



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

JULY 13, 2020 7:00 PM

NORTH HAMPTON TOWN HALL

Approved July 27, 2020

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

ALSO PRESENT: Interim Town Administrator Michael Tully, Public Works Director John Hubbard, Police Chief Kathryn Mone, Building Inspector Travis Murray, Frank Arcidiacono of Conservation Commission, Joseph Lessard of MRI,

AGENDA

Chairman Jim Maggiore welcomed everyone to the July 13, 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 1 hour of Non-Public with no motions made.

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

- 5.1 Payroll Manifest of June 25, 2020 in the amount of \$87,858.86
- 5.2 Payroll Manifest of July 2, 2020 in the amount of \$89,060.43
- 5.3 Payroll Manifest of July 9, 2020 in the amount of \$244,233.00
- 5.4 Accounts Payable Manifest of June 25, 2020 in the amount of \$99,169.36

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.

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- 5.5 Accounts Payable Manifest of July 1, 2020 in the amount of \$1,409,815.41
- 5.6 Accounts Payable Manifest of July 9, 2020 in the amount of \$333,151.28
- 5.7 Approval of Land Use Change Tax
- 5.8 Signature of Cemetery Deed
- 5.9 Approval of Abatement Application
- 5.10 Approval of Abatement Application
- 5.11 Approval of Abatement Application
- 5.12 Approval of Abatement Application
- 5.13 Approval of Notice of Intent to Cut Wood & Timber
- 5.14 Approval of Notice of Intent to Cut Wood & Timber

Motion: To accept the Consent Calendar as emended (Item 5.14 added).

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 Nancy Monaghan, dated July 3, 2020

Chairman Maggiore read the letter, addressed to Library Trustees and the Select Board, in full, which expressed concern about using the existing Library/Town Clerk parking lot as an access road to the new Library; referenced the Town Master Plan Vision Statement ensuring coordination of all Town departments for use of facilities to strengthen the municipal complex; and asking that Trustees support the Etela Plan which addresses access and safety issues and provides more parking.

Correspondence from North Hampton Professional Firefighters Local 3211, dated June 22, 2020

Regarding the contract between the Town of North Hampton and Professional Firefighters of North Hampton Local 3211 set to expire June 30, 2021, and their plans to begin negotiations for a Warrant on the March 2021 Ballot.

Chairman Maggiore said the Town usually responds to the letter in acknowledgement and the Attorneys contact each other; the Board will set up a team at the next meeting. Interim Town Administrator Tully said the attorney was already looking to plan this for fall.

Correspondence from Virginia Peletsky, dated June 22, 2020

Chairman Maggiore read the letter in full, praising the Department of Public Works for their work on Stevens Road, especially the "HUB crew".

Correspondence from Jane Boesch, dated July 8, 2020

Chairman Maggiore read the letter in full re: Clearing the Record. The letter stated that comments made by George Chauncey at the June 25, 2020 Library Public Hearing that the "majority" of people who spoke or sent comments were members of Step Up North Hampton were erroneous and said 73% were NOT Step Up members; he was also wrong to chastise citizens who express their beliefs.

Committee Updates

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Selectman Miller said the first *Economic Development Committee* meeting will be held Thursday June 16th at 5:00 pm as a Zoom meeting.

Chairman Maggiore said the *Heritage Commission* will meet in the Mary Herbert Room Thursday at 9:30 am by Zoom, and the *Water Commission* has not met.

Selectman Miller said the *Budget Committee* has not met and the next meeting will be in August, probably with Little Boar's Head.

Report of the Interim Town Administrator

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

Report Period: June 23, 2020 to July 10, 2020

Interim Town Administrator Tully said the Town ended FY2020 with approximately \$240,000 remaining and he will keep the Board updated as Finance Director Cornwell will be paying outstanding invoices up until September. Police Department: Administrative Assistant has resigned and they have posted the Deputy Chef position; Fire Department: Fire Chief position posted, closes July 31, 2020, hope to have filled by August.

Town Hall: Therrien and Mr. Schnitzler working out schedule with a mid-August start date; truck damaged soffit of building and Mr. Schnitzler is assessing cost to repair; looking to assess the Bell for any repairs or needed cleaning and have Phil Davanza check the clock; coordinating project to ensure nothing forgotten.

Library: Ron Lamarre met with Fire Department; job supervisor met with Town Administrator re construction trailer. Vice-Chair Sununu asked if the Library or their contractors spoke with the Department of Public Works about traffic safety and maintenance; Interim Town Administrator Tully said they had not. Town Offices & Town Clerk's Office have reopened with social distancing guidelines in place. Philbrick Pond Public Hearing at end of summer.

NEW BUSINESS

10.1 Discussion of Public Hearing on Utility Poles – Joseph Lessard, Municipal Resources Inc, (MRI)

Mr. Lessard explained statute RSA-72:23 which provides that any agreement for use of Town property shall contain the language for the payment of taxes for the use of said property and the Town would need to hold a Public Hearing if they change the language in pole licenses to determine if it is in the Town's best interest to tax them. He said the other statutes cover telegraph and other companies in highway and their ability to use Government rights-of-way and be licensed to do so.

Mr. Lessard said some issues have been sent to Superior Court and have been in litigation at least 10 years, but it is clear towns have the right to tax and must have specific wording in the license. North Hampton licenses do not have that wording and a Public Hearing will need to be held to consider and discuss whether or not it is in the public interest.

Questions: Selectman Miller asked if he was talking about the utility poles, and Mr. Lessard said not the poles themselves, but the fact they are on your property, taxing the value of their ability to use your property, which includes any service or underground conduits. He said some of the individual agreements are included in franchise agreements, but every company will need to be notified of the Public Hearing.

Interim Town Administrator Tully said he asked MRI to come in and discuss this so the Board could decide whether they want a public hearing scheduled.

Selectman Miller asked how to establish a value of that in order to tax it, and Mr. Lessard said they have to look at the market, and said pole companies have leases to other companies to use their poles and the income data can be used to assess a value to be divided up amongst all users.

10.2 Discussion of Philbrick Pond – Public Works Director John Hubbard and Frank Arcidiacono, Conservation Commission

Interim Town Administrator Tully said Mr. Arcidiacono had taken the lead with others to push the Philbrick Pond Project forward; a letter for signatures to support a Coastal Resiliency Grant Application by the Nature Conservancy for help with funding is enclosed. He said they will provide an update on where we are and note a few areas that may pose a problem moving forward; a Public Hearing should be held.

Frank Arcidiacono of the Conservation Commission said a few years ago a Philbrick Pond Saltmarsh Drainage Evaluation Study was completed recommending two items for the Town to move forward with to improve the health of the marsh. He said the Select Board agreed last year to support this project without committing to funding.

Mr. Arcidiacono said the first part of the project is the culvert area on the westerly side of Ocean Boulevard at the pond entrance with a design plan to improve tidal range by changing the entrance to the culvert, removing the current cobble weir which is higher than the invert of the main culvert under Ocean Boulevard, and replace with a pre-cast concrete slab at the same elevation as the invert and pitching down to the trolley berm culvert. He said Nature Conservancy provided a grant to fund the design work done by CMA Engineers.

Mr. Arcidiacono said owners on either side of Philbrick Pond have been notified and found the change acceptable asking only that construction be started after the summer season; if both are in agreement the only access will be through their properties. Also, DOT has indicated they want the Town to take responsibility in perpetuity for the maintenance, but implications are not known on whether DOT will hold the Town responsible for any future issues that may arise. He said the Nature Conservancy has applied to a private foundation for a grant to fund the construction phase, then go out to bid for costs and address the possibility of additional funding being needed.

Mr. Arcidiacono said the second part of the project is the restoration of the marsh itself. He said after completion of the first part of the project the marsh will have more tidal range, so hydrology of the marsh should be improved with better flow of water. He said as yet there is no definite plan and recommended a plan be in place before the Public Meeting on the marsh restoration. He said there is a third Coastal Resiliency Grant the Nature Conservancy will apply for which needs to be in before the end of this month, which is the letter for the Board to sign tonight. A team has been assembled to come up with a plan, then have the Public Meeting, then discuss funding.

Questions: Selectman Miller said the idea is to increase the flushing and asked if the Board would be looking to put in some kind of runnelling to allow standing water to leave. Mr. Arcidiacono said yes and explained that runnelling is narrow ditching about 6 inches deep to replace current ditches, which have caused marsh degradation, with little channels to reach more areas of the marsh and move water more within the marsh.

Interim Town Administrator Tully said he drafted a letter to support the grant application and asked DPW Director John Hubbard to help address possible long-term effects of the State requirement that the Town take ownership on maintenance. Chairman Maggiore asked if DOT would be willing to explain what the maintenance would be and what it means.

Director Hubbard said he believes this is a title issue and will affect everyone involved with the water that comes into that marsh, abutters and anyone with property affected by it. He said water also flows into the marsh from Rye and other areas that would be affected by tidal flow, and said he was apprehensive to take the liability of future maintenance on that section, especially Route 1A. He said at some point NH DES will look to the Town to take that entire marsh over and maintain it. Mr. Arcidiacono said the entire marsh is privately owned.

Interim Town Administrator Tully said he has not seen any wording yet from the State, and was just giving the Board a heads up so they are aware, and would continue moving forward with the grant. Chairman Maggiore asked if the Town should have some type of cooperative agreement with Rye about liability, and Director Hubbard said possibly. Procedural issues will need to be addressed by Mr. Bennett at some point before they go ahead with the Department Project.

Motion: To approve the letter of support for the Grant Application as drafted.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

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

10.3 Code Enforcement Policies & Procedures – Building Inspector Travis Murray

Chairman Maggiore said several meetings ago the Board discussed how complaints coming into the Town will be handled. Interim Town Administrator Tully said Mr. Murray put together this policy but it was late getting out because of computer problems. Vice-Chair Sununu said he did not have time to read it today and suggested it be postponed until the next meeting and provide any feedback in the interim.

Building Inspector Travis Murray said this was put together because their policy is not written down anywhere and said most complaints are written complaints. He provided a basic outline of what Code Enforcement is for and why it is done based on their current procedures. Chairman Maggiore said to summarize, written complaints are requested so there is a basis on which to act, then a file created with transparency for both parties. Building Inspector Murray added that it also does not limit him to act on his own behalf. He asked the Board to email changes to him, and let him know if they want more detail in the policy.

10.4 Acceptance of Police Department Grant Pursuant to RSA 21-P:43

Police Chief Kathryn Mone said the Police Department submitted a grant application on May 5, 2020 to the Department of Justice for funding through Coronavirus Emergency Supplemental Funding Program and did receive the requested \$15,305 in funds for 2 items: \$305 for a thermometer, and \$15,000 for the mobile messaging board.

Selectman Miller asked if they needed a Public Hearing to accept more than \$10,000, and Chairman Maggiore said they do but under RSA 21-P:43 this is considered an emergency situation. Interim Town

Administer Tully said also the statute allows Emergency Management to accept funds not covered in other statutes.

Motion: That the Town of North Hampton, NH, under the authority of NH RSA 21-P:43, accept funds and enter into a grant agreement with the New Hampshire Department of Justice in the amount of \$15,305. Further, the Select Board empowers Michael Tully, Town Administrator, and Kathryn Mone, Chief of Police, as designated signing authorities for the Town of North Hampton in pursuit of these funds.

Motioned: Chairman Maggiore

Seconded: Vice-Chair Sununu

Vote: Motion approved by a vote of 3-0

10.6 Appointments to the Economic Development Committee

Letter dated July 8, 2020 from Richard Luff, Chair of the Economic Development Committee, asking that 7 current members of the Committee be reappointed for one more year expiring March 2021: David Ciccalone, Richard Luff, Glenn Martin, Jonathan Pinette, Les Stachow, Gary Stevens, and Jeff Hillier.

Interim Town Administrator Tully said several others have shown interest in being on the Committee: Bill Kibbe, Maryann von Jess, and Tom Muldowney as well as Frank Ferraro and Laurel Pohl. He said some are representatives of a board and some are community members; other standing members are Renee Locke, Business Association Rep, Phil Wilson, Planning Board Rep, and Select Board Rep Larry Miller.

Motion: To approve the Economic Development Committee members as presented by Mr. Luff.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

10.5 Appointments to the Agriculture Commission

Letter dated June 24, 2020 requesting the appointment of Cindy Jenkins as Alternate Member of the Agriculture Commission, term to expire March 2021.

Motion: To appoint Cindy Jenkins as Alternate to the Agriculture Commission, term to expire March 2021.

Motioned: Selectman Miller

Seconded: Vice-Chair Sununu

Vote: Motion approved by a vote of 3-0

10.7 Discussion of Future Assessing Needs

Interim Town Administrator Tully said the Town currently uses Municipal Resources, Inc (MRI) to meet assessing needs and has a long working relationship with the company and are currently at the end of their contract. He said MRI agreed to take the Town's contract for 2 more months at no increase while they decide the Board's direction. He said there are other options out there, which may involve changing and paying for new software. He said MRI presented 2 proposals: a 1-year contract with 2%, or a 3-year contract with no increase the first year which would take them to the next Town revaluation.

Vice-Chair Sununu said he appreciates the 2-month extension, but feels reluctant to approve without going out to RFP for a signed contract. Selectman Miller asked if the 2-month MRI extension would be

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long enough, and Interim Town Administrator Tully said MRI would probably extend that if they were interested in a longer process.

Motion: Move to instruct the Town Administrator to put together an RFP for Assessing Services to be put out to bid.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

Interim Town Administrator Tully said he had already signed the MRI 2-month extension.

MINUTES OF PRIOR MEETINGS

Approval of the Regular Meeting Minutes of June 22, 2020

Motion: To approve the Minutes of the Regular Meeting of June 22, 2020 as presented.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

Approval of the Meeting Minutes of June 25, 2020

Motion: To approve the Meeting Minutes of June 25, 2020.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

Approval of the Meeting Minutes of June 30, 2020

Motion: To approve the Meeting Minutes of June 30, 2020 as presented.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

Approval of Non-Public Meeting Minutes of June 8, 2020

Approval of Non-Public Meeting Minutes of June 16, 2020

Approval of Non-Public Meeting Minutes of June 23, 2020

Approval of Non-Public Meeting Minutes of June 24, 2020

Approval of Non-Public Meeting Minutes of June 23, 2020

Approval of Non-Public Meeting Minutes of June 24, 2020

Approval of Non-Public Meeting Minutes of June 29, 2020

Approval of Non-Public Meeting Minutes of June 30, 2020

Motion: To approve the Non-Public Meeting Minutes of June 8, June 15, June 23, June 24, June 23, June 24, June 29, and June 30, 2020.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

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Interim town Administrator Tully said the Non-Public Meeting Minutes of June 8 and June 30, 2020 need to remain sealed.

Motion: Motion to unseal the Non-Public Meeting Minutes from June 15, June 23, June 24, June 23, June 24, and June 29, 2020.

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

Any other Item that may legally come before the Board

Second Public Comment Session

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

No Public Comments.

Next Regular Meeting: July 27, 2020 at 7:00 pm in Town Hall.

Adjournment

Chairman Maggiore adjourned the meeting at 8:39 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary