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APR 24 2019
Town Clerk/Tax Collector
NORTH HAMPTON

April 24, 2019

To the members of the Town of North Hampton Standing Ethics Committee.

On April 18, 2019 Selectwoman and Library Trustee Kathleen Kilgore alleged that the vote of the Select Board to elect me Select Board chair and Larry Miller Select Board vice chair was sexist. Mrs. Kilgore's comments were made in an article in the printed *Hampton Union and Portsmouth Herald* as well online at seacoastonline.com (Mrs. Kilgore's article is included as "Exhibit A").

I categorically deny this accusation.

As permitted under Article VII, Section 7.04 of the Town of North Hampton Code of Ethics, I am requesting the Town of North Hampton Standing Ethics Committee investigate Mrs. Kilgore's baseless claim of sexism. When the Standing Ethics Committee finds that sexism did not occur, I want Mrs. Kilgore to retract her assertion of sexism, and that retraction should appear as a letter to the editor in the *Hampton Union and Portsmouth Herald*. Further, I request that Mrs. Kilgore's

insist that seacoastonline.com remove the entire article containing Mrs. Kilgore's accusations from the online database so that false information cannot continue to be viewed by readers.

Rather than offer a mere summary of comments from the meeting that prompted the news article, this appeal includes a copy of the approved minutes from the April 8, 2019 regular Select Board meeting ("Exhibit B", Page 5, lines 199-226). The video recording of the April 8, 2019 meeting which can be found at https://townhallstreams.com/stream.php?location_id=35&id=22165. The discussion of election of officers can be found beginning at 51:16 in the meeting

Mrs. Kilgore and I have worked together for more than 2 years on the Select Board. Each member of the Select Board enjoys equal rights, privileges, and responsibilities and I remind the public of this fact on a regular basis in public meetings. I have always treated Mrs. Kilgore with respect. Our interactions have always been civil. During our time on the Board there have been instances

when she and I have disagreed on issues, but dynamic tension between elected members of any board or commission should be expected.

Sexism is discrimination or prejudice based upon gender. I have never discriminated against anyone in my political, professional, or personal life. If I had I do not believe I would have been nominated by the full board of directors of the New Hampshire Municipal Association to represent the Association on the Governor's Advisory Council for Diversity and Inclusion! Nor do I believe I would have been elected to 4 terms on our Select Board. Nor would I have been elected to represent North Hampton in the State legislature.

Mrs. Kilgore's baseless claim of sexism carries with it a label that could remain with me for my entire political and professional career, as well as my personal life. I will not stand by idly and have my reputation besmirched without recourse. Mrs. Kilgore has the right to free speech, but her baseless accusation is a violation of the Code of Ethics.

Included as "Exhibit C" is an opinion letter from Town counsel Stephen Bennett stating, "[I]f the complaints filed against Selectmen Maggioro and Miller are baseless, then those statements by the Kilgores could be deemed to violate the code provision requiring officials and employees to treat the public and one another 'fairly, equally and with respect' (Code of Ethics Section 4.02) and/or that the allegations constituted unjustified personal attacks on fellow Board members."

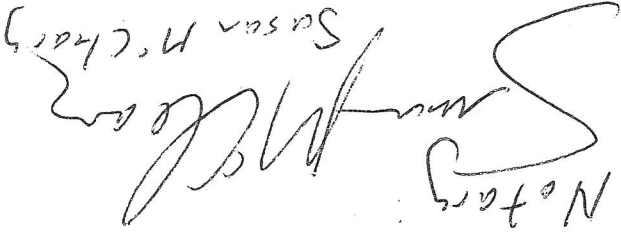
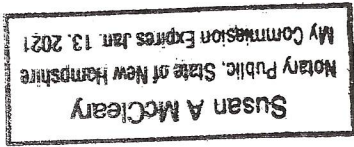
I feel alleged sexism by Mrs. Kilgore is an unjustified personal attack.

I look forward to a prompt response from the Standing Ethics Committee.

Respectfully,



Jim Maggioro



Susan McCleary
Notary

Seacoastonline.com
Exh. b. f "A"

Kilgore alleges sexism by North Hampton board colleagues

By Max Sullivan

msullivan@seacoastonline.com

Posted Apr 18, 2019 at 6:07 PM

Updated Apr 18, 2019 at 6:07 PM

NORTH HAMPTON -- Two selectmen were accused of sexism by their fellow board member, who said they were "dismissive" in tone when rejecting her request for the chairmanship.

Select Board member Kathleen Kilgore said she was not upset that Jim Maggiore was made chairman for the eighth year in a row by a 2-1 vote in the board's April 8 meeting. However, she believes Maggiore and board member Larry Miller showed sexism in their demeanor and reasoning when they turned her down as chairwoman. She also believes their political differences on town issues played a factor. The board also voted 2-1 to elect Miller as vice chairman, the title Kilgore had held.

"The tone was dismissive, the body language was dismissive," Kilgore said. "Am I disappointed? Yes. Am I vindictive? No. Do I think there was a sexist part of it? Yes."

Maggiore and Miller deny their motivation was sexist. Miller said he nominated Maggiore because he believed he was the best person for the job. The chairman has no more voting power than other board members but writes the agenda and facilitates the meetings.

Maggiore said the vote was neither sexist nor dismissive and that his board has never acted that way.

"I definitely take offense to that. There was nothing, absolutely nothing, sexist about this whatsoever," he said. "We certainly may disagree on things, but we have a good working relationship."

In the meeting, Kilgore said she wanted to be considered to chair the board and asked why it does not rotate chairs like some other boards do, which is the case in Hampton.

She listed her qualifications and experience she gained since she was elected two years ago. That included negotiating two union contracts and serving on the town CIP Committee and Economic Development Committee. She also said she was a key part of the team that hired current Police Chief Kathryn Mone, adding, "Who by the way, is our first female police chief."

"I just want to bring to your attention that I'm qualified to be chair and would like to be considered for that," Kilgore said.

Maggiore said he thought he and Kilgore would both be too busy to be chairman, as Kilgore was recently elected as a library trustee, Maggiore as a state representative in November. He said he originally wanted to nominate Miller but learned Miller was interested in being vice chairman.

Miller said he has not asked to serve as chairman because he always believed someone more capable was available, which was why he nominated Maggiore. Wednesday, he said Kilgore's claim was "unfounded and sad."

Maggiore said the board will continue to work together and be productive despite the chairmanship issue. Kilgore said the board has been successful in improving the town since she was elected and believes it will continue that trend. She said employees seem to be happier than they were two years ago, around when several town employees left for other municipalities.

"People weren't happy," Kilgore said. "I don't hear that discontent now, so that means the three of us are working together and found that common ground."

Exhibit "B"



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

APRIL 8, 2019 7:00 PM

NORTH HAMPTON TOWN HALL

DRAFT MINUTES

SELECT BOARD MEMBERS PRESENT: Chairman Jim Maggione, Vice-Chairman Larry Miller, Member
Kathleen Kilgore

ALSO PRESENT: Town Administrator Bryan Kaenrath, Cable Director John Savastano

AGENDA

Chairman *Pro Tempore* Jim Maggione welcomed everyone to the April 8, 2019 Select Board Meeting, and called the meeting to order at 7:04 pm, followed by the Pledge of Allegiance. He said they were coming out of Non-Public and there was a motion made with a unanimous vote.

Selectwoman Kilgore made a motion to seal the minutes from Non-Public Session I Pursuant to RSA 91-A:3, II (a, c, e), which was seconded by Selectman Miller. The motion was approved by a vote of 3-0.

First Public Comment Session

Mr. Bill Gosselin stated that information given to the Conservation Commission, School Board, and residents of North Hampton on March 11, 2019 proves without a doubt that the Town's conservation easements have been stolen. He said Selectman Miller refused to investigate this issue since being notified by the School Board in May 2016. He said it had come up again as the statute of limitations was set to expire in early May 2019. He read a portion of the opinion from Attorney General Foster on the issue, and asked the Select Board if they had any intentions to investigate this complaint.

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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Chairman Maggioro closed Public Comment at 7:10 pm.

Consent Calendar

- 43 10.1 Payroll Manifest of 03/14/2019 in the amount of \$196,957.89
- 44 10.2 Payroll Manifest of 03/21/2019 in the amount of \$64,550.97
- 45 10.3 Payroll Manifest of 03/28/2019 in the amount of \$64,720.88
- 46 10.4 Payroll Manifest of 04/04/2019 in the amount of \$75,127.82
- 47 10.5 Accounts Payable Manifest of 03/21/2019 in the amount of \$1,099,362.84
- 48 10.6 Accounts Payable Manifest of 04/04/2019 in the amount of \$56,039.01
- 49 10.7 Solar Exemption Application
- 50 10.8 Abatement Application
- 51 10.9 Abatement Application
- 52 10.10 Elderly Exemption Application
- 53 10.11 Elderly Exemption Application
- 54 10.12 Elderly Exemption Application
- 55 10.13 Elderly Exemption Application
- 56 10.14 Veteran Tax Credit Application
- 57 10.15 Veteran Tax Credit Application
- 58 10.16 Veteran Tax Credit Application
- 59 10.17 Veteran Tax Credit Application
- 60 10.18 Delegation of Authority by Treasurer
- 61 10.19 American Lung Association Approval Permit

Motion: To approve the Consent Calendar as presented.

Motioned: Selectman Miller

Seconded: Selectwoman Kilgore, for discussion

Discussion: Selectwoman Kilgore said she had a question on 10.9 Abatement Application and asked if they knew whether the applicant contacted Vision to dispute the original appraisal at 19 Kimberly Drive, Town Administrator Kaenrath said he would need to check with the assessor. Chairman Maggioro said if there was a question it could be taken off and put on the table.

Motion Withdrawn: Selectwoman Kilgore withdrew her second of the motion

Motion: To approve the Consent Calendar as presented minus 10.9 Abatement Application.

Motioned: Selectman Miller

Seconded: Selectwoman Kilgore

Vote: Motion approved 3-0

Correspondence

Chairman Maggioro said one item came in with a request from Mr. Rick Stanton through the Seacoast Rotary Clubs program entitled "Recovery with Hope and Dignity". He said a series of forums would provide awareness and education of the opioid epidemic and substance abuse disorders in the communities, and he thanked Mr. Stanton for bringing it to their attention.

Committee Updates

Selectwoman Kilgore reported on the Bandstand Committee, and said the season was set to open on July 19, 2019 with the lineup to be released before the end of April. She stated that the Capital Improvement Committee had not met since the last Select Board meeting.

87
88 Selectwoman Kilgore said the *Economic Development Committee* met Wednesday, April 3rd and received the final report from UNH on the Business Engagement and Retention Program which they would discuss at their May meeting. She said EDC met for a Workshop to determine a list of action items and projects, and came up with the EDC Fishbone Diagram which was discussed in detail. She said there was a high-level discussion on a possible need for an Economic Development Consultant for the near future to assist with filling empty storefronts on Route 1, and she requested that conversation be added to the agenda for the April 22nd Select Board Meeting.

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95
96 Selectwoman Kilgore said the EDC also had an update from the *Inventory Sub-Committee* on listing all the businesses in IBR to use as a communication tool to get them engaged. She said they also discussed vacancies on the EDC and said there had been 2 resignations and Chairman Better would be relocating to CA at the end of July. She asked that they also have a discussion with the Select Board about the size of the committee and what it was charged with in 2017 at the April 22nd meeting.

100
101
102 Selectwoman Kilgore said the *Library* had their organizational meeting electing Susan Leonard as Chair, Jacqueline Brandt as Treasurer, and herself as Secretary, with Margaret Delano as Alternate. She said the report of the Library Director Susan Grant discussed fundraising, revisiting the strategic plan and discussing having a joint meeting between the Friends of the Library and the Foundation and Trustees. She said Ron Lamarre was there looking over the timeline and cost estimates and next steps going forward, and would have a contract draft ready for the Trustees Meeting.

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109 Selectman Miller said the *Budget Committee* had met earlier this evening, and Jonathan Pinette was elected as Chairman with James Sununu elected Vice-Chair. He said the Budget Committee schedule for the year had not been finalized.

111
112
113 Chairman Maggioro said the *Water Commission* would be meeting on May 5, 2019. He said the *Heritage Commission* met a few weeks ago, and by statute under Section 106 of the NH Division of Historical Resources, has to consider the MOU Memorandum of Understanding between the NH Department of Transportation and the towns involved in the Rail Trail and the historic resources that are impacted by it. He said it was the Bridge Project over the Rail Trail referred to as Drake's Bridge, and a draft would eventually come to the Select Board for review.

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119
120 Selectwoman Kilgore asked if NHDOT had given any time for the project to start, and Chairman Maggioro said he was guessing 2021 or 2022. He said NHDOT had responded very well to their requests to help preserve the historic aspects of this small section of the Rail Trail in North Hampton.

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122
123
124 Report of the Town Administrator – Bryan Kaenrath
125 *A copy of the Report of the Town Administrator will be attached to these minutes.*

126
127 Town Administrator Bryan Kaenrath provided a quick update on Finance stating that with 14 weeks left in the fiscal year, approximately 26% of the Budget was remaining with a projected surplus of about \$480,000. He stated that officially there was one (1) vacancy in the Fire Department, and said some hardware upgrades were available for the phone system.

130
131
132 Town Administrator Kaenrath said this was the first meeting since the Elections, and he thanked all the citizens of North Hampton who came out to vote and congratulated all those elected. Selectwoman Kilgore asked for the total turnout and the number of registered voters.

135
136 Town Administrator Kaenrath said he had recently spoken with a landlord who had several new businesses
137 move into his facilities. He said it might be a great idea to hold small ribbon-cutting ceremonies for new
138 businesses to help fill vacant storefronts and encourage businesses to move to North Hampton. He said
139 as far as the Philliprick Pond Study, he still had only two (2) negative responses and they might want to set
140 this as an agenda item to decide where to go from here.
141
142 With regard to the Document Management System, Town Administrator Kaenrath asked if they should
143 hold a special workshop to discuss how they wanted to pursue this. Chairman Maggioro said they would
144 need to identify if they wanted to proceed and how to start and decide which company was best. He
145 suggested they get input from the departments involved and discuss at the April 22nd meeting.
146

147 Items left on the Table – None

148
149 **NEW BUSINESS**
150 Chairman Maggioro recommended they start with the Discussion of Aggregated Electrical Supply
151 Agreement, and there was no objection from the Board.
152

153 Discussion of Aggregated Electrical Supply Agreement

154 Town Administrator Kaenrath stated that Rockingham Planning Commission was looking for the Board to
155 sign a Memorandum of Understanding (MOU) to try to get as many towns in the area as possible to join
156 in the agreement.
157

158 Ms. Jill Longval of the Rockingham Planning Commission said this was a great opportunity for communities
159 and School Districts in their area to aggregate to purchase electricity from a competitive supplier. She said
160 their default distributor, Eversource, would remain the same and just the supplier would be changing. She
161 said every community within the aggregate would have the same supplier, the same fixed price on
162 electricity, and all contract language would be identical.

163
164 Selectman Miller asked how many towns and school districts they hoped to get for the program to be
165 viable. Ms. Longval said they thought 10-12 would sign up based on the interest level, and said some other
166 communities were already locked into contracts and would participate when those contracts expired.
167 Chairman Maggioro asked if by signing the MOU they would be bound by it to enter into the contract, and
168 Ms. Longval said by signing the MOU they would be committed to work with the group. She said
169 Rockingham Planning Commission would handle all the administrative work, and they would get the
170 benefit of being part of a larger group more attractive to suppliers.

171
172 Selectman Miller said they had been discussing making businesses in North Hampton more viable and this
173 would be a great help. He asked if there had been any further benefits in Nashua and if they acquired
174 other suppliers. Ms. Longval said the Public Utilities Commission had a list of about 30 competitive
175 suppliers. She said Eversource would continue to be the distributor but they would be getting a completely
176 different supplier. Selectwoman Kilgore asked the usual length of the contracts signed, and Ms. Longval
177 said they typically asked for 1, 2, or 3-year pricing.

178
179 Town Administrator Kaenrath said the deadline for the MOU was April 26, 2019, and Ms. Longval said as
180 soon the MOU came back, they would start gathering the Town's usage data and account information.
181 She said they would go out to bid in July and have the bids back in September for analysis and review,
182 choose the supplier, and have contracts signed in September and effective in November.

183
184 Chairman Maggioro asked if they should be contacting the School District about this, and Ms. Longval said her experience had been that municipalities and school districts signed their own contracts. Town Administrator Kaenrath said he would contact the School Business Administrator Matt Ferreira and inform him of the Town's intention. Selectwoman Kilgore suggested they have the Town Attorney review this MOU.

188
189
190 **Motion:** To approve signing the MOU from the Rockingham Planning Commission on Aggregated
191 Electrical Supply, pending Counsel review.
192 **Motioned:** Selectwoman Kilgore
193 **Seconded:** Selectman Miller
194 **Vote:** Approved 3-0

196
197 **Public Oath of Jim Maggioro as Select Board Member**
198 Town Administrator Kaenrath administered the Oath of Office to Jim Maggioro.

199 **Election of Select Board Officers**

200 **Motion:** To nominate Jim Maggioro as Chairman of the Select Board
201 **Motioned:** Selectman Miller

202 **Seconded:** Selectwoman Kilgore, for discussion

203
204 **Discussion:** Selectwoman Kilgore said typically in the past the Chairman position rotated so there were
205 fresh ideas and fresh leadership, and asked why they as a Board, did not consider this. Selectman Miller
206 said he would consider it if there were a better candidate. Selectman Maggioro explained that both he
207 and Selectwoman Kilgore were going to have a lot on their plates, and he said he was going to suggest
208 that Selectman Miller serve as Chair but he had suggested being Vice-Chair instead.

209
210 Selectwoman Kilgore said she was the newest member and that she had gained a lot of knowledge. She
211 said she negotiated a Fire Department Contract her first year and a Police Labor Contract her second year.
212 in an effort to improve services for their Town. She said she served on the CIP Committee for 2 years and
213 was a strong proponent of the Document Management System. She said her focus was on EDC and moving
214 that forward, but she felt she was qualified to be Chair and said she would like to be considered.

215
216 Selectman Miller said he had been serving on boards for a long time, and could have been Chair but
217 decided each time that he was not the best candidate for the job. He said he was not suggesting that
218 Selectwoman Kilgore was not qualified, but that he felt Jim Maggioro was the best person for the job.
219 Selectman Maggioro said they were one Board that worked together and he hoped that they would
220 continue that relationship. He said he had always been honored to serve the Select Board and the Town.
221 **Vote:** Motion approved 2-1 to appoint Jim Maggioro as Chairman of the Select Board

222
223 **Motion:** To nominate Larry Miller as Vice-Chairman of the Select Board

224 **Motioned:** Chairman Maggioro
225 **Seconded:** Selectman Miller

226 **Vote:** Motion approved 2-1 to appoint Larry Miller as Vice-Chairman of the Select Board

227
228 **Reading of the Preamble to the Code of Ethics**

229 Chairman Maggioro read the Preamble to the Code of Ethics, and said it not only outlined the Code of
230 Conduct but actions that can be taken if someone felt aggrieved. Selectwoman Kilgore said it would be

231 helpful to read off the section titles for the record, and Chairman Maggioro read all the section titles listed in the document.

234 Discussion of Appointments to Boards and Committees

235 Chairman Maggioro said one of the first responsibilities this Board would have was to honor their statutory obligations to various boards, including land-use boards and the Budget Committee. He said other boards in Town had memberships appointed or elected. He said Administrative Assistant Jan Facella suggested they go through when each board and committee was created, what their charge was, and what their membership was and put this all together to be accessible by anyone. He said to adopt that would take a couple of weeks to go through all their committee assignments. Town Administrator Kaenrath said that they would do the Select Board committee assignments tonight.

242 Selectwoman Kilgore said she thought this should be in their procedure for every Select Board meeting going forward, and said they would need it for Document Management. Town Administrator Kaenrath said some committees were scheduled to meet before the next Select Board meeting and asked if they should hold a special meeting to get this done. Selectman Miller said until a member was replaced they would continue to serve. Chairman Maggioro said Donna Etela had raised valid concerns about discretionary easements that may come in that they were policy-obligated to honor.

249 Donna Etela, current Chairman of the Heritage Commission, said under this new format they could not have their organizational meeting until May, and she had been informed by NHDOT that she would get the Memorandum of Agreement (MOA) on discretionary easements and would need permission to sign as her name was on the document. Town Administrator Kaenrath said she was still currently the Chair.

255 Ms. Etela said they were suddenly changing and had not given any notice, and felt it was courtesy to inform all the boards they were going to appoint that there would be changes. Selectman Miller said they did not know that there would be changes and were trying to figure that out. Town Administrator Kaenrath said they wanted to have a better organized Master List to clean up the process.

260 Chairman Maggioro said if the Board or the Town Administrator thought they should have a special meeting, they could meet for 20 minutes between now and their next meeting. Selectwoman Kilgore suggested meeting the next Monday night (April 15th), and Chairman Maggioro said he would follow up with Jan then make that decision. Selectwoman Kilgore moved this item to the table for the next meeting.

265 Discussion of Committee Assignments

267 Budget Committee: *Selectman Miller* volunteered and was approved by a vote of 3-0
268 Planning Board: *Chairman Maggioro* said he would continue to serve and a motion was made by
269 Selectman Miller, seconded by Selectwoman Kilgore, and approved by a vote of 3-0
270 Heritage Commission: Motion by Selectman Miller to nominate *Chairman Maggioro* to the *Heritage Commission*, which was seconded by Selectwoman Kilgore, and approved by a vote of 3-0
272 Water Commission: By statute, *Chairman Maggioro*
273 Capital Improvements Committee: *Selectman Miller* volunteered, which was seconded by Chairman
274 Maggioro and approved by a vote of 3-0
275 Economic Development Committee: Selectwoman Kilgore said she would like to continue to serve, which
276 was seconded by Selectman Miller and approved by a vote of 3-0
277 Standing Ethics Committee – Selectwoman Kilgore said she would like to serve, which was seconded by
278 Chairman Maggioro and approved by a vote of 3-0

280 United Church of Christ Request for Community Collaboration
281 Chairman Maggioro said several weeks ago they received a letter from Reverend Mike Gelsamini about
282 cooperating with the Town, using Friday Folders and/or Channel 22 to advertise non-religious community
283 events. He said they had never done that because they were an Educational Government and not a Public
284 Education Government, because if you allow one you should allow all. Selectman Miller asked for an
285 example and Town Administrator Kaenrath said a Blood Drive or other non-religious community event.
286
287 Selectwoman Kilgore suggested putting a link on the website as there was a link to the NH Business
288 Association. Chairman Maggioro suggested adding it to their goals and deferring this until they could
289 determine how to decide the matter. Selectwoman Kilgore said she agreed it needed more research. Town
290 Administrator Kaenrath said they had already deferred it for over a month and they needed to decide if
291 there was specific information they needed. Selectman Miller said he did not feel he could say yes as that
292 would open the door to all comers.
293
294 Cable Director John Savastano said they did not advertise anything on Channel 22, and said it was a
295 community forum in regards to the Town. He said they had already moved Comment Notes to the North
296 Hampton Community Website and they had no room in their programming.
297
298 Selectwoman Kilgore asked if they could post in the Community Newsletter. Town Administrator Kaenrath
299 said they were already part of it per Nancy Monaghan.
300
301 Jane Boesch of Atlantic Avenue asked that it be considered carefully because of all the events held at the
302 church like AA Meetings, Boy Scouts, and Blood Drives. She said on the Town Website some link should
303 be considered as they provided a lot of Town services.
304
305 **Motion:** To table discussion of United Church of Christ Request for Community Collaboration until the
306 Select Board meeting of April 22, 2019
307 **Motioned:** Selectwoman Kilgore
308 **Seconded:** Selectman Miller
309 **Vote:** Approved by a vote of 3-0
310
311 Discussion of Wage Range Plan
312 Town Administrator Kaenrath stated that the current Wage Range for the Town was fairly outdated, and
313 said they did participate in one with the Town of Raymond. He said they discussed possibly doing an RFP
314 with a Human Resources Firm to do the Wage Range and possibly update their Personnel Policy, or waiting
315 for NHMA to do one. Chairman Maggioro said NHMA was committed to doing it by with no timeline.
316
317 Selectwoman Kilgore said there were 2 different things here, the Wage Range and updating the Personnel
318 Policy, and said they could not be done together. Town Administrator Kaenrath said if they were going to
319 go out for RFP to a Human Resources Consulting Firm, it was possible to have them both done under the
320 same RFP. Selectman Miller said the longer they go without adjusting salaries to an appropriate level, the
321 more likely they would be to lose people.
322
323 Selectwoman Kilgore agreed and suggested having a draft RFP for review and approval for April 22nd. She
324 asked what the timeline was for the RFP, and Town Administrator Kaenrath said if they approved the RFP
325 it would go out to bid for 30 days. Selectman Miller recommended tackling the Wage Range first then

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326 doing the Personnel Policy updates. Selectwoman Kilgore said they should see if Primex would review their policies, as they were in critical need of update.

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329 **Motion:** To empower Town Administrator Kaenrath to draft an RFP for Select Board review and approval

330 April 22, 2019, to be sent out for a Wage Range analysis.

331 **Motioned:** Selectwoman Kilgore

332 **Seconded:** Selectman Miller

333 **Vote:** Approved by a vote of 3-0

334
335 **Discussion of New Town Flag**

336 Selectwoman Kilgore said she asked for this to be put on the agenda, and asked if they were going to fly the new official Town Flag, open up production to resident orders, and possibly having a ceremony on Flag Day. Chairman Maggioro said he had been in touch with Max Reich who designed the flag and they had talked about having some kind of flag-raising ceremony in June, but first they had to buy the flag. He said Max had worked out the colors with one company, and he thought they should go with that company.

341
342 Town Administrator Kaenrath recommended getting a quote from that company, and if they had money available at the end of the year they would have a contract and could encumber the funds. He said unfortunately that would be after Flag Day, and said if the Select Board was in agreement they could just purchase the flag now. He asked Chairman Maggioro to forward any information to him from Max.

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346 **Acceptance of the Minutes of Prior Meetings**

347 **Approval of the Minutes of the Regular Meeting of March 11, 2019**

348 **Motion:** To approve the Regular Meeting Minutes of March 11, 2019 as presented in the packet.

349 **Seconded:** Selectwoman Kilgore

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

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353 **Any Other Item that may legally come before the Board**

354 Chairman Maggioro said on Thursday the legislature would be voting on the State Budget, and any comments could be sent to him.

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357 **Second Public Comment Session**

358 Chairman Maggioro opened the Second Public Comment Session at 8:51 pm.

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361 Mr. Rick Stanton of 108 Walnut Avenue said he would publicly like to thank the North Hampton Fire Department and Emergency Services. He said his wife had broken her ankle and they came and took her to Exeter Hospital. He said the care they provided was tremendous.

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365 Cable Director John Savastano said they were building a podcast station across the hall which in essence could replace the channel to notice events, which could possibly be used by the church. He said it would be a biweekly show with a phone-in guest and a few community notes. Selectwoman Kilgore said it was not that simple as funding was coming from the Channel 22 Revolving Fund and they were constrained on how those funds could be used.

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370 **Adjournment**

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373 **Next Meeting:** The next regular Select Board Meeting is scheduled for Monday, April 22, 2019.

Select Board Regular Meeting
April 8, 2019

- 374 Chairman Maggioro recessed the meeting at 8:54 pm to move into Non-Public Session.
- 375 Respectfully submitted,
- 377 Patricia Denmark, Recording Secretary

Exhibit "C"

WADLEIGH, STARK & PETERS, P.L.L.C.

TODD J. HATHAWAY
STEPHEN J. JUDGE
ALISON M. MINUTELLI
MICHAEL T. TIERNEY
PIERRE A. CHABOT
DONNA J. BROWN
JOSEPH G. MATSON
CHRISTOPHER P. MCGOWN
ABBY TUCKER
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Bryan Kaenrath, Town Administrator
Town of North Hampton
233 Atlantic Ave.
North Hampton, NH 03862-0710
Re: Request from Chair Maggioro re Kilgore articles

April 22, 2019

Direct Dial: (603) 206-7283
sbennett@wadleighlaw.com

Dear Bryan:

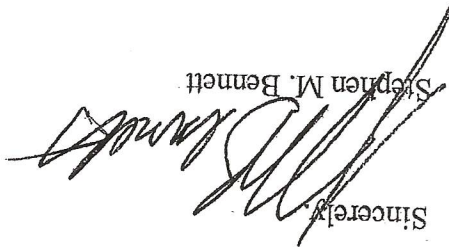
Please accept this letter as my response to the above-caption request. I did not attempt to determine the validity of the complaints by or against select board members or Mr. Kilgore and nothing in this response should be construed as favoring the position of any party. As Town counsel, it would be inappropriate for me to advise any Town officials in regard to any personal causes of action, if any, the parties may have against one another. I have reviewed the draft minutes of the April 8, 2019 Select Board meeting, the Town's Ethics Policy and the Select Board's Rules of Procedure.

The Select Board's Rules of Procedure require the election of the Chair and Vice-Chair by majority vote. There is no option for rotating those positions among the members. These Rules of Procedure were reviewed and approved last year by the current Board members. The Board, both males, refused to consider her for Chair or Vice-Chair of the Select Board, both males, cited the other members' dismissive tones and body language during the election process. She also stated that she believed the Chair position should be filled on a rotating basis among the members. Mr. Kilgore, a member of the Planning Board and Recreation Committee, made, in addition to the allegations of sexism against the two male Board members, allegations that Chair Maggioro's leadership was divisive and that he had alienated people in the community. Selectperson Kilgore's and Mr. Kilgore's opinions were published in local news articles.

In turn, Chair Maggioro and Selectmen Miller deny the allegations of sexism. Chair Maggioro and Selectman Miller were interviewed for the same article as Selectperson Kilgore. Chair Maggioro stated that the allegations were baseless and believes the allegations may constitute a violation of the Town's Ethics Policy. Chair Maggioro requests an opinion regarding his right to defend himself against the allegations of sexism.

All parties have a protected right of free speech, particularly in regard to matters of public interest. Expressions of opinion are protected First Amendment speech. See generally *Pease v. Telegraph Publishing Co., Inc.*, 121 N.H. 62 (1981). The Select Board's Rules of Procedure also recognize a member's right to express their dissent from any resolution of the Board. Rules of Procedure Section 2 a) i). While speech may be protected, that doesn't necessarily mean that publically expressing one's opinion regarding a fellow public official's conduct could not violate ethical rules. The allegations by the Kilgore's regarding sexism would, if true, fall within the prohibitions of Ethical Rule 4.02 (treating others differently based upon their sex). Likewise, if the complaints against Selectmen Maggioro and Miller are baseless, then those statements by the Kilgores could be deemed to violate the code provision requiring officials and employees to treat the public and one another "fairly, equally and with respect" (Code of Ethics Section 4.02) and/or that the allegations constituted unjustified personal attacks on fellow Board members. See Ethics Code Section 7.02 C.

Should any party believe that another has violated the Town's Code of Ethics they should file a written complaint with the Standing Ethics Committee. Ethics Code Section 7.04. The complaint must be signed by the complainant and notarized. Should that occur, the Select Board representative, and Mr. Kilgore, should he be the Planning Board representative, would be required to recuse themselves.

Sincerely,

Stephen M. Bennett

Understanding my rights

Jim Maggione

Thu 4/18/2019 8:52 PM

To: Bryan Kaenrath <bkaenrath@northhampton-nh.gov>;

cc: Larry Miller <lmiller@northhampton-nh.gov>;

Bryan.

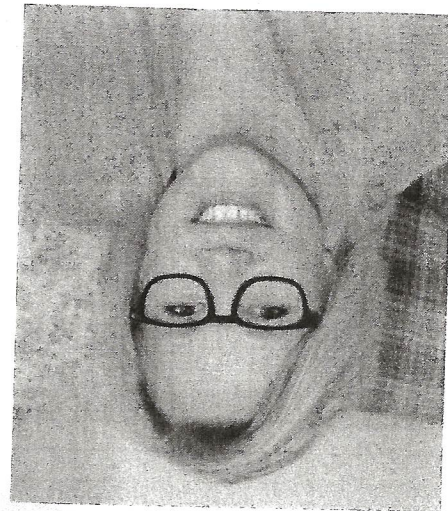
Selectwoman Kathleen Kilgore, who is also an elected member of the Library Trustees, and Wally Kilgore, an elected member of the Planning Board and an appointed member of the Recreation Commission, have accused Mr. Miller and me of being sexist in the discharge of our duties on the Select Board. The articles are referenced below.

I would like an opinion from Town attorney Stephen Bennett as to my rights to challenge the Kilgores' baseless claims. To be accused of prejudice, discrimination, and stereotyping on the basis of sex is a serious accusation. I will not sit idly by and let my integrity and character be besmirched. At the very least I would like to know from Mr. Bennett if the Kilgores' can be brought up on ethics charges under our standing ethics policy.

Thanks.

Jim Maggione

<https://www.seacoastonline.com/news/20190418/kilgore-alleges-sexism-by-north-hampton-board-colleagues>



Kilgore alleges sexism by North Hampton board colleagues

www.seacoastonline.com

NORTH HAMPTON — Two selectmen were accused of sexism by their fellow board member, who said they were "dismissive" in tone when

<https://www.seacoastonline.com/news/20190416/kilgore-deserved-chance-to-chair-select-board>



Kilgore deserved a chance to chair
Select Board - News -
seacoastonline.com - Portsmouth, NH
www.seacoastonline.com
During the Monday, April 8, 2019, North Hampton Select
Board Meeting I witnessed something remarkable. My
wife, Select Board member Kathy Kilgore, asked why she
should not be considered for chair ...

