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3 **TOWN OF NORTH HAMPTON, NEW HAMPSHIRE**
4 **NORTH HAMPTON SELECT BOARD REGULAR MEETING**

5 **APRIL 22, 2019 7:00 PM**

6 **NORTH HAMPTON TOWN HALL**

7 ***DRAFT MINUTES***

8
9 SELECT BOARD MEMBERS PRESENT: Chairman Jim Maggiore, Vice-Chairman Larry Miller, Member
10 Kathleen Kilgore

11
12 ALSO PRESENT: Town Administrator Bryan Kaenrath
13

14 **AGENDA**

15
16 Chairman Maggiore welcomed everyone to the April 22, 2019 Select Board Meeting, and called the
17 meeting to order at 7:04 pm, followed by the Pledge of Allegiance.

18
19 Chairman Maggiore said at the last meeting they had recessed to finish up some Non-Public Sessions, and
20 asked for a motion to seal those minutes.

21 **Motion:** To seal the minutes of the Non-Public Sessions following the regular meeting on April 8, 2019.

22 **Motioned:** Selectman Miller

23 **Seconded:** Selectwoman Kilgore

24 **Vote:** Motion approved 3-0
25

26 Chairman Maggiore stated that there were also Non-Public Sessions on April 12, 2019, and by unanimous
27 vote of the Board the Town Administrator was asked to act on the decisions of the Board and he was
28 moving ahead, and he asked for a motion to seal those minutes.

29 **Motion:** To seal the minutes of the Non-Public Sessions of April 12, 2019.

30 **Motioned:** Selectman Miller

31 **Seconded:** Chairman Maggiore

32 **Vote:** Motion approved 2-0, with 1 abstention
33
34

35 ***Disclaimer –These minutes are prepared by the Recording Secretary within five (5) business days as required by***
36 ***NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.***

37
38 ***A recording of the meeting can be found at: http://www.townhallstreams.com/towns/north_hampton_nh, and***
39 ***a DVD recording is available at the North Hampton Town Administrative Offices, 233 Atlantic Avenue, North***
40 ***Hampton, New Hampshire 03862.***

41

42 **First Public Comment Session**

43

44 Bill Gosselin of Maple Road said at the last Select Board meeting he had asked Selectwoman Kilgore to
45 investigate how the Lamprey Conservation Easements were lost and did not receive a reply. Chairman
46 Maggiore said it was slated as an agenda item under New Business for a full discussion, and he would
47 move it up to the first topic.

48

49 Mr. Gosselin said a website was developed and a letter of complaint was posted there that the
50 Conservation Commission refused to read at their April 9th meeting, which stated that the Conservation
51 Chairman was wrong in his actions to come to an agreement with the owner without the Conservation
52 Commission being informed. He said the barn was being used by Mr. Perkins for private parties, but the
53 easements were donated to the Town and its visitors by Morris Lamprey in 1993. He said State Law
54 requirements were violated by Town offices that caused the permanent forfeiture of the gift, and by law
55 this must be investigated.

56

57 **Consent Calendar**

58 3.1 Payroll Manifest of 04/11/2019 in the amount of \$202,722.40

59 3.2 Payroll Manifest of 4/18/2019 in the amount of \$67,273.73

60 3.3 Accounts Payable Manifest of 4/19/2019 in the amount of \$1,113,214.59

61 3.4 Abatement Application

62 3.5 Abatement Application

63 3.6 Abatement Application

64 3.7 Abatement Application

65 3.8 Abatement Application

66 3.9 Abatement Application

67 3.10 Abatement Application

68 3.11 Veteran Tax Credit Application

69 3.12 Disabled Tax Credit Application

70 3.13 Elderly Exemption

71

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

73 **Motioned:** Selectman Miller

74 **Seconded:** Selectwoman Kilgore

75

76 Discussion: Selectwoman Kilgore said Abatements 3.4-3.10 were the first abatements since the
77 revaluation, and asked if there was any concern about where they were with regard to the overlay.
78 Chairman Maggiore said that would be part of the input they would get from Ryan Cornwell on where
79 they stand with the overlay. Selectman Miller said unless they were not going to allow those abatements
80 to go forward, the overlay was part of the Budget set aside for this purpose. Selectwoman Kilgore said her
81 concern was more to the quality of the revaluation services provided and whether they were accurate.

82

83 Town Administrator Kaenrath said he would find out the overlay numbers, and use an analysis done by
84 the DRA to double check. Chairman Maggiore asked that he circulate that to the Board, and if it warranted
85 further discussion they could make that decision based on the rates.

86

87 **Vote:** Consent Calendar approved 3-0

88

89 **Correspondence**

90 *A copy of the Correspondence will be attached to these minutes.*

91

92 Chairman Maggiore addressed the **Correspondence** from *Conservation Commission Chairman Lisa Wilson*
93 **dated April 16, 2019** and read the letter in full. He said it was in regard to the Little River 2018 Investigative
94 Report conducted by FB Environmental Associates, with recommendations to address potential sites of
95 water contamination. The letter said enough data was presented for the Select Board and the Health
96 Officer and Building Inspector to immediately investigate the 3 sites recommended in their report, and to
97 contact NHDES to begin testing during wet and dry conditions to verify the results of FB Environmental
98 and seek immediate remedial action where high levels of fecal bacteria were found.

99

100 Chairman Maggiore said at the Select Board meeting of March 11th they discussed FB Environmental
101 Water Quality Monitoring, and said the cost for action at that time was \$9,993.00, which was budgeted.
102 Town Administrator Kaenrath said the FB Environmental Contract for the year was also still pending.

103

104 Lisa Wilson, Chairman of the Conservation Commission, said she had suggested that the Town might save
105 money by contracting with NHDES to test those sites in wet and dry conditions to verify the FB
106 Environmental results, and said there were other pollution sites that needed to be retested. Town
107 Administrator Kaenrath asked if she was recommending the Town contract with NHDES for this year, and
108 Ms. Wilson suggested holding off on the contract until the results could be verified.

109

110 Selectman Miller said the NHDES had other things to consider and asked how long they were willing to
111 wait. Ms. Wilson said they needed to identify the exact location and have the Building Inspector go to the
112 homeowner to see if the septic system was working properly. She said the Conservation Commission
113 wanted to investigate this quickly as the information was received in September of 2018 and they needed
114 to find the source. Chairman Maggiore said they could table the decision until the next Select Board
115 meeting so the Town Administrator could get a query out to NHDES with the Conservation Commission.

116

117 Ms. Wilson said FB Environmental did not typically go on private property and asked what could be done
118 immediately as she thought the Town would have to be the authorizing agent. Chairman Maggiore
119 suggested they find out the limits of their authority for the Code Enforcement Officer on getting on private
120 property and inspecting septic systems, and see if NHDES could work according to her recommendations.
121 He said they could come back to this in 2 weeks with a report on what they could do and how quickly, and
122 he would also contact FB Environmental and DES to see what was in the realm of possibilities.

123

124 **Motion:** To table the discussion of Water Quality Monitoring until the May 13th Select Board Meeting.

125 **Motioned:** Chairman Maggiore

126 **Seconded:** Selectwoman Kilgore

127 **Vote:** Motion approved 3-0

128

129 **Committee Updates**

130

131 Selectwoman Kilgore said the *Economic Development Committee* had not met since their last meeting,
132 and the next meeting was scheduled for May 1, 2019.

133

134 Chairman Maggiore said the *Heritage Commission* met last week and there were several action items they
135 were following up on. He said the first was with regard to Certified Local Government and following up
136 with Vicki Jones to get more information on that, and the second was to have all the Heritage Commission

137 documentation and information stored or available on the Town website. He said they would be working
138 with Cynthia Swank to put enough information together for an RFP to go out to PCG to find out how this
139 information could be processed. Selectwoman Kilgore said that justified their need to move forward on a
140 Document Management System.

141

142 Chairman Maggiore stated that the *Water Commission* had not met.

143

144 Selectman Miller stated that the *Budget Committee* had not met since their last meeting.

145

146 Selectman Miller said at some point he wanted to discuss the newspaper article by Ms. Kilgore, in which
147 she stated that she believed Miller and Maggiore showed sexism in their demeanor and reasoning when
148 they turned her down as Chairman of this Board, and she also believed political differences on Town issues
149 played a part. Selectwoman Kilgore said she was approached by the paper, and stated that she felt their
150 interactions with her at the last meeting were dismissive when she asked to be Chair and she questioned
151 the reasoning. She said she did not recall using the word "sexist", and said she was not asked if she could
152 handle the workload. Selectman Miller said that was not part of the discussion and said it was about
153 leadership. He said he was sorry this had happened and Selectwoman Kilgore said she did not feel she
154 needed to apologize for being dismissed.

155

156 **Report of the Town Administrator** – Bryan Kaenrath

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

158

159 Town Administrator Bryan Kaenrath said with regard to Finance that with 11 weeks left in the fiscal year,
160 approximately 21% of the Budget was remaining with a projected surplus of approximately \$480,000. He
161 said the Emergency Operations Plan rewrite was underway and there was a vacancy in the Fire
162 Department they were advertising for. He said as far as Facilities, he had spoken with John Schnitzler and
163 he anticipated completing the more critical items this year. He said he met with MDCOM and had some
164 quotes for phone upgrades, and said spring cleanup projects were underway and the Recycling Center
165 roof had been done.

166

167 Town Administrator Kaenrath recommended that with regard to the Document Management System they
168 try to set up a Workshop or add it to the upcoming agenda to pick a company and decide how they wanted
169 to implement this. Selectwoman Kilgore suggested they ask Shaun Mulholland to be at the meeting to
170 provide expertise, and Chairman Maggiore said if they could circulate dates he would contact him. Town
171 Administrator Kaenrath said he also wanted to schedule their Goal-Setting Workshop session in the next
172 few weeks, and said he would circulate an email with dates for both.

173

174 Questions: Chairman Maggiore said under Elections he did get the response back from Sue Buchanan and
175 they had 1,081 voters on Election Day which equaled a 26% turnout. Selectwoman Kilgore said she had a
176 note from the last meeting that they would have a draft RFP for Wage Range at this meeting. Town
177 Administrator Kaenrath said they talked about just circulating it by email, and he would try to get it by
178 this week.

179

180 Chairman Maggiore asked if they could ask Public Works Director John Hubbard about the NHDOT
181 response to Route 1 paving or repaving and what their plan was. Town Administrator Kaenrath said he
182 spoke with him recently and he did not have an update. He said they would be starting in Portsmouth and
183 Rye and coming all the way down this year. Selectwoman Kilgore said Atlantic Avenue was already full of
184 cracks after only 1 year, and Town Administrator Kaenrath said they had just done an overlay.

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Items left on the Table

United Church of Christ Request for Community Collaboration

Chairman Maggiore said two meetings ago Pastor Gelsamini sent a request asking how the church might be able to cooperate on some of the programs they offered. He said they discussed how they might do this without opening the door for everyone to be included. He asked the Board if there was any possibility for the United Church of Christ to put any information out for non-religious events.

Selectman Miller said there must be some examples of other towns that have dealt with this issue, and asked if NHMA might know. Chairman Maggiore said he did not have an answer on whether there was a best practice. Selectwoman Kilgore said at the Trustees Meeting for the Library they talked about working with community organizations to open the lines of communication. She said the church had access to the Community Newsletter, and said other towns have town criers that advertise everything.

Chairman Maggiore said his reaction to the request to use the Town website was to not allow the posting of information for the church at this time, but to continue to look for ways to be inclusive and said it could be one of their goals. Town Administrator Kaenrath said they did have the Community Newsletter which the church was already a part of, and they could put links in Friday Folders. Selectman Miller said he would still like to have answers, and Chairman Maggiore said he would include NHMA members in the discussion.

NEW BUSINESS

Discussion of Lamprey Easement Complaint

A copy of all Documents presented by Chairman Maggiore will be attached to these minutes as an Appendix.

Chairman Maggiore said at the last Select Board meeting Mr. Gosselin had asked if the Board would appoint Selectwoman Kilgore to investigate the theft of North Hampton’s Conservation Easements. He said he had gone to the Director of Easement Stewardships, the Society for the Protection of NH Forests, NHMA, and the Attorney General’s office and spoke with the Assistant Director of Charitable Trusts. He stated that he would ask Town Administrator Kaenrath to include all of these documents as an appendix to the minutes.

Chairman Maggiore said looking into the past of whether there have been any violations of the easement, no violations have been found. The Charitable Trust Unit (CTU) concluded that the decision of the Conservation Commission was well-supported by the language of the easement, and chose not to take any action. He said he then spoke with Barbara Richards at the New Hampshire Association of Conservation Commissions (NHACC) and asked about a citizen making a request, and was told they would need evidence of malfeasance or some intentional act that someone did something wrong.

Chairman Maggiore stated that they did not have that evidence as concluded by the Charitable Trusts or by the NHACC, and he went again to Terri Knowles who said the authority for investigating alleged violations of terms of easement were bifurcated by the easement holder and the Attorney General. He said Mr. Gosselin sent an email to the easement holder the Conservation Commission to investigate the matter and they found no violation of the terms of the easement. Chairman Maggiore concluded that the matter needed to be filed with the Attorney General’s office.

233 Bill Gosselin said he had proof that someone had done something wrong in an email from the former
234 Conservation Commission Chairman who admitted he was to blame for what happened on the
235 conservation property. Mr. Gosselin stated that the issue was that Town offices violated the law by
236 entering into an agreement with a resident in order to take the easement and give it to the owner.

237
238 Chairman Maggiore said Mr. Gosselin was free to raise these issues to the Select Board but that the
239 Conservation Commission had reviewed the matter and chose not to take any action. Mr. Gosselin said
240 he was asking for an investigation into why the law was broken and the easements were lost, and said he
241 felt the Select Board had the right to ask the Attorney General for an investigation. Chairman Maggiore
242 said they all agreed it needed to go to the Attorney General but there was no evidence for the Select
243 Board to be involved in an investigation.

244
245 **Discussion of Select Board Committee Appointing Policy Draft**
246 Chairman Maggiore stated that Administrative Assistant Jan Facella put together the history and make-
247 up of each board and commission and came up with a proposed draft policy. Selectman Miller said there
248 should be 3 lines for signatures and a date, as well as total pages. Chairman Maggiore asked that they all
249 review this and come back with suggestions so it could be distributed to all boards and commissions, and
250 Selectwoman Kilgore said it should be on the May 13th agenda

251
252 **Appointments to the Recreation Commission**
253 Chairman Maggiore said the Recreation Commission charge was for 7 members, with one member from
254 the North Hampton Youth Association. Selectwoman Kilgore said they had 2 openings, and asked that
255 member terms of expiration be listed on the website.

256
257 **Motion:** To appoint Jane Morse, Martin Tavitian, and Chris Poppalardo to the Recreation Commission.
258 **Motioned:** Selectman Miller
259 **Seconded:** Selectwoman Kilgore
260 **Vote:** Motion approved 3-0

261
262 **Appointments to the Agriculture Commission**
263 Chairman Maggiore said the Agriculture Commission should have not less than 3 and not more than 7
264 members, with no more than 5 alternate members. Town Administrator Kaenrath read the nominations.

265
266 **Motion:** To appoint Joan Ganotis, Hank Brandt, Lisa Cote (alternate), Walter Nordstrom (alternate), and
267 Audrey Prior to 3-year terms on the Agriculture Commission.
268 **Motioned:** Selectman Miller
269 **Seconded:** Selectwoman Kilgore
270 **Vote:** Motion approved 3-0

271
272 **Appointments to the Heritage Commission**
273 Chairman Maggiore said the Heritage Commission was charged with not less than 3 members and not
274 more than 7 members, with not more than 5 alternates. Town Administrator Kaenrath read the
275 nominations and terms.

276
277 **Motion:** To appoint Cynthia Swank, Jeff Hillier (alternate), Vicki Jones (alternate), and Carol Seeley to the
278 Heritage Commission.
279 **Motioned:** Selectwoman Kilgore
280 **Seconded:** Selectman Miller

281 **Vote:** Motion approved 3-0

282

283 **Appointments to the Rockingham Planning Commission**

284 Chairman Maggiore stated that the members of the Rockingham Planning Commission were nominated
285 by the Planning Board.

286

287 **Motion:** To approve the nominations from the Planning Board of Lauri Etela, Phillip Wilson, and Josh
288 Jeffrey (alternate) as members of the Rockingham Planning Commission.

289 **Motioned:** Selectman Miller

290 **Seconded:** Selectwoman Kilgore

291 **Vote:** Motion approved 3-0

292

293 **Appointments to the Ethics Committee**

294 Selectwoman Kilgore was appointed as Select Board representative to the Ethics Committee at the last
295 meeting.

296

297 **Appointments to the Conservation Commission**

298 Chairman Maggiore said the commission was charged with no less than 3 members and no more than 7
299 members appointed by the Select Board.

300

301 **Motion:** To appoint Kathy Grant, Philip Thayer and Frank Arcidiacono as members of the Conservation
302 Commission.

303 **Motioned:** Selectwoman Kilgore

304 **Seconded:** Selectman Miller

305 **Vote:** Motion approved 3-0

306

307 Selectman Miller asked about Chuck Gallant who had expressed interest in an email, and Chairman
308 Maggiore asked that the email be forwarded to Lisa Wilson for consideration and to the Town
309 Administrator.

310

311 **Appointments to the CIP Committee**

312 Chairman Maggiore said the CIP Committee was organized under RSA and was amended by a warrant in
313 2015 to add a representative from the Library Trustees.

314

315 Nancy Monaghan stated that all of the eight (8) candidates for the Capital Improvement Planning
316 Committee were nominated by their boards. She said it included 3 citizen members, one appointment by
317 the Select Board, one from the Budget Committee and one from the Planning Board, and said the Select
318 Board needed to appoint all 8 of the nominations.

319

320 **Motion:** To appoint Nancy Monaghan (Planning Board), Scott Baker (School Board), Rick Stanton (Budget
321 Committee), Larry Miller (Select Board), Jacqueline Brandt (Library Trustees), Planning Board Citizen
322 member Cynthia Swank, Budget Committee Citizen member Clifford Jones, and Select Board Citizen
323 member Chuck Gallant.

324 **Motioned:** Selectman Miller

325 **Seconded:** Selectwoman Kilgore

326 **Vote:** Motion approved 3-0

327

328 **Appointments to the Economic Development Committee**

Select Board Regular Meeting

April 22, 2019

329 Chairman Maggiore said there was a lapse in the meeting due to a technical glitch. He said they were
330 discussing whether the membership of the Economic Development Committee should be capped or
331 remain as is with an unlimited number of members.

332
333 Selectwoman Kilgore said she had concerns about quorums in order for the core of the committee to work
334 efficiently and felt it should stay at its current size of 11 members. She said there were currently 2
335 vacancies and one more coming in July, and said all the members were approved for 1-year terms.
336 Chairman Maggiore said with the original charge there should be 1 member of NHBA, a member of the
337 Planning Board, and a Heritage Commission and Select Board member, and they currently had 4 names
338 for 2 positions. Town Administrator Kaenrath said the applicants were Donna Etela, Laurel Pohl, Jeff Hillier,
339 Jonathan Pinette, and Richard Luff.

340
341 Chairman Maggiore said if they were capping the membership they had 2 openings, and if not they had 5
342 people, and said the recommendation from NHMA was to vote to approve the members. He said he was
343 in favor of capping the committee at 11 members.

344
345 **Motion:** To cap the Economic Development Committee at 6 citizen members.

346 **Motioned:** Selectwoman Kilgore

347 **Seconded:** Chairman Maggiore, for discussion

348 Discussion: Selectwoman Kilgore said she agreed on capping the committee as they would need to put a
349 quorum together for each meeting in order to do any business. Chairman Maggiore said he felt having an
350 unlimited number of members would be inefficient, and he felt the EDC was making progress and should
351 continue with the current number. Selectman Miller said the motion should list the people, and the
352 **motion and second were withdrawn.**

353
354 **Motion:** To confirm that the EDC be composed of 1 Select Board member, 1 Planning Board member, 1
355 Heritage Commission member and 2 NHBA members with 6 citizens-at-large for a total of 11 members,
356 all elected for a 1-year term.

357 **Motioned:** Selectwoman Kilgore

358 **Seconded:** Selectman Miller

359 **Vote:** Motion approved 3-0

360
361 **Motion:** To nominate Jeff Hillier and Jonathan Pinette to serve on the Economic Development Committee.

362 **Motioned:** Selectman Miller

363 **Seconded:** Chairman Maggiore, for discussion

364 Discussion: Selectwoman Kilgore asked how they were going to address the other 3 applicants. Chairman
365 Maggiore said Laurel Pohl still had complaints filed against the Town with the Attorney General's office,
366 which was a concern. Selectwoman Kilgore stated that Audrey Prior was interested and would be
367 graduating from UNH with Planning Education, which would be an asset to the EDC.

368 **Vote:** Motion approved 2-1

369
370 **Acceptance of the Minutes of Prior Meetings**

371
372 **Approval of the Minutes of the Regular Meeting of April 8, 2019**

373 **Motion:** To approve the Regular Meeting Minutes of April 8, 2019 as presented in the packet.

374 **Motioned:** Selectwoman Kilgore

375 **Seconded:** Selectman Miller

376 **Vote:** Minutes approved 3-0

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Any Other Item that may legally come before the Board

Second Public Comment Session

Lisa Wilson, Chairman of the Conservation Commission, said she wanted to address comments made by Mr. Gosselin. She stated that the Conservation Commission did not fail to investigate the complaint, and said the complaint was received by email on March 11th, the chairman had contacted the owner, and the Conservation Commission met on March 12th. She said at that meeting neither Mr. O’Kane nor Mr. Gosselin were present to discuss their concerns, and said just because Mr. Gosselin said a breach had occurred did not mean that it had.

Ms. Wilson said soon after the meeting, Mr. O’Kane wrote a letter to the editor saying the Conservation Commission had failed to investigate the matter. She said the characterization of the Lamprey Barn as a “party barn” was a gross misrepresentation. She said the language of the Lamprey Easement classing the property as agriculture could include a non-commercial recreational activity. She said the land was privately held on a Conservation Commission Easement, and it would remain conservation land in perpetuity. She said she was saddened that this had occurred, and said if Mr. Gosselin was not happy with the decision of the Conservation Commission he could go to the Attorney General.

George Chauncey said at the last Select Board meeting it had come up several times that Selectwoman Kilgore was not considered because of workload, and said he found that hard to swallow as it did not seem like a valid reason. He said he also found it hard to swallow that Selectman Miller had asked her to apologize for an article in the paper, and felt the Select Board was being disrespectful.

Laurel Pohl said she had some concerns about the process for nomination in the packet, and said the criteria for evaluating needed to define what that criteria would be or whether they performed adequately. She said there also seems to be a practice in Town that does not coincide with the policy as proposed, and said there was a link on the Town website were you could click on what you wanted to volunteer for and why, but nothing was said about that process.

Ms. Pohl stated that the approach of Mr. Miller towards Ms. Kilgore this evening was clearly of malicious intent. She echoed what George Chauncey said about workload, and said that Ms. Kilgore had explained why she felt justified to be Chair. The Board said they picked the best for the Town but there was no criteria, and she felt the behavior of Mr. Miller this evening convinced her they were sexist.

Phil Wilson said he was reluctant to step into the controversy over the EDC membership, and said he thought it would be important for the Select Board to go on record saying that all members of the EDC plus the residents of the Town, as there was an effort by EDC to consider members that were not residents but were members of the community. He also felt restricting the EDC to 11 members would be a serious mistake because it was a committee to represent the Town.

M. Wilson stated that while he was on the Select Board, they voted to put Jim Maggiore in as chair, and a third Select Board member felt that they were entitled to be chair and resigned from the Board as a result of the vote. He stated that the RSA says the majority of the Select Board members should be competent on all matters. He said there was no criteria for the chair other than 2 of the 3 members voting, and said starting a practice of having a debate about qualifications was divisive and destructive. He said a nomination was made and 2 votes carry the day.

Select Board Regular Meeting
April 22, 2019

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John Savastano, Director of Channel 22, said they were back on the air and needed to reconstruct what happened. He said Podcasts were a quick and simple way to reflect what was going on in Town and with a community angle to it. He said they would be scheduling guests and adding notes about everything going on in Town.

Next Meeting: The next regular Select Board Meeting is scheduled for Monday, May 13, 2019.

Adjournment

Chairman Maggiore adjourned the meeting at approximately 9:31 pm

Respectfully submitted,

Patricia Denmark, Recording Secretary

DRAFT