdrawal of the first year's amount from the IT fund so as not to impact the Budget.

Selectman Miller asked what the load is on that Fund, and Interim Town Administrator Tully there is a load every year as the funding source is Comcast and they are shrinking. Chairman Maggiore asked if the new Firehouse ESO software was compatible with Windows 10 and will continue to be for future updates, and Deputy Lajoie said it would. He reminded the Board that this is a Cloud-based software program.

Motion: To approve the purchase of Firehouse ESO for a startup cost of \$5,927.05 and an annual cost of \$6,280, further to authorize the withdrawal for the startup funds from the Town's IT Capital Reserve Fund.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

11.4 Discussion of MS4 Program Assistance Agreement

Chairman Maggiore said this is a follow-up of the Board's discussion with Laura Diener of FB Environmental regarding the MS4 Stormwater Permit and the financial obligations they would have to continue moving forward. Interim Town Administrator Tully said the total cost for years 2020-2024 is \$38,000, to which they have proposed a contract, with about \$50,000 in that Capital Reserve Account set aside for MS4. He pointed out that in the contract, FB Environmental wants that \$38,000 as a retainer, so they want to hold our \$38,000. He said MS4 is getting more difficult every year and the Town will need their assistance in the future.

Discussion: Vice-Chair Sununu asked if the Town has any other retainer agreements, and Interim Town Administrator Tully said with attorneys. Vice-Chair Sununu said they bill monthly on time and material costs against that retainer. Interim Town Administrator Tully said he did not see the benefit to the Town with having \$38,000 tied up in a company and said it is just as logical to sign a contract to pay services as they are completed. Vice-chair Sununu suggested they go back to them and ask about revising the contract. Selectman Miller asked if this is something they could get out in the next 2 weeks, and Interim Town Administrator Tully he will work with Laura Diener and try to figure something out.

MINUTES OF PRIOR MEETINGS

Approval of the Regular Meeting Minutes of June 27, 2020

Motion: To approve the Minutes of the Regular Meeting of June 27, 2020 as presented.

Motioned: Vice-chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

Approval of the Non-Public Meeting Minutes Sessions I & II of July 27, 2020

Select Board Regular Meeting
July 27, 2020

Motion: To approve Non-Public Meeting Minutes Sessions I & II of July 27, 2020 as presented.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

Second Public Comment Session

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

No Public Comments.

Next Regular Meeting: August 24, 2020 at 7:00 pm in Town Hall.

Adjournment

Vice-Chair Sununu made a motion to adjourn the meeting which was seconded by Selectman Miller. The Motion to adjourn was approved by a vote of 3-0, and Chairman Maggiore closed the meeting at 8:30 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary