



January 13, 2020

Via First-Class Mail and Electronic Mail

Jim Maggiore, Chair
Select Board
Town of North Hampton
233 Atlantic Avenue
jmaggiore@northhampton-nh.gov

Dear Chairman Maggiore:

You have asked me to consider the authority of the North Hampton Public Library Board of Trustee (“Trustees”) to expand the existing public library onto additional portions of the lot (Map 7, Lot 145) that it shares with the 1907 stone building that currently houses the Town Clerk’s office and other non-Library, Town functions. The stone building was the Town’s original public library and was constructed in 1907. The current public library was built in 1973 following the approval of Warrant Article VI at the 1972 North Hampton Town Meeting. The Trustees wish to expand the footprint of the library.

RSA Chapter 202-A, *et. seq.*, provides for the establishment and governance of public libraries, and also provides for the establishment of a board of trustees and provides the authority that the Trustees have. The Trustees have no more authority than RSA 202-A delegates to them. Indeed, Article I of the Trustees’ By-Laws acknowledges that the Trustees exercise the powers and authority delegated to them under the statute.

Under RSA 202-A:6, “[t]he library trustees shall have the entire custody and management of the public library and all of the property of the town relating thereto, including appropriations held pursuant to RSA 202-A:11, III[.]” With regard to the Trustees’ proposed expansion of the library, the question is whether the land proposed for the expansion is “property of the town relating” to the existing library.

It is my opinion that RSA 202-A:6 does not authorize the Trustees to expand the library onto the surrounding land without a vote pursuant to RSA 202-A:3 because the surrounding land is not currently “property of the town relating” to the existing library. As such, it is not within the Trustees’ “custody and management” under RSA 202-A:6. The reasons supporting my conclusion include the following: (1) the language of the 1972 vote (or any other vote of which I am aware) did not dedicate the surrounding land (or any particular land) for library purposes; (2) RSA 202-A:3 requires a majority vote at town meeting to dedicate land for library purposes; and (3) the property surrounding the



library is Town-owned land that is maintained by the Town pursuant to a memorandum of understanding and not used for library purposes.

Please let me know if you have any questions.

Sincerely,

Jason Reimers