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

4 **AUGUST 10, 2020 7:00 PM**

5 **NORTH HAMPTON TOWN HALL**

6 ***DRAFT MINUTES***

7  
8 SELECT BOARD MEMBERS PRESENT: Chairman Jim Maggiore, Vice Chairman James Sununu, Selectman  
9 Larry Miller

10  
11 ALSO PRESENT: Interim Town Administrator Michael Tully, Deputy Fire Chief Jason Lajoie, Building  
12 Inspector Travis Murray, Joseph Lessard of MRI

13  
14 **AGENDA**

15  
16 Chairman Jim Maggiore welcomed everyone to the August 10, 2020 North Hampton Regular Select Board  
17 Meeting and called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance.

18  
19 Chairman Maggiore said they were coming from Non-Public Session and a motion was made which was  
20 unanimous to hire a temporary Firefighter to replace a Firefighter called to active duty; Mr. Jared Butler  
21 will serve 6 months to one year starting this Wednesday; no need to seal the minutes.

22  
23 **First Public Comment Session**

24 *Call 603-758-1447 for Public Comments or access via Zoom; email: [jmaggiore@northhampton-nh.gov](mailto:jmaggiore@northhampton-nh.gov)*

25  
26 Paul Marquis said it was refreshing at the last meeting to hear about plans for the old Library and how to  
27 approach that problem and start with other Town issues. He said he would like to see a motion tonight  
28 that shows the Select Board is supporting the Library Trustees. He said the voters voted for the New  
29 Library on the Homestead and we need to respect the voters.

30  
31  
32  
33 ***Disclaimer –These minutes are prepared by the Recording Secretary within five (5) business days as required by***  
34 ***NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.***

35  
36 ***A recording of the meeting can be found at: [http://www.townhallstreams.com/towns/north\\_hampton\\_nh](http://www.townhallstreams.com/towns/north_hampton_nh), and a***  
37 ***DVD recording is available at the North Hampton Town Administrative Offices, 233 Atlantic Avenue, North***  
38 ***Hampton, New Hampshire 03862.***

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**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).

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

94  
95 Questions: Selectman Miller asked if all Towns do this, and Mr. Lessard said all towns do once they hold  
96 the Public Hearing. He said the whole thing started in 2011 with a change in the statutes. He said currently  
97 the matter is back up to the Supreme Court in terms of some of the issues. Chairman Maggiore said the  
98 NHBA has been active in this and working with legislatures.

99  
100 Vice-Chair Sununu said to clarify, we have pole licenses in place for utilities or conduits in the Town's right-  
101 of-way and we currently tax their physical property for use of those rights-of-way. He said the Town's  
102 taxation system is based on property taxes and he has an issue when they go beyond taxing physical  
103 property to taxing the use of that property. He said the Town has agreements with the owners of this  
104 infrastructure (poles) and they pay tax on that value; intrinsic in the value is its use by other companies,  
105 then tax other companies that make agreements to utilize that property. He said he has a philosophical  
106 problem with this type of tax and is not sure he can get comfortable with it.

107  
108 Mr. Lessard said it is correct that we tax people for property, but there are definitions in the statutes for  
109 what is real estate that is different in New Hampshire. He said we are talking about an entity that is  
110 taxable, though the Town as the owner does not pay any tax, so the State has provided that if government  
111 allows private entities to use that property, that right ought to be taxed on the basis of the value of their  
112 ability to use it.

113  
114 Chairman Maggiore opened Public Comment at 7:25 pm and invited the public to call in at 758-1447.

115  
116 As no one from the public called in, Chairman Maggiore closed the Public Hearing at 7:26 pm.

117  
118 Selectman Miller asked Mr. Lessard if any town in his experience had *not* adopted this measure, and Mr.  
119 Lessard said he is not aware of any town who has not adopted this after a Public Hearing and MRI provides  
120 service to about 2 dozen towns. Interim Town Administrator Tully suggested reading the motion and  
121 adding in all the names so it can be done in one motion. Mr. Lessard said it is very difficult to estimate the  
122 added tax to the Town, but it is close to \$1,500-\$15,000 in tax dollars.

123  
124 **Motion:** I hereby move that it is in the public good to do so, that the Board of Selectmen amend all  
125 permissions/licenses previously given in any form or manner for the infrastructure of Public Service New  
126 Hampshire doing business as Eversource Energy (PSNH) (hereinafter "Eversource"); Unitil Energy Systems  
127 Inc. (hereinafter "Unitil"); Northern New England Telephone Operations, LLC doing business as FairPoint  
128 Communications-NNE doing business as Consolidated Communications (hereinafter "NNEETO"); Hudson  
129 Light and Power Department Generation; Nextera Energy Seabrook LLC; Mass Municipal Wholesale  
130 Electric; and Taunton Municipal Lighting Co Generation and to any of and all of those companies its  
131 predecessors to be located in Town highways or rights of way or public grounds, so as to impose upon all  
132 of the aforementioned companies, their heirs, successors, agents or assigns the obligation under RSA  
133 72:23 to pay both current and potential real and personal property taxes for the use and occupation of  
134 the said Town highways or rights of way or public grounds and the obligation to pay real and personal

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

141 **Motioned:** Chairman Maggiore

142 **Seconded:** Selectman Miller

143 **Vote:** Motion approved by a vote of 2-1

144

145 **Report of the Interim Town Administrator**

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

147

148 Report period July 28, 2020 to August 7, 2020: Interim Town Administrator Tully said FY2020 will stay  
149 open until September to pay invoices received; FY2021-2022 Budgets are due September 7, 2020 for  
150 Department Heads; Budget Workshop to be scheduled by Select Board mid to late September. Fire  
151 continued talks with Rye about mutual aid and sharing equipment; Philbrick Pond projects (2) included in  
152 CIP; Town Administrator to ask for power to sign wetlands permits and DOT issues at next meeting;  
153 \$50,000 available for 2 projects: (1) Cobble Weir; (2) health of the marsh.

154

155 **Any other Item that may legally come before the Board**

156

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

161

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

168

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

173

174 **NEW BUSINESS**

175

176 **11.1 Building Inspector Request for Access Clarification for Proposed Library**

177

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

182

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

187  
188 Chairman Maggiore said an issue was raised from the Board that went to Counsel about the limits of  
189 Warrant Article 9. He said the Library was given the right to construct on the Homestead Property (Town  
190 owned) and has funds to do so, to build exclusively on the Homestead Property. At issue was access to  
191 that property: (1) DOT curb cut (not approved), (2) access from Alden Avenue (not investigated), or (3)  
192 access through the existing parking lot which the Library proposes in their plan. They cannot use an  
193 easement from one Town-owned property to another; cannot use an easement because it conveys  
194 ownership and the Library cannot own property. He said the Town/Select Board also has two conflicting  
195 comments from Counsel: Library Counsel says access is a moot point; Select Board Counsel feels it is  
196 appropriate to grant the access in some formal way to get from one Map and Lot to another, and have  
197 something on paper.

198  
199 Building Inspector Travis Murray said he does not want to grant anything that is going to cause the Town  
200 to sue itself, and needs clarity on who owns land and if access is being allowed or not.

201  
202 Questions/Comments: Selectman Miller said where access is granted is a big deal, and said he has made  
203 it clear that access should be granted in front of the property and the requested access will become a  
204 permanently unsafe situation. He asked how the upgrade will be paid for because the Library cannot pay  
205 for it, and said the best way is to put this on a Ballot and convey it that way to provide funding; anything  
206 you do grant to them will be questionable and appealable to the ZBA.

207  
208 Vice-Chair Sununu said he made it clear that the Library design is not his personal preference, and agrees  
209 with Larry that access and parking would be better in front, but disagrees that it creates an imminent  
210 safety issue. He said he agreed that some form of permission to access should be clarified, and said the  
211 Library has other funds in their Capital Reserve Fund. He said he would not do things the same way if he  
212 were a Library Trustee, but feels it is in the Town's best interest for the project to be completed. He said  
213 they need to move forward to authorize access, and allow Mr. Murray to issue the Building Permit.

214  
215 **Motion:** I move to allow the North Hampton Public Library Trustees to access from the property owned  
216 by the Town of North Hampton at Map and Lot 007-145, lot where current North Hampton Library and  
217 Town Clerk buildings are located, to the property owned by the Town of North Hampton at Map and Lot  
218 007-138, commonly referred to as the Homestead Property.

219 **Motioned:** Chairman Maggiore

220 **Seconded:** Vice-Chair Sununu

221 **Vote:** Motion approved by a vote of 2-1

222  
223 Chairman Maggiore said the vote is 2 in favor and 1 opposed, Motion passes. He stated that a  
224 communication was received late today and the length of letters from Library Trustees speak to this issue  
225 just addressed which allows the Building Inspector also to move forward, and did not see the need to read  
226 through all those letters.

227  
228 **11.2 Discussion of NHMA Legislative Policy Process**

229

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

236  
237 Vice-Chair Sununu said once they get all this input in aggregate do they circulate all the items that will be  
238 pending at the discussion for the Board to consider their position on each item. Chairman Maggiore said  
239 they break up into 4 sub-categories with all that information sent to a particular group; the information is  
240 then prioritized within the groups who then recommend goals. Vice-Chair Sununu said with School Board  
241 delegate assemblies, the proposals that come before that organization before that meeting, designated  
242 representatives from each organization meet so they can formulate and decide. He asked if the proposals  
243 will come to the Select Board beforehand to be discussed, with the representative then voting accordingly.  
244 Chairman Maggiore said yes, and said delegates are the only ones who can vote.

245  
246 **11.3 Fire Department Software Request** – Deputy Lajoie

247  
248 Deputy Fire Chief Lajoie said the Department found a few weeks ago that their dispatch and reporting  
249 software was not compatible with Windows 10, part of the Town-wide migration, and all of their dispatch  
250 reports were not being saved. He said he looked into this with PCG who worked with Firehouse Tech  
251 Support and determined their software was not compatible and is reaching the end of its life. Short-term  
252 PCG brought back Windows 7 with added security to maintain their reporting capabilities. He said long-  
253 term other platforms are being offered from other companies.

254  
255 Deputy Fire Chief Lajoie said the choices are: (1) Firehouse ESO, (2) Emergency Reporting, and (3) Red  
256 Alerts, and said Firehouse ESO offers the best solution. He said with the current company and with 18  
257 years of data, Firehouse ESO is the only company who can migrate all their history over to the new  
258 platform. He said they need to be able to look at immediate history when a report is pulled, and said he  
259 looked at the benefits in cost as well as what programs could be provided.

260  
261 Firehouse ESO: \$25,000 fee broken up over a period of 4 years. He said this is an unplanned expenditure  
262 and he needed to decide if the Department could afford this right off as and how to do that. He said  
263 Interim Town Administrator Tully said they could try to find the money in the Budget, and if not would  
264 there be a potential of finding money in the Town's IT Fund. Emergency Reporting: Reasonable cost but  
265 can't migrate all information over and does not offer all the benefits of Firehouse ESO and no advanced  
266 features. Red Alerts: Startup cost of \$26,000 and annual fee of \$5,500.

267  
268 Deputy Fire Chief Lajoie said the most affordable would be Firehouse ESO with a startup cost just short of  
269 \$6,000 which he thinks can be found in the Fire Department Budget now, but not the annual cost of \$6,280  
270 moving forward, which includes tech support and licensing fees; there will be a recurrent cost every year,  
271 just starting with a 4-year period.

272  
273 Discussion: Selectman Miller asked the current costs for Firehouse, and Deputy Lajoie said the software  
274 was purchased for \$4,000 in 2002 and is currently \$915/year for tech support. Vice-Chair Sununu asked if  
275 starting costs were built into the \$6,820 and Deputy Lajoie said it was all included. Vice-Chair Sununu said  
276 to do this now the initial cost is \$5,922.05 and asked if that was plus the \$6,280. Deputy Lajoie said the  
277 annual fee will start in year 2; Vice-Chair Sununu said that would then be something they can budget for

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

280  
281 Vice-Chair Sununu said given the full migration of history plus the additional reporting requirements, it  
282 would make sense to go with Firehouse ESO, and asked the current balance in the Town's IT Fund. Interim  
283 Town Administrator Tully said the fund currently had a balance of around \$40,000. Vice-Chair Sununu said  
284 as this is not a budgeted-for expense, and given the current situation with First Responders and Public  
285 Safety, this is the kind of thing the IT Reserve Fund was set up for and suggested they approve the  
286 withdrawal of the first year's amount from the IT fund so as not to impact the Budget.

287  
288 Selectman Miller asked what the load is on that Fund, and Interim Town Administrator Tully there is a  
289 load every year as the funding source is Comcast and they are shrinking. Chairman Maggiore asked if the  
290 new Firehouse ESO software was compatible with Windows 10 and will continue to be for future updates,  
291 and Deputy Lajoie said it would. He reminded the Board that this is a Cloud-based software program.

292  
293 **Motion:** To approve the purchase of Firehouse ESO for a startup cost of \$5,927.05 and an annual cost of  
294 \$6,280, further to authorize the withdrawal for the startup funds from the Town's IT Capital Reserve Fund.

295 **Motioned:** Vice-Chair Sununu

296 **Seconded:** Selectman Miller

297 **Vote:** Motion approved by a vote of 3-0

298

299 **11.4 Discussion of MS4 Program Assistance Agreement**

300

301 Chairman Maggiore said this is a follow-up of the Board's discussion with Laura Diener of FB  
302 Environmental regarding the MS4 Stormwater Permit and the financial obligations they would have to  
303 continue moving forward. Interim Town Administrator Tully said the total cost for years 2020-2024 is  
304 \$38,000, to which they have proposed a contract, with about \$50,000 in that Capital Reserve Account set  
305 aside for MS4. He pointed out that in the contract, FB Environmental wants that \$38,000 as a retainer, so  
306 they want to hold our \$38,000. He said MS4 is getting more difficult every year and the Town will need  
307 their assistance in the future.

308

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

316

317 **MINUTES OF PRIOR MEETINGS**

318

319 **Approval of the Regular Meeting Minutes of June 27, 2020**

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

321 **Motioned:** Vice-chair Sununu

322 **Seconded:** Selectman Miller

323 **Vote:** Motion approved by a vote of 3-0

324

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

Select Board Regular Meeting  
July 27, 2020

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

327 **Motioned:** Vice-Chair Sununu

328 **Seconded:** Selectman Miller

329 **Vote:** Motion approved by a vote of 3-0

330

331 **Second Public Comment Session**

332 *Call 603-758-1447 for Public Comments; or email: [jmaggiore@northhampton-nh.gov](mailto:jmaggiore@northhampton-nh.gov)*

333

334 No Public Comments.

335

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

337

338 **Adjournment**

339

340 Vice-Chair Sununu made a motion to adjourn the meeting which was seconded by Selectman Miller. The

341 Motion to adjourn was approved by a vote of 3-0, and Chairman Maggiore closed the meeting at 8:30 pm.

342

343 Respectfully submitted,

344

345 Patricia Denmark, Recording Secretary

346

347