

I would like to thank the Chair and the Committee for the opportunity to speak this evening.

Hello,

My name is Kathy Kilgore. For the record I live at 220 Atlantic Ave in North Hampton, NH. My family and I moved to North Hampton 16 years ago. My husband and I just celebrated our 30<sup>th</sup> anniversary and we are blessed with two children, both here tonight. For the last 16 years I have worked as an accountant for a Material Handling Management company. In that capacity I am responsible for One Hundred Million dollars of Receivables, filing sales tax in dozens of states and work closely with our customers and my co-workers on a daily basis.

For the last two years I have proudly served as a member of the North Hampton Select Board. During that time, I have been an active member of the Board, representing the residents of North Hampton to the best of my ability. My first and foremost responsibility is to work for the residents of our town.

However, as a politician, I'm a pretty good accountant.

Today, we meet for the 4<sup>th</sup> time in 6 weeks to discuss whether I violated North Hampton's Code of Ethics by simply answering questions from a reporter. I was asked questions and I shared MY opinion of what transpired during the organizational meeting of the Select Board on April 8, 2019. I was not speaking in official capacity as a Select Board member, I was speaking as Kathleen Kilgore, a person. I simply answered questions from Max Sullivan, a reporter with the Hampton Union, on how I personally considered the comments and demeanor from my fellow board members in the discussion of the position of Chairmanship on April 8<sup>th</sup>.

I find it critically important to I highlight that I DID NOT choose the Headline of the article, nor did I author the article. I answered the question asked, as most do, by using part of the question in the answer. My comments were "I thought the tone was dismissive, the body language was dismissive. Am I disappointed? Yes. Am I vindictive? No. Do I think there was a sexist part of it? Yes. Do I think there was a political part of it? Yes." These were not statements, they were simply, answers to the question asked of me.

The complaint I received by hand and written by Mr. Maggiore, alleges that my response to Max Sullivan's question was a violation of the Code of Ethics. Irrespective of what the complaint has expanded into today, that was the complaint filed against me. The 1<sup>st</sup> Amendment of the United States affords me the right to express my opinion as a citizen whether others agree with it or not. In recognition of these rights, our Code of Ethics goes so far as to explicitly recognize these very protections. I quote "while respect and civility are important goals, rights guaranteed to citizens under the First Amendment to the US Constitution shall be preserved at all times."

The formal charge, which I received on May 23<sup>rd</sup>, states that I am being accused of violating Section 4.02 of the Code of Ethics. This section is ONLY applicable to persons appearing before any Town Board or otherwise conducting business with the town. My statement to Max Sullivan does not fall under these criteria and therefore simply cannot be a violation of this section. The code is not to be dissected and certain sentence fragments cannot be extracted in order to attempt to craft a legitimate complaint against me. Rather this code and this section are to be taken as a whole, as they are written. 4.02 is simply not applicable to the alleged conduct and to even suggest otherwise is an injustice.

I have the right to interpret and communicate MY opinion. I did not label or accuse Mr. Maggiore of a crime. I simply provided an opinion on how I was spoken to, how I was addressed and how it made me feel.

Anyone can view the video of the exchange between the members of the Select Board on April 8<sup>th</sup> and determine themselves what they believe occurred and in what context. They can formulate an opinion and they can discuss it with whomever they want. They can write about it and they can speak to reporters as they wish. We all have the right to state our opinion. Anyone can understand that Mr. Maggiore is upset. In fact, Mr. Maggiore has every right to disagree and voice his concerns, but I urge this committee to understand that this is not the forum for such discussion. The job of the Ethics Committee is to determine whether or not, my response to Max Sullivan was a violation of the Code of Ethics.

This committee is also not here to determine whether or not my gender was a determining factor as to who was elected chair. In fact, in doing so, you would be offering your opinion. Each of you are entitled to your opinion of what happened that night. To punish me for my opinion would not only be unfair, it would be an unjust decision by this committee.

During the Select Board meeting on April 22<sup>nd</sup>, without any prior notice or agenda item listed, Mr. Miller asked to discuss the "Gorilla in the Room." The Chair allowed my interview to be introduced into discussion. I agreed to that motion. While being interrogated by Mr. Miller I said I did not recall using the term "Sexism" in the interview. Since this discussion was not listed as an agenda item for the meeting, Mr. Miller's attack caught me off guard. Mr. Miller demanded an apology and I refused to apologize for speaking on how I felt. I was then asked again if I would apologize and when I stated I would not, Mr. Miller responded "Thank you for not apologizing." I considered that an odd comment at the time. 20/20 is hindsight and I wonder if it was precursor to these proceedings.

It is important to note, that I would have never discussed the newspaper article during a select board meeting nor was I intending to that night. I felt compelled to answer the questions because of the environment that was created. I do feel that using that exchange against me in this Ethics process when it was not addressed in the complaint is wholly inappropriate.

After the meeting and upon reviewing my original conversation with Max Sullivan I submitted a Letter to the Editor which was published in the April 26<sup>th</sup> edition of the Hampton Union. I feel that statement fully clarifies my position on the events in question.

As far as these proceedings are concerned...

In the previous meeting on May 16th my attorney was denied the opportunity to speak on my behalf. My prepared statement submitted through my attorney to the committee was not read into the public record. Section 4.04 of the Code of Ethics is titled, 'The Duty to Cooperate.' This section reads, 'All town officials shall cooperate with the Standing Ethics Committee regarding any complaint or inquiry

alleging violation of this Code of Ethics; provided however, that such persons shall retain all legal rights otherwise provided under the law.” Denying my Counsel to speak on my behalf is a direct contradiction of this statement.

There are many unanswered questions to the “Due Process” of these proceedings. In a May 2nd article in the Hampton Union, Town Administrator Bryan Kaenrath was quoted, “Because this is the first time this committee has met in 10 years, this is really a trial run.” Section 7.03(D) states that “The committee SHALL develop and adopt Rules of Procedure.” This entire process has been a clear demonstration that there are no rules of procedure. The committee has continued to create and modify them as this process has **dragged** on. There are still no formal rules of procedure since this Committee was formed. Yes, the code may broadly describe the procedure for this fourth and final hearing but nothing that has occurred up to this point has been laid out in any rule or any procedure as this code mandates. The word SHALL was explicitly chosen when this code was authored - it is not an option, it is a mandate and has not been adhered to.

Would any of you feel comfortable being held accountable by a committee that is on its trial run regardless of their good intentions? Making up the rules as we go along is not due process and has no place in the Town of North Hampton.

The simple fact is that anyone can watch the video of the April 8th Select Board meeting and come to their own conclusions on how I was treated. It was a public exchange. It was recorded. Then reported on by a local reporter, and then published in our local newspaper. I was asked a question, I answered it and expanded on that answer. I did not author the article – I did not title the article.

I did nothing wrong, nothing unethical and nothing illegal.

I have no choice but to stand up to this ethics complaint. My conscience will allow no other course of action. I am not only standing up for myself. I am standing up for others who may be intimidated in the future. I’m here to protect the Press and their ability to have free and open conversation with our citizens and report on the activities in North Hampton. Do we want North Hampton to become a place where it becomes harder and harder to speak your mind? It is chilling to think that others will be reluctant to speak to the press and must go through this same process.



I ask that the Ethics Committee to categorically dismiss the charges and demands made by Mr. Maggiore. This is not about whether Mr. Maggiore or anyone else for that matter is sexist. In fact, it goes far beyond that word or any other. This is about a person, a person answering a question about how she felt during a political process. That person was me. I love my community, I want my children to raise their children here and I want nothing more than to move on from this situation. I recognize that my response may have been upsetting for some and I welcome their conversation. This is not a violation of the Code of Ethics. We all have sworn an oath to the Constitution and I ask that you standby those words this evening. Put politics aside and make a determination based on the literal words of the Code of Ethics. "Rights guaranteed to citizens under the First Amendment to the US Constitution shall be preserved at all times."

I now would like to call witnesses

I would like to request the Chair to read into the record the (2)witness statements received in writing and distributed to the Committee in preparation of this hearing.

# MORRIS LAW OFFICE, PLLC

ATTORNEYS AT LAW

EDWARD F. MORRIS\*  
JAMES F. SCULLY, JR.\*

OF COUNSEL  
EUGENE R. GEARY\*

\*ADMITTED IN NH AND MA

May 29, 2019

Standing Ethics Committee  
Town of North Hampton, New Hampshire  
233 Atlantic Avenue  
2nd Floor  
North Hampton, NH 03862

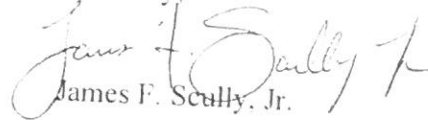
Re: Ethics Committee Meeting – June 6, 2019

Members of the Standing Ethics Committee:

Please be advised that Kathleen Kilgore, the Respondent, submits the following list of witnesses, pursuant to the procedures set forth in the Town of North Hampton NH Code of Ethics, Section 7.06(B) and Section 7.06(G). These witnesses will be called to speak during the hearing before the Standing Ethics Committee on the Statement of Formal Charges dated May 16, 2019 which will be held in the North Hampton Town Hall on June 6, 2019 at 6:30 P.M.

- Marc Lariviere
- Casey O’Kane
- Laurel Pohl
- John Anthony Simmons

Sincerely,

  
James F. Scully, Jr.

Mr. Maggiore's ethics complaint against Mrs. Kilgore draws needed attention to the North Hampton Code of Ethics as well as the behavior of Town Officials -- but not in the way you'd expect. While Mrs. Kilgore has not violated the Code of Ethics, the complaint against her has spawned no less than 18 violations of that Code. The irony is compelling enough but the unfairness and hypocrisy make for an absurd spectacle.

Article II of the Code of Ethics requires Town Officials to read and familiarize themselves with its contents. Yet it's hard to see how Mr. Maggiore's complaint or this committee's handling of that complaint meet that Article's additional requirements that Town Officials "act in the best interests of the Town," and "maintain the highest standards of personal integrity."

Granted, the Code of Ethics is not an easy read. It uses terms it doesn't define. It defines terms it doesn't use. It references procedures that don't exist. It duplicates other procedures to no apparent purpose. It contradicts itself. It contradicts other rules and legal principles. It lacks common sense. It wasn't even spell checked. Many of its provisions are purely aspirational and, as such, sound good but mean little. Other provisions are prescriptive but nonsensical and would prevent a functioning government if followed.

Clearly, the Code of Ethics is not up to the task set for it. Neither is the Standing Ethics Committee. Unfortunately, rather than recognizing this, Article III of the Code of Ethics absurdly proclaims that it provides a fair way

to adjudicate complaints while the Standing Ethics Committee even more absurdly pretends that this is true while repeatedly denying to Mrs. Kilgore the rights granted to her by the Code of Ethics.

While the Standing Ethics Committee has charged Mrs. Kilgore with violating Section 4.02 of the Code of Ethics, that section only applies to "persons appearing before any Town Board or otherwise conducting business with the Town." There is not a single assertion that Mrs. Kilgore did or said anything in any way relating to a person appearing before a Town Board or conducting business with the Town. Clearly, Section 4.02 is not even relevant to Mr. Maggiore's complaint.

Yet, and in the first of several ironies, the Standing Ethics Committee has created the situation where Mrs. Kilgore herself now is a person appearing before a Town Board. As such, it is Mrs. Kilgore who is supposed to be treated "fairly, equally and with respect" as required by Section 4.02. But not in North Hampton -- not if you're Mrs. Kilgore.

As the first of several examples of the lack of fair, equal and respectful treatment of Mrs. Kilgore, Mr. Maggiore sought and obtained advice from Town Counsel regarding the ethical complaint he wanted to bring against Mrs. Kilgore. This is a personal use of Town services that is prohibited by Code of Ethics Section 4.03 A. This breach of the Code of Ethics by Mr. Maggiore forms the basis for the charge against Mrs. Kilgore. Not only is the Code of Ethics not being applied fairly and equally to Mrs. Kilgore as

required by Section 4.02, it's hypocritical and absurd for Mr. Maggiore to violate the Code of Ethics to file an ethics complaint against a colleague.

In another example of unfairness to Mrs. Kilgore, the Standing Ethics Committee dismissed, without any discussion or debate, Mrs. Kilgore's right to examine its members for "conflicts of interest." This is despite Section 4.01 of the Code of Ethics which invokes the "impartial juror standard" to prevent conflicts of interest from tainting Town proceedings. Not only was the dismissal of Mrs. Kilgore's rights a violation of Section 4.01 of the Code of Ethics, it is also a violation of Mrs. Kilgore's right to the fair treatment required by Section 4.02. Moreover, it's confoundingly hypocritical, and absurd, for the Standing Ethics Committee to violate the Code of Ethics in adjudicating an ethics complaint.

In yet another example of unfairness to Mrs. Kilgore, the Standing Ethics Committee rescinded, without any valid basis, Mrs. Kilgore's right for legal counsel to speak on her behalf. Section 4.04 of the Code of Ethics provides that all "persons shall retain all legal rights otherwise provided under law." Among those rights is the right to be represented by counsel. Nothing allows the Standing Ethics Committee to unilaterally proclaim that there is no such right. Yet, this is exactly what the Committee did while quickly pivoting to use Town Counsel to speak on its behalf in drafting the Statement of Official Charges. Absurd. Not only was rescinding Mrs. Kilgore's right to counsel a violation of Section 4.04 of the Code of Ethics, it is also a violation of Mrs. Kilgore's right to the fair treatment required by



Section 4.02. Again, it's confoundingly hypocritical for the Standing Ethics Committee to violate the Code of Ethics in adjudicating an ethics complaint.

The pattern of systemic unfairness to Mrs. Kilgore (in an ethics matter no less) continues with still more examples. Both Mr. Wilson and Mr. Harned remain seated on the Standing Ethics Committee adjudicating the complaint against Mrs. Kilgore despite the fact that Mr. Wilson's wife appeared as a witness for Mr. Maggiore and was a signatory, along with Mr. Harned's wife, to a published letter labeling Mrs. Kilgore's comments in the matter in question as "baseless," "uncalled for" and "false." Section 4.01 of the Code of Ethics requires Town Officials to disclose these facts and to recuse themselves from matters in which they or a family member have an interest. Not only were the failures of Mr. Wilson and Mr. Harned to disclose these conflicts and to recuse themselves violations of Section 4.01 of the Code of Ethics, they are also violations of Mrs. Kilgore's right to the fair treatment required by Section 4.02. And again, it's confoundingly hypocritical and absurd for members of the Standing Ethics Committee to violate the Code of Ethics in adjudicating an ethics complaint.

Apparently, in an attempt to close the loop of systemic unfairness to Mrs. Kilgore, even the Statement of Official Charges unfairly distorts the section of the Code of Ethics upon which it supposedly relies to make the charge against Mrs. Kilgore. Rather than quoting the actual language found in Section 4.02, the Statement of Official Charge introduces extraneous phrases like "public statements," "treat[ing] others," and "Town Officials" in ways that would tend to expand its reach to cover Mrs. Kilgore's answers to

a reporter's interview questions. By distorting Section 4.02, the Statement of Official Charge tries, by sleight of hand, to make Mrs. Kilgore answerable to the Statement of Official Charge rather than the Code of Ethics upon which it is supposed to be based. This is unfair to Mrs. Kilgore, a violation of her right to the fair treatment required by Section 4.02 as well as a violation of Article II, and Sections 4.01, 4.03 E., and 7.05 B.3(c) of the Code of Ethics. The unfairness, hypocrisy and absurdity knows no bounds.

So, the North Hampton Code of Ethics has been violated no less than 18 times in an ethics proceeding adjudicating a groundless ethics charge against Select Board Member Kilgore. None of this was hidden from the public. Indeed, it was put on public display, even televised. What accounts for such a purposeful public display of unfairness and hypocrisy? Maybe it's not sexist, but it is bullying. And I commend Mrs. Kilgore for again refusing to be bullied.

**STATEMENT TO THE TOWN OF NORTH HAMPTON  
ETHICS COMMITTEE**

In regard to Ms Kathleen Kilgore's hearing in front of the Committee:

I would urge the Committee in regard to the charge to dismiss it and urge the three Select Board members to get back to work doing the business of the Town.

This ethics charge brought by Select Board Chair Jim Maggiore has absolutely no merit. It stems from an interview published in the Hampton Union where Ms Kilgore was questioned by news reporter Max Sullivan who used the word "sexism" in his questioning. Remember, the reporter said the word first. Ms Kilgore responded not as a Select Board member but as an individual, a citizen of the United States of America and as such her right to free speech is protected by the First Amendment and by the Constitution of the United States of America.

A number of Ethics Committee members have said they think in responding to the reporter's questions that perhaps Mr. Maggiore's political future could be in jeopardy. This is New Hampshire, the Granite State, the First in the Nation Primary State! Reporters and individuals have been answering reporter's questions for generations. Individuals and politicians have been calling each other names for hundreds of years. They have traded charges back and forth for ions. Its called "free speech" and while at times it can get heated and perhaps idiotic its protected by our First Amendment.

All members of the Ethics Committee have to do is go to the Town Library and read back issues of The Hampton Union. Whether it be town citizens, whether they be female or male, visiting politicians, dignitaries or just plain town citizens they all have called each other names, some deliberately, some in the heat of verbal exchanges and even some that were most likely thought out and planned ahead of time. Mr. Maggorie is well versed in the practice, and I'm sure every one of us at one point in time has called somebody an idiot, stupid, dumb, illiterate or whatever other name you care to come up with. No one gets charged with an ethics complaint.....no one! Your right to speak your mind is protected by the First Amendment!

Somehow the Ethics Committee has seen fit to hear Mr. Maggorie complaint. It appears that since it has ventured into the political arena self righteous indignation takes precedence over common sense and one's rights as a citizen of the United States of America.

Ms. Kilgore simply was engaged by a reporter and it was he who brought up sexism NOT Ms. Kilgore. Her response is absolutely protected by our First Amendment.

Ethics Committee members need to put their political leanings aside. They need to ask themselves if they are prejudiced in any way in this matter and they really need to ask themselves, most importantly..... if this is in any way is good for our Town. All this is doing is fracturing our Town over an individual's absolute right to answer questions in the newspaper and comment on issues of the day.

I call on the Committee to do the right thing here and come back from your deliberations and say we have decided to dismiss this complaint. Both parties need to get back to work on the real needs of the Town of North Hampton.

Thank You -

*Cybil Bottanley & Cotten Farnham, No. Hampton*  
5/29/2019

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I call on the Committee to do the right thing here and come back from your deliberations and say we have decided to dismiss this complaint. Both parties need to get back to work on the real needs of the Town of North Hampton.

*Thank You -  
John Bottanley 4 Cotton Farm Lane, No. Hampton  
5/29/2019*

Kirsten Larsen Schultz

603.785.8415    kirsten@marketingally.net    121 Post Rd, North Hampton, NH 03862

May 28, 2019

Chair Jonathan Pinette  
Code of Ethics Committee  
Town of North Hampton  
233 Atlantic Avenue  
North Hampton, NH 03862

Dear Chairman Pinette:

I am submitting this letter in support of Kathy Kilgore. The fact that this ethics complaint has made it this far is disconcerting.

When I first listened to the Selectboard meeting of April 8, 2019 I found Selectman Maggiore's response to Selectwoman Kilgore's request to be Chair dismissive. The fact that he said that they both had a lot on their plates and then proceeded to accept the nomination of Chair is concerning and seemed self-serving knowing she was also interested. By Selectman Maggiore's own rationale Selectman Miller should have become chair. There is no other obvious reason why Selectwoman Kilgore should have been denied her request to move up to Chair as has been practice for decades aside from political motives or sexism - either rationale do not justify the outcome and where this disagreement stands today.

The ethics complaint filed by Selectman Maggiore says that Selectwoman Kilgore's "claim of sexism" in an April 18, 2019 Hampton Union article is a violation of Article VII, Section 7.04 of the Town of North Hampton Code of Ethics. I take issue with this argument and question why it has not been further discussed as part of these proceedings. The committee has offered no substantive proof that Selectwoman Kilgore's comments made were as a representative of the Selectboard rather than as a private citizen. Even by Selectman Maggiore's own words, comments made as a citizen are protected by the first amendment of the US Constitution, clearly the case here.




Furthermore, to the best of my knowledge, under freedom of the press, people quoted in newspapers do not have control over how an article is written or even how they are quoted for that matter. Nor do they have the ability to request the newspaper retract the article.

I can cite several instances where the Code of Ethics has been arguably violated by numerous offenders over the past two years. Even these committee hearings to take up this claim are in my opinion a breach of the code of ethics and even greater– the protections and rights granted to all citizens under both our State Constitution and the US Constitution. I agree, North Hampton has an ethics problem but it does not lie on Selectwoman Kilgore's shoulders.

I have served with Selectwoman Kilgore on the Economic Development Committee for the past 20 months. Over those months I've learned that Selectwoman Kilgore conducts herself professionally and in keeping with her oath of office. She also holds others accountable for transparency and the public's right to know. Perhaps that is the real problem here – certain people do not wish to be held accountable for their transgressions. There is no doubt in my mind that everything Mrs. Kilgore does, she does with purpose of what is best for the Town of North Hampton. How Selectwoman Kilgore has been treated and how this complaint has been handled are clearly politically motivated and should never have progressed this far.

The town of North Hampton has a negative reputation as being unfriendly to business. People are afraid to stand up for themselves and share their experience for fear of repercussions the next time they have to appeal to a town board. Now we have this black cloud hanging over our town for how we treat each other. Enough is enough. Please put an end to this mockery immediately for the good of all residents of North Hampton.

Respectfully,



Kirsten Larsen Schultz  
121 Post Rd.

## Finding

Determine for the record that Selectperson Kathleen Kilgore violated the Town's approved Code of Ethics, Section 4.02's requirement that Town Officials conducting Town business treat others fairly, equally and with respect.

Our Code of Ethics was approved by our legislative body and applies to all elected officials.

Kathleen Kilgore made the baseless claim that I was sexist, denied the comment in public session, then "doubled-down" on the comment in the press. This is not ethical, honest, or respectful behavior.

"Words like sexist, racist and homophobic are absolutely the worst words one can be called."

*-Hampton Union editorial, May 10, 2019*



## Kilgore alleges sexism by North Hampton board colleagues

By Max Sullivan

[msullivan@seacoastonline.com](mailto: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.”

## Timeline

April 19, 2019 - First story from the Hampton Union:

“Kilgore alleges sexism by North Hampton Board colleagues”

April 22, 2019 – Regular Select Board Meeting:

Larry Miller reads from the article and asks Mrs. Kilgore if it's true: “She believes Maggiore and Miller showed sexism in their demeanor and reasoning when they turned her down...”

Kathleen Kilgore: “That word sexism and the header on the story was not my words at all.”

Regarding the quote attributed to Kathleen: “Do I think there was a sexist part of it? Yes.”

Kathleen Kilgore: (Long silence) “I did not use the word sexist. I said it was dismissive.”

Asked by Larry Miller if the article was accurate, Kathleen Kilgore said she did not recall using the word “sexist” when approached by the Hampton Union last week. However, she confirmed using that term in the next news story.

April 26, 2019 - Second story from the Hampton Union:

“Kilgore doubles down on sexism accusation after denial”

## Kilgore doubles down on sexism accusation after denial

By Max Sullivan

[msullivan@seacoastonline.com](mailto:msullivan@seacoastonline.com)

Posted Apr 25, 2019 at 6:46 PM

Updated Apr 25, 2019 at 8:47 PM

NORTH HAMPTON -- A Select Board member is asking fellow board member Kathleen Kilgore to apologize for calling him and another selectman “sexist” last week, but Kilgore is standing by her statement.

Select Board member Larry Miller told Kilgore at their Monday meeting he wanted to talk about the “gorilla in the room” before pulling out a Hampton Union article from April 19, which quoted Kilgore as describing Miller and Chairman Jim Maggiore as “sexist” and “dismissive.” The quote was made in reference to Miller and Maggiore rejecting her request for consideration as chairman April 8.

Asked by Miller if the article was accurate, Kilgore said she did not recall using the word “sexist” when approached by the Hampton Union last week. However, she confirmed using that term in an interview Tuesday, saying she believes being a woman factored in her being rejected for the chairmanship. She said she took offense at Miller and Maggiore’s questioning whether she was too busy to be chairman.

“Being told I was too busy, to me, it was demeaning and dismissive, and I considered the comment had to do with my gender as much as it had to do with my ability,” Kilgore said Tuesday.

Kilgore was asked about sexism after a letter to the editor was received from her husband, Planning Board member Wally Kilgore. The letter, titled “Kilgore deserved a chance to chair Select Board” stated, “It’s great watching two men tell an accomplished and successful woman that she is reaching too high.” The letter ran in the April 19 Hampton Union.



Even the Seacoast Media Group, where these false accusations started, agrees this is a very bad situation.

Words like sexist, racist and homophobic

**“...are absolutely the worst words one can be called.”** – *Hampton Union editorial, May 10, 2019.*

The Seacoast Media Group agrees that sexism was not the reason Kathleen Kilgore was not voted Select Board Chair.

**“Maggiore and Miller deserve an apology because accusing them of being sexist was an overreach.”**

**“The label -- which he (Maggiore) rightly claims could hurt his political and professional career -- just doesn't make sense, especially in this case.”** – *Hampton Union editorial, May 10, 2019.*

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Opinion

## North Hampton Select Board fight is about politics, not sexism

Posted May 16, 2019 at 7:34 PM

Updated May 16, 2019 at 7:34 PM

Sexist, racist and homophobic.

Hot button words like these are often thrown around in politics whether true or not.

Why? Because they stir emotion and they are absolutely the worst words one can be called.

North Hampton Select Board member Kathy Kilgore recently accused two of her fellow board members of being “sexist” when they snubbed her request to be named chair.

Her fellow board members took issue with the accusation. Select Board member Larry Miller demanded a public apology and Select Board Chair Jim Maggiore filed a complaint against Kilgore with the town’s Ethics Committee, accusing her of damaging his reputation.

Now the issue is in the hands of the Ethics Committee, which will conduct an investigation with the goal of reaching a decision by May 16.

We would strongly urge all parties involved to skip the probe, apologize to each other, move on and get back to what truly matters -- which is the business of the town.

Kilgore, under the First Amendment, has every right to express her opinion that the comment on why she wasn’t named chair was “sexist.”

At the meeting, Maggiore told Kilgore he believes she would be “too busy,” having just been elected library trustee.

She felt the comment was “demeaning and dismissive” and “had to do with my gender as much as it had to do with my ability.”

But we don't think Kilgore's busy schedule was a factor in Maggiore and Miller passing her over for board chair, any more than we think it was sexism.

Maggiore said at the same meeting he was “too busy” after just being elected to serve as a state representative. He also said he wanted Miller to take the chair, but Miller declined.

The real reason for the chair snub had more to do with politics than sexism.

It's no secret that there is a political divide in town. One would just have to look at two competing citizen groups, We Are 03862 Strong and Step Up North Hampton. 03862 Strong describes itself as a taxpayer watchdog while Step Up was formed to educate voters on the importance of town services and to “promote responsible government.”

Kilgore has been endorsed by 03862 Strong while Step Up has previously endorsed Miller and Maggiore.

It only makes sense if you were Maggiore that you would want either yourself or Miller in charge of setting the agenda for the coming year.

But rather than state the obvious, Maggiore chose to be nice and say Kilgore was “too busy.”

Maggiore, who serves on the Governor's Advisory Council on Diversity and Inclusion, has every right to defend his name after being called a sexist.

The label -- which he rightly claims could hurt his political and professional career -- just doesn't make sense, especially in this case.

North Hampton was one of the first towns in New Hampshire to officially change the name of the Board of Selectmen to North Hampton Select Board because of female representation.

The board, consisting of Miller and Maggiore, also named Kilgore vice chair last year and as a group unanimously appointed a female police chief in 2018.

What this really comes down to is hurt feelings on both sides.

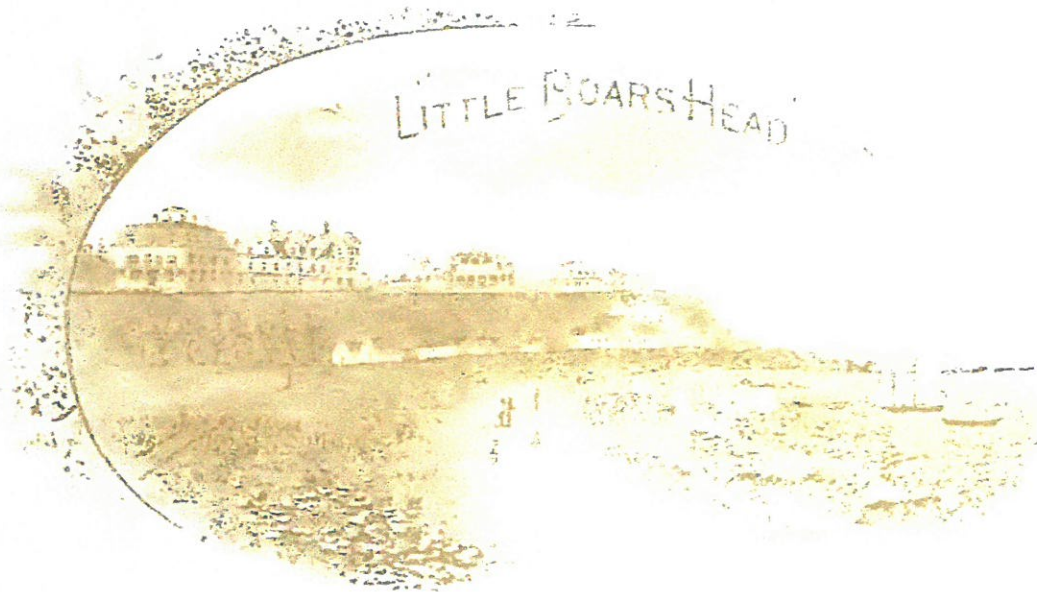
Kilgore deserved an honest answer when she questioned why she wasn't appointed chair. Maggiore and Miller deserve an apology because accusing them of being sexist was an overreach.

Ethics Committee Chairman Jonathan Pinette suggested the board should try to resolve the issue on their own. We would agree that would be the best case scenario.

The Select Board should get back to the real work of serving the people of North Hampton. Nothing is gained from introducing the name calling that so pollutes the national dialogue into the debates taking place in our hometowns.

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2011

# North Hampton Annual Report Incorporated 1742



POST OFFICE  
LITTLE BOARS HEAD, N.H.

JAMES L. BATHURST,  
MAYOR

R.R. STATION  
NORTH HAMPTON, N.H.

For the Fiscal Year Ended  
June 30, 2011  
[www.northhampton-nh.gov](http://www.northhampton-nh.gov)



Ms. Pohl asked to insert a sentence in the fourth line of the article after the word "operations." "This ordinance serves as guidelines for consideration by the CIP Committee when recommending funding sources for proposed capital items during the process of creating the annual Capital Improvement Plan." Vote by show of hands, motion carries..

Article 22 will appear on the official ballot as amended.

|                   |     |    |     |
|-------------------|-----|----|-----|
| YES               | 312 | NO | 141 |
| ARTICLE 22 PASSES |     |    |     |

MARCH TOWN MEETING

Article 23 To see if the Town will vote to change the date for Town elections and the second session from the second Tuesday in May to the second Tuesday in March which would change the date for the first session (Deliberative Session) to a date between the first and second Saturdays after the last Monday in January, inclusive. (Majority vote required.) RECOMMENDED BY THE SELECT BOARD 3-0.

Motion by Chair Maggiore to place Article 23 on the official ballot as read. Seconded by Selectman Miller.

Article 23 will appear on the official ballot as read.

|                   |     |    |    |
|-------------------|-----|----|----|
| YES               | 362 | NO | 98 |
| ARTICLE 23 PASSES |     |    |    |

ADOPTION OF TOWN OF NORTH HAMPTON CODE OF ETHICS

Article 24 To see if the Town will vote to adopt the Code of Ethics as proposed by the Code of Ethics Committee which applies to all Town Officers, Elected Officials, Appointed Committee Officials/Members and Town Employees. [A full detail of the proposed Code of Ethics is available at the Town Clerk - Tax Collector's Office during regular business hours and online at [www.northhampton-nh.gov](http://www.northhampton-nh.gov)] RECOMMENDED BY THE SELECT BOARD 3-0.

Motion by Selectman Wilson to place Article 24 on the official ballot as read. Seconded by Chair Maggiore.

Article 24 will appear on the official ballot as read.

|                   |     |    |     |
|-------------------|-----|----|-----|
| YES               | 349 | NO | 108 |
| ARTICLE 24 PASSES |     |    |     |

business hours. It is also available on the Town's website at [www.northhampton-nh.gov](http://www.northhampton-nh.gov) (Majority vote required.) **RECOMMENDED BY THE SELECT BOARD 3-0.**

#### **FUND BALANCE ORDINANCE**

**Article 22** To see if the Town will vote to adopt the proposed Fund Balance Ordinance. The purpose of this ordinance is to improve the Town of North Hampton's financial stability, help prepare it for a financial emergency as well contribute to the continuity of financial operations. This ordinance encompasses the minimum required, target, and maximum fund balance reserves, and the allowable uses of fund balance reserves. A full copy of the text of the ordinance is available at the Town Offices and the Town Clerk - Tax Collector's Office during regular business hours. It is also available on the Town's website at [www.northhampton-nh.gov](http://www.northhampton-nh.gov) (Majority vote required.) **RECOMMENDED BY THE SELECT BOARD 3-0.**

#### **MARCH TOWN MEETING**

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#### **ADOPTION OF TOWN OF NORTH HAMPTON CODE OF ETHICS**

**Article 24** To see if the Town will vote to adopt the Code of Ethics as proposed by the Code of Ethics Committee which applies to all Town Officers, Elected Officials, Appointed Committee Officials/Members and Town Employees. [A full detail of the proposed Code of Ethics is available at the Town Clerk - Tax Collector's Office during regular business hours and online at [www.northhampton-nh.gov](http://www.northhampton-nh.gov)] **RECOMMENDED BY THE SELECT BOARD 3-0.**

#### **BY PETITION: DESIGNATING MILL RD. AS A SCENIC ROAD**

**Article 25** Shall we designate Mill Road as a "Scenic Road" by adopting the provisions of RSA 231:157? A Scenic Road is described in RSA 231:158. **RECOMMENDED BY THE SELECT BOARD 2 IN FAVOR, ZERO OPPOSED, AND ONE ABSTENTION.**

**TOWN OF NORTH HAMPTON, NH**  
**CODE OF ETHICS**

**ARTICLE I. AUTHORITY**

This Code of Ethics is adopted pursuant to the authority of RSA 31:39-a.

**ARTICLE II. PREAMBLE**

The Town of North Hampton values honesty, transparency, accountability, respect and civility in the behavior of its Officials. All Town Officials, whether elected, appointed or hired, shall act in the best interests of the Town, shall maintain the highest standards of personal integrity in discharging their public duties, and shall never abuse their positions or powers for improper reasons or personal gain. Therefore, in order to promote and sustain an ethical culture it shall be the duty of all Officials to read this Code of Ethics and to familiarize themselves with its content.

**ARTICLE III. PURPOSE**

The purposes of this Code of Ethics are to outline the ethical goals to which the Town Officials are expected to aspire; to educate the Town Officials and residents as to the meaning of ethical and responsible conduct; and to establish guidelines for the ethical standards of conduct for Town Officials. This Code of Ethics establishes standards governing official conduct, provides guidance for ethical decisions and behavior, and establishes a course of action for resolving alleged ethics violations in a manner that is fair to all of the parties involved.

**ARTICLE IV. CODE OF ETHICS**

*Section 4.01 Conflicts of Interest, Disclosure, and Recusal.* Town Officials are expected always to act in the best interests of the Town and to be independent, impartial, and responsible to their fellow townspeople when discharging their public duties. Therefore, Town Officials shall disclose, publicly and on the record, any and all conflicts of interest and shall not participate in deliberations or discussions with respect to any matter in which they, or a member of their family, has a personal or pecuniary interest, that may directly affect or influence the performance of their duties. Where any such conflict exists, Town Officials are expected also to recuse themselves from related deliberations, discussions, and decision-making. In addition, pursuant to the impartial juror standard set forth in New Hampshire RSA 43 or RSA 673:14 as appropriate, Town Officials must recuse themselves from a quasi-judicial action if they have advised or assisted either party in the matter being decided, are prejudiced to any degree regarding the pending matter, believe they cannot for any reason be totally fair and impartial, or otherwise fail to meet the standard of impartial juror in that case.

Those who have recused themselves shall immediately leave the room or shall seat themselves in a non-official capacity with other members of the public who are present. A recused person shall not deliberate or vote on the matter in question. If one chooses to participate, one must clearly state for the record that he/she is doing so only as a member of the general public.

*Section 4.02 Fairness and Adherence to Proper Procedure.* All persons appearing before any Town Board or otherwise conducting business with the Town shall be treated fairly, equally and with respect. No Town Official shall in the course of official duties give or deny any person special consideration, advantage, or treatment as a result of the person's public status, position, age, sex, race, religion, creed, sexual orientation, or national origin. In addition, all Town Officials, Board members, and employees are expected to comply with the provisions of the New Hampshire Right to Know Law (RSA 91-A).

*Section 4.03 Improper Personal Gain.* Town Officials shall not use the powers or privileges of their public office, volunteer position, or employment for personal gain or advantage.

- A. *No Unfair Use of Personal Property.* No Town Official, or his/her family member shall accept or use Town property, services, or labor personally, or make the same available to others unless such use is available to other residents upon request on equal terms; unless necessary to carry out his/her assigned duties.
- B. *No Misuse of Confidential Information.* No Town Official shall use any confidential information acquired by virtue of his/her official position for personal benefit, or for the benefit of any other person, entity, or business. In addition, no Town Official shall unnecessarily violate the privacy of others or publicize, disclose or discuss information confidentially acquired in the course of official duties unless in the best interests of the Town.
- C. *No Improper Gifts.* No Town Official shall accept a gift (or knowingly allow acceptance of such gift by a Family member) from any individual, group, or entity that has or is likely to have a matter pending before the Official. This provision is not intended to apply to gifts traditionally exchanged between family members at holidays.
- D. *No Representation of Clients.* No Town Official shall appear on behalf of a client before any governmental body of which the public official is a member or whose members have been appointed by the governmental body of which the public official is a member.
- E. *No Improper Influence.* No Town Official shall use his or her official position to influence or to attempt to influence any governmental body to act in favor of the Official, or in favor of any individual or entity associated with the Official.

*Section 4.04 Duty to Cooperate.* All Town Officials shall cooperate with the Standing Ethics Committee regarding any complaint or inquiry alleging violation of this Code of Ethics; provided however, that such persons shall retain all legal rights otherwise provided under law.

*Section 4.05 Incompatibility of Offices.* This Code of Ethics incorporates by reference the prohibitions concerning incompatible offices contained in RSA 669:7 and RSA 673:7.

## **ARTICLE V. DEFINITIONS OF TERMS**

As used in this Code of Ethics, the following terms shall have the meanings indicated:

*Section 5.01 Board.* Any board, commission, committee, or subcommittee, permanent or special, established by the voters at Town Meeting or by the Select Board under New Hampshire State Law or otherwise, or by another Town Board or Commission.

*Section 5.02 Complainant.* A person who has formally submitted an allegation of a violation of the Code of Ethics.

*Section 5.03 Conflict of Interest.* The existence of a personal or pecuniary interest, or both, on the part of a Town Official, which would be deemed by an objective and reasonable third person to have the capacity to influence an officer or employee in the exercise of that person's public duty.

*Section 5.04 Employee.* A person who is paid by the Town of North Hampton for his/her services, on a full or part-time basis, but who is not an independent contractor.

*Section 5.05 Family.* Any person who is related to the Town Official, Board member, or employee in one of the following ways: spouse, parent, grandparent, child, grandchild, sibling, or similar relation to the individual's spouse. This includes all persons who are members of the same household as the Town Official, Board member, or employee in question, regardless of whether they are related by blood or marriage.

*Section 5.06 Interest.* Any legal or equitable right, which is owned or held either independently or jointly, including but without limitation, a right, share or claim to land.



*Section 5.07 Official.* Any elected or appointed officer, Board member, employee or other agent of the Town of North Hampton.

*Section 5.08 Recusal (To Recuse.)* Removal of oneself completely from all further participation in any matter in which a Town Official, Board member, or employee has a conflict of interest.

*Section 5.09 Respondent.* An Official named in a formal allegation of a violation of the Code of Ethics.

*Section 5.10 Quasi-judicial Action.* Any action where a Board has a duty to notify the potential parties, hear the parties, and can only decide the matter after weighing and considering such evidence and arguments as the parties choose to lay before them in the context of applicable legal standards. By way of example, the work of the Planning Board and Zoning Board is largely quasi-judicial.

*Section 5.11 Town.* The Town of North Hampton, including all of its departments, Boards, commissions, and committees.

## **ARTICLE VI. EXCLUSIONS**

The provisions of this Code of Ethics shall not be interpreted to bar:

*Section 6.01* Any Official or Employee of the Town from fully participating in any public proceeding conducted by the Town (but see Section 5.01);

*Section 6.02* Acceptance of donations for the expressed purpose of financing a political campaign, provided such contributions are reported (if required) by any local, state and federal laws that pertain to such donations;

*Section 6.03* Participation in a matter that relates to a person, business, or entity from which an Official, Board member or employee has purchased or sold goods or services, if the individual in question has no other conflict of interest relating to that person or business;

*Section 6.04* Police officers, fire fighters, and other emergency personnel from acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of his/her departments; and

*Section 6.05* Supervisors of Town employees from appropriately carrying out personnel policies.

## **ARTICLE VII. ENFORCEMENT AND ADJUDICATION OF COMPLAINTS**

*Section 7.01 Self Enforcement.* In the first instance, all Town Officials, Board members and employees are expected to maintain the highest standards of personal integrity and to share the Town's values of honesty, transparency, accountability, respect and civility. While respect and civility are important goals, rights guaranteed to citizens under the First Amendment to the United States Constitution shall be preserved at all times.

*Section 7.02 Enforcement by Board Chairs.* The presiding officers of Town Boards (as defined in paragraph 5.01 above) are critical in enforcing this Code of Ethics. They must provide leadership required to maintain order and efficiency while building consensus that ensures that the Board, not the presiding officer alone, makes decisions consistent with its role in Town governance. Presiding officers, therefore, have the following distinct responsibilities:

- A. In order to make this document an integral part of the culture of the Town of North Hampton, at their initial meeting following each annual Town Meeting, it shall be the first duty of the newly elected Chairs of the Select Board, Planning Board, Zoning Board of Adjustment, Municipal Budget Committee, and Board of Library Trustees to read aloud Article II, "Preamble," of this Code of Ethics. In addition, the Chairs shall provide a copy of the entire Code to members of their Boards.

- B. To conduct meetings professionally in accordance with rules of procedure adopted by their respective Boards.
- C. To set and maintain a respectful tone in all discussions, including those involving public participation, and thus to ensure that all participants behave civilly and do not engage in personal attacks.
- D. To state that in his/her opinion a member of the Board or any other participant is behaving inappropriately whenever such behavior disrupts the orderly conduct of business. The Board member or participant shall then be expected to respect the presiding officer's opinion and stop the offending behavior.
  - 1. If inappropriate behavior continues, to restore order and civility, the presiding officer has authority to ask the offending member or participant to leave the meeting and, if necessary, to recess the meeting and get assistance to remove the offending member or participant. With respect to all members and participants, the presiding officer shall respect the rights of citizens under the First Amendment to the United States Constitution.
  - 2. If a member persists in inappropriate behavior after warnings and actions pursuant to (1) above, then the presiding officer has authority to entertain a motion to censure that member's behavior and to make such a motion of censure a matter of public record in the Board's official minutes.
- E. Alleged violations of provisions of this Code of Ethics shall be handled by the enforcement procedures of Section 7.03, 7.04, 7.05, and 7.06 below. The presiding officer shall, when appropriate, initiate enforcement actions with respect to alleged violations by members of his/her Board.

*Section 7.03 Enforcement by Standing Ethics Committee*

- A. *Establishment of the Standing Ethics Committee ("Committee").* At their initial meeting immediately following annual Town Meetings, each of the following elected bodies shall appoint one regular member and one alternate member from their ranks to serve a one-year term on the Committee: Select Board, Planning Board, Zoning Board of Adjustment, Budget Committee, and Trustees of the Library.
- B. *Purposes*
  - 1. The purposes of this Committee are to adjudicate Complaints and make recommendations in accordance with Section 7.06;
  - 2. to disseminate the Code of Ethics and educate Public Officials and the Public about the Code, and
  - 3. to review annually proposals for revising this Code of Ethics.
- C. *Organization of the Committee.* Each year at their first meeting after Town Meeting the Committee shall elect a Chair and Vice Chair from its membership. Town Administration shall provide a qualified individual to serve as Recording Secretary. The Recording Secretary may be an employee of the Town or a contractor engaged for that purpose, but shall not be a member of the Committee.
- D. *Adoption of Rules of Procedure for Legislative and Executive Functions.* The Committee shall develop and adopt Rules of Procedure for conducting its legislative and executive functions under paragraphs 7.03 (c) (i) and 7.03 (c) (ii) above, as appropriate, for work the Committee plans to undertake during the year. Such Rules shall include provisions for public notice of all meetings and hearings and, in addition, provisions for public hearings

about any proposals to revise the Code of Ethics. The Rules of Procedure shall also include forms that a person must use to file a complaint alleging a violation of the Code of Ethics.

*Section 7.04 Reporting Process.* Any person who believes that an Official or Employee of the Town has violated this Code of Ethics may file a written complaint with the Town Clerk outlining the reasons for the alleged violation. The Town Clerk shall deliver a copy of the complaint both to the accused party and to the Chair of the Committee within three business days after receiving said complaint. The Respondent shall promptly be furnished with a copy of any such complaint.

- A. *Normally the Committee shall accept only those complaints submitted within three (3) months after the alleged violation has occurred.*
- B. *However, in all cases the decision whether to accept a complaint is at the sole discretion of the committee.*

*Section 7.05 Initial Review of Complaint.* The following two-step Initial Review shall aim to provide due process to all parties to the complaint, to protect their rights, and to ensure that justice is rendered:

- A. The Committee shall consider taking jurisdiction only for complaints that are made in writing, signed by the Complainant or Complainants, notarized, and submitted to the Town Clerk.
- B. The Committee shall meet within fourteen (14) days of release of the complaint from the Town Clerk in accordance with RSA 91-A to determine by a recorded vote that the allegation of misconduct is with or without merit or foundation pursuant to the Code of Ethics and shall notify the Complainant(s) and Respondent of the time, date, and place of the hearing no less than seven (7) days prior to this meeting. Notice shall be given by registered mail, return receipt requested.
  - 1. If the Committee finds the complaint to be without merit or unfounded pursuant to the Code of Ethics it shall dismiss the complaint and provide both the Complainant and the Respondent with the decision together with written findings.
  - 2. If the Committee determines by a recorded vote that the complaint has merit pursuant to the Code of Ethics, a preliminary investigation will begin. A preliminary investigation may include, but is not limited to the following: reviewing State law, reviewing Town ordinances, interviewing witnesses, and reviewing meeting minutes and meeting recordings.
  - 3. Upon completion of a preliminary investigation, the Committee shall conclude by recorded vote that pursuant to the Code of Ethics:
    - (a) No action is appropriate because no improper conduct occurred, or;
    - (b) The violation was inadvertent, technical, or minor in nature and will be addressed informally in writing or verbally, or;
    - (c) The conduct was of a serious nature and formal proceedings should be instituted to inquire further into the complaint. The Committee shall then make a statement of the formal charges and hold a formal hearing into the complaint, the procedures for which will be outlined in Section 7.06 below.
    - (d) The Respondent and Complainant shall both be promptly provided with a written copy of the statement of formal charges.



*Section 7.06 Formal Proceedings.* The following Formal Proceedings, when conducted, shall aim to provide due process to all parties to the complaint, to protect their rights, and to ensure that justice is rendered:

- A. Following the completion of a preliminary investigation from which there is a finding that a formal proceeding should be conducted, the Committee will hold a formal meeting on the merits of the complaint within twenty-one (21) days. Notice of the time, date and place of this meeting shall be given to Complainant(s) and Respondent(s) by registered mail, return receipt requested.
- B. If the Complainant and Respondent wish to submit any written testimony, evidence, or witness list, they must provide a copy of all material to the Town Clerk so that it is received no less than five (5) business days prior to the hearing. The Town Clerk shall provide the Standing Ethics Committee with copies no less than three (3) days prior to the hearing.
- C. In the event that any regular member of the Committee is disqualified or unable to sit with respect to a complaint, the alternate from his/her appointing body shall be seated. In the event that both appointees from one body are disqualified or unable to be seated, then the Chair shall seat one of the alternate members from another Board to hear the complaint.
- D. All meetings and deliberations with respect to each complaint, and all documents and records pertaining to those meetings and deliberations shall be governed by the New Hampshire Right to Know Law, RSA 91-A.
- E. Formal Proceedings shall not be bound by the strict rules of evidence prevailing in courts of law or equity.
- F. A Committee meeting to review a complaint is not a public hearing in which members of the general public may comment, unless invited to do so at the pleasure of the Committee.
- G. In Formal Proceedings Committee meetings shall be conducted under the following rules:
  - 1. The Chair will call the meeting to order and read the charges against the Respondent(s).
  - 2. The Chair will then call upon the Complainant(s) to present the complaint. If the complaint is signed by more than one individual, the Complainants shall appoint one individual to act as their spokesperson.
  - 3. The Committee may question the Complainant(s) as necessary.
  - 4. The Chair will then call upon the Respondent to explain his/her case.
  - 5. The Committee may question the Respondent(s) as necessary.
- H. After the Committee has received all relevant testimony and evidence, it will begin deliberations. The Committee shall conduct its deliberations in accordance with RSA 91-A:3. Nothing herein shall be construed to prohibit the Committee from consulting with legal counsel pursuant to RSA 91-A:2.
- I. **Written Recommendation:** The Ethics Committee shall have no authority to remove any person from his or her office or position of employment, or to impose any other penalty or sanction, but shall determine on the record whether a violation of the Ethics Code has occurred. The result of each adjudicative process shall be a written recommendation, with specific findings, to the appropriate Town Official or body about: 1) whether a violation of the Ethics Code has occurred; and 2) whether any remedial or punitive action should be taken. This recommendation shall be signed by all members of the Committee who voted

in favor of the recommendation. Members of the Committee who opposed the recommendation shall have the right to convey written minority opinion(s) at the same time the majority opinion is submitted.

**ARTICLE VIII. SUPERCESSION**

This Code of Ethics upon adoption supersedes any prior version of the Code of Ethics.

**ARTICLE IX. SEVERABILITY**

If any portion of this Code of Ethics shall be held invalid, the remainder shall not be affected thereby and shall remain in full force and effect.

**ARTICLE X. EFFECTIVE DATE**

*Section 10.01* This Code of Ethics shall take effect upon passage by the legislative body.

*Section 10.02* Any amendments shall take effect upon passage or upon such other date as may be specified by the legislative body.

*Section 10.03* Any complaint pending at the time of adoption of this Code of Ethics shall be governed by rules in effect at the time the complaint was filed.

# TOWN OF NORTH HAMPTON

## SELECT BOARD RULES AND PROCEDURES

### SECTION 1. GENERAL PROVISIONS

- a) SELECT BOARD MEETING LOCATION
  - i) All meetings of the Town of North Hampton Select Board shall be held at the Town Hall, unless the Select Board adjourns to another location or the meeting is scheduled for another location and is properly noticed.
- b) SELECT BOARD MEETING TIME
  - i) Meetings of the Town of North Hampton Select Board shall be held on the second and fourth Mondays of every month and begin at 7:00 p.m., unless otherwise noticed, or continued to a specific time and date.
- c) SELECT BOARD MEETINGS OPEN TO THE PUBLIC
  - i) All meetings of the Town of North Hampton Select Board and Committees thereof shall be open to the public, except as provided for by RSA 91-A,.
- d) ELECTION OF OFFICERS
  - i) Procedures for electing officers are as follows:
    - (1) Annually, at the first meeting of the Select Board after Town elections, the members thereof shall choose, from among their number, a Chair and a Vice Chair.
    - (2) In addition to the powers conferred upon the Chair and the Vice Chair, he/she shall continue to have all the rights, privileges and immunities of a Board Member.
    - (3) The above election shall be by a majority vote of the Select Board.
- e) PRESIDING OFFICER
  - i) The Chair of the Select Board shall preside at all meetings of the Select Board, and be recognized as the head of the Town for all ceremonial purposes.
  - ii) The Chair of the Select Board has no regular administrative or executive duties. In case of the Chair's absence or temporary disability, the Vice Chair shall act as Chair during the continuance of the absence.
  - iii) The Chair of the Select Board or the Vice Chair are referred to as "Presiding Officer" from time to time in these Rules of Procedure.
  - iv) The Presiding officer shall preserve order and decorum, may participate in the discussion of any issue before the Select Board, may submit reports and

i) The business of all meetings of the Select Board shall be transacted as follows; provided, however that the Presiding Officer may, during a Select Board meeting, rearrange items on the agenda to conduct the business before the Select Board more expeditiously:

- (1) Call to order & Call of the Roll
- (2) Non-Public Session
- (3) Swearing In of Public Employees
- (4) First Period of Public Comment

(i) This is the portion of the meeting when individual members of the public may address concerns to the Select Board.

(ii) Members of the public shall state their name and address prior to addressing the Board.

(iii) Public comments shall be limited to three (3) minutes.

(iv) Following such comments the Presiding Officer may place the matter on a future agenda, or refer the matter to the Town Administrator for investigation, report or to take such action as may be appropriate.

(5) Consent Calendar

(a) These items are approved without discussion.

(b) The consent format is to expedite the business of the Board when adequate backup material has been provided.

(c) Should a member of the Board request to have an item removed, it shall be placed on the current agenda under new business.

(6) Public Hearings

(7) Communications to the Select Board

*\* Communications to the Select Board are written correspondence sent or otherwise submitted to the Select Board (excluding bills, advertisements, flyers, brochures, copyrighted materials, media clippings or items that are of a routine business nature that or correspondence that are considered non-public under RSA91-a) shall be accepted and placed on file with the Board public meeting record. Unsigned communications shall not be introduced nor accepted.*

(8) Committee Updates

- (a) No meeting shall be permitted to continue beyond 10:00 PM without approval of a majority of the Select Board members who are present and eligible to vote.
- (b) If the decision is to recess the meeting, a location, date and time for reconvening must be publicly agreed to before taking a vote to recess the meeting. In the event that a meeting has not been closed or recessed by the Selectmen prior to 9:00 P.M., thus bringing the meeting to an end, the items not acted on shall be deferred to the next Select Board meeting, unless the Select Board, by a majority vote of members present, determines otherwise.

J) TOWN ADMINISTRATOR

- i) The Town Administrator or approved designee shall attend all meetings of the Select Board, unless excused by the Presiding Officer or Select Board.
- ii) The Town Administrator may take part in the Select Board's discussion on all matters on the agenda, and all other matters concerning the welfare of the Town.
- iii) In the event that the Town Administrator is unable to attend a Select Board meeting, he shall appoint another qualified staff member to attend the meeting.

k) CLERK OF THE SELECT BOARD

- i) The Administrative Assistant to the Town Administrator shall be the Clerk of the Select Board and take minutes and perform such other and further duties as may be required by the Select Board, Presiding Officer, or Town Administrator.

**SECTION 2. DUTIES AND PRIVILEGES OF MEMBERS**

a) DISSENTS AND PROTESTS

- i) Any Board Member shall have the right to express dissent from or protest against any ordinance or resolution of the Select Board.
- ii) After the Select Board has taken a position on an issue, official correspondence should reflect this position.
- iii) When members are requested to speak to groups or are asked the Board's position on an issue, the response should reflect the position of the Board as a whole. A member may clarify their vote on a matter by stating, "While I voted against X, the Select Board voted in support of it." When representing the Town at meetings or other venues, it is important that those in attendance gain an understanding of the Select Board's position as well as that of an

d) RECONSIDERATION AND RECISION.

- i) Following the final vote on a question, any Board Member who the record indicates has voted with the prevailing side, may move for reconsideration.
- ii) No such motion shall be in order unless it is made at the meeting at which the Select Board acted on the question, or at the next succeeding meeting, provided written notice is provided in sufficient time for the matter to be included as an item on the agenda of the next succeeding meeting.
- iii) In the absence of such notice, no motion for reconsideration will be in order.
- iv) A motion to reconsider is debatable provided the subject question was debatable.
- v) A motion to reconsider cannot be amended or reconsidered.

e) SUSPENSION OF RULES.

- i) A motion to suspend these rules shall be in order at any time during a meeting of the Board or a public hearing, except during discussion of a pending motion.
- ii) A motion to suspend shall require a two-thirds vote of those present and voting.

f) ACTIONS FOR A PUBLIC HEARING

- i) The procedures for a public hearing are as follows:
  - (1) At the outset of each public hearing the Presiding Officer will announce the purpose of the public hearing and ask the parties wanting to speak to limit their presentations to information within the scope of the matter before the Select Board.
  - (2) The Presiding Officer may call upon the Town Administrator or other person to describe the matter under consideration.
  - (3) Each speaker, for or against the matter before the Select Board for public hearing, shall identify himself or herself by name and address. Each speaker shall be limited to three (3) minutes. When everyone wanting to speak has had one opportunity to speak, the Presiding officer shall call for anyone wanting to speak for a second time. Second time speakers shall be limited to the time allowed by the Presiding officer, or as established by a majority vote of the Selectmen.
  - (4) Once all Town residents wanting to speak for a second time have spoken, the Presiding Officer shall call for any non-residents wanting to speak.

- (1) Special ad hoc citizen study committees may be created by the Select Board for a particular purpose.
- (2) All Committee members shall be appointed by the Select Board.
- (3) The committee shall appoint its own chair.
- (4) These committees shall be established by a written document stating the specific purpose, mission, and goals/objectives that the committee is to achieve or attain, and declaring that the committee is dissolved when these have been attained or by a date certain.
- (5) No business of any committee shall begin until such time as the committee has met and elected a chair person.
- (6) No request of staff shall be made without a majority vote of the members of the committee
- (7) Citizen study committees shall cease to exist at the end of each fiscal year unless specifically continued by the Select Board thereafter for a specified time period. At such point of time as a committee shall cease to exist, all documents and materials shall be turned
- (8) One Board Member, appointed by the Presiding Officer, may be appointed as a member and liaison of a citizen advisory committee.
- (9) Citizen study committees may make recommendations on proposed programs, services, ordinances, and resolutions within their area of responsibility before action is taken by the Select Board.
- (10) The committee chair may present the recommendations of the committee during the discussion of the item of business during a meeting of the Select Board.
- (11) Town employees shall staff the various committees as directed by the Town Administrator, but no staff person shall serve as a member of a citizen study committee.
- (12) Minutes of citizen study committee meetings shall be recorded in accordance with RSA 91-A, (the NH Right to Know Law).

i) NOMINATIONS/APPOINTMENTS

- i) The procedure for nominating and appointing citizens to Town boards, commissions and committees shall be as follows:
  - (1) Single nomination.



- ii) Select Board action shall be taken by ordinance when required or permitted by law to prescribe permanent rules of conduct which continue in force until repealed.
- iii) An enacted resolution is an internal legislative action that is a formal statement of policy concerning matters of a special or temporary character. Select Board action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.
- iv) An enacted motion is a form of action taken by the Select Board to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

k) RESOLUTIONS

- i) Each resolution may be voted and approved on the same day on which it was introduced.
- ii) Resolutions shall be numbered by the fiscal year followed by the chronological numbering of which it was introduced beginning July 1.

l) ORDINANCES

- i) The procedure for ordinances are as follows:
  - (1) An ordinance shall be introduced at a public meeting of the Select Board.
  - (2) At this meeting, the Select Board shall determine a future date for a public hearing and second reading of the proposed ordinance.
  - (3) At the second meeting, the Select Board shall hold a public hearing as previously described and act upon the ordinance.
  - (4) The title of each ordinance shall in all cases be read prior to its passage; provided, should a majority of the Selectmen present request that the entire ordinance or certain of its sections be read, such requests shall be granted.
  - (5) Ordinance shall be numbered by the fiscal year followed by the chronological numbering of which it was introduced beginning July 1.
- ii) Emergency Ordinances.
  - (1) The Town Select Board may, without notice or hearing, adopt an emergency ordinance authorizing expenditures for a public emergency as defined and prescribed in RSA Chapter 21-P:39, and the Town of North

shall be handled with the Town Administrator under RSA 91-A

- iv) Except for the purposes of inquiries, deal with Town officers and employees who are subject to the direction and supervision of the Town Administrator solely through the Town Administrator.
  - v) Not give orders to any such officers or employees either publicly or privately.
  - vi) Direct question of the staff to the Town Administrator, Administrative Assistant to the Town Administrator or Department Heads. The Town Administrator should be copied on requests and discussions.
  - vii) Limit the request for staff support and insure that all requests go through the Town Administrator's Office.
- c) The individual members of the Select Board in their relations with fellow members shall:
- i) Recognize that no member by their actions alone can bind the Select Board or the Town
  - ii) No member, including the chairperson or vice-chairperson, shall conduct any town business outside a regular scheduled meeting without the prior knowledge and approval of the Board at a meeting.
  - iii) Pursuant to RSA 91-A uphold the intent of non-public session and not release or discuss items raised in non-public session
  - iv) Refrain from communicating the position of the town or the Select Board to other entities (i.e. state and federal officials) unless the full board has previously agreed on both the position and the language of the statement
  - v) Treat with respect the rights of all members of the Board despite differences of opinion
- d) As required by State law, all business of the town shall be handled in public session, with the exception of matters listed under RSA 91 -A.
- e) Any violation of this Code of Conduct shall be reported to the Board within five (5) days of the occurrence.
- f) All actions taken under RSA 91 -A are to be, if appropriate, disclosed before the close of the regular session in a brief statement of the facts. Any discussion held within the closed session shall be considered closed to the public. Any person who reveals details of the closed session to the public, is to be censured for their actions, and held in contempt of RSA 91-A.
- g) Punishment for any violation of this code of conduct shall include but not limited



David R. Caron  
Town Administrator  
dcaron@derrynh.org

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*Character Reference*  
*Jim Maggiore*  
*May 28, 2019*

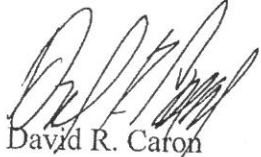
I have known Jim Maggiore since 2012 when I was hired as the Interim Town Administrator for North Hampton, NH. Jim was Chair of the Select Board in North Hampton at that time; after I accepted a position with another community in New Hampshire, Jim and I reconnected when I rejoined the Board of Directors for the New Hampshire Municipal Association. Jim now serves as Vice-Chair at NHMA.

My interactions with Jim both in North Hampton and at NHMA have been extensive. During my interim stint in North Hampton, my main responsibilities included developing the FY 14 budget and assisting the Select Board with its search for a permanent administrator. As Chair of the Select Board, Jim was the Town Administrator's main point of contact, receiving briefs on administrative matters as well as participating in extended policy discussions. Further, as Chair, Jim managed Select Board meetings and was the principal point of contact between the municipality and its citizens.

My description of Jim's performance in these areas is succinct: professional, extremely courteous, respectful. Jim always respected the opinions of others, went to great lengths to ensure that all participants to any process were at ease, and maintained himself as a highly professional representative of the community. Jim is an active listener, always maintaining discussions on a professional level, focusing on the message and not on the messenger. Jim's professionalism was particularly appreciated as he navigated the community through its search for a Town Administrator, interacting with citizen boards and candidates alike in a manner which encouraged information sharing and collaboration.

Jim and I sat on the Interview Committee at NHMA as we worked last Fall to identify our new Executive Director. Again, Jim's professional and business acumen greatly assisted the process as he developed a compensation matrix for the position and participated in the screening and interviewing of candidates, along with developing a recommendation to the full Board. Watching Jim contribute to that process and manage NHMA Board meetings brought full appreciation for his communication and interpersonal skills as well as his professionalism. I have always witnessed and have no doubts that Jim continues to represent himself and affiliated organizations with the utmost competence and consideration for others.

Respectfully submitted,



David R. Caron

Town Administrator, Town of Derry  
Chair, Governance Committee, NHMA

Dear Mr. Pinnette and Members of the Committee:

I have been asked to attest to Jim Maggiore's character in relation to an ethics complaint. As you know, I served as North Hampton's Town Administrator from January 2013 until October 2017. I have a great deal of experience serving with Jim because he was chair of the Select Board during the time I was your Town Administrator.

As an attorney who represented towns and schools, and then as a town administrator, part of my training is related to investigating and deciding human resources charges that include gender discrimination. I have not observed at any time any behavior on Jim's part that would be classified as sexist. He has, within my hearing, always treated women and men with great respect.

The relationships between many in our town – and I say “our town” because I continue to feel a distinct connection to North Hampton despite time and distance – have disintegrated among many. However, Jim has always treated others who disagree with him with respect.

I can attest without reservation to Jim's fairness in performing his role as a town official. Most of you know that I served as the first openly gay town administrator. Most of you have met my partner or have heard my story. What made this possible is my coming out experience with Jim. Even in this era of openness, coming out to people – especially your boss – is a hard thing to do. With my hands shaking, he stopped me mid-way through the careful speech I'd rehearsed and said: “Paul, that's great. I'm glad you trusted me enough to tell me. I'd love to meet Jude sometime soon. Now, what's on the agenda for Monday night?”

This was the reaction of many people, and Jim led the way. It just didn't matter. There was no further discussion ... other than to shake my partner's hand when Jim did meet him and to deal with me fairly and equitably at each and every moment I worked for the Town. What mattered to Jim and to most folks is whether I did a good job. When I messed up, he was kind in his correction. When we prospered, he often gave me the credit when the credit was his.

Jim Maggiore is not a sexist. He may have given news on the occasion specified in the complaint that another person didn't want to hear. It may have been a matter of politics, as the paper has suggested. But, Jim Maggiore is not a sexist.

I miss you all – all of you – very much. You live in a special place. May you always know how special.

Paul Apple.

May 22, 2019

Re: Jim Maggiore

To Whom it May Concern:

My name is Lisa Drabik, and I am employed by the Town of Londonderry as the Assistant Town Manager/Director of Personnel. By way of background, I am also an attorney, having practiced employment law for several years in jurisdictions other than New Hampshire. Currently, I also serve as a Board Member for, and on the Executive Committee (as Treasurer) of, the New Hampshire Municipal Association (NHMA).

It is in my capacity as an NHMA Board Member that I first came into contact with Jim Maggiore, who is also a Board Member (and current Vice Chair) of NHMA. For a several month span in 2018, I worked closely with Mr. Maggiore as a member of the NHMA Governance Committee as we led the search for the next Executive Director of NHMA. I attended several recruitment-related meetings with Mr. Maggiore, as well as conducted several candidate interviews with him. I have also, of course, attended several NHMA Board meetings over the course of the last 2 years (my Board term) at which Mr. Maggiore has been present and has participated. Speaking in my personal capacity, I would like to communicate and emphasize that on no occasion have I ever witnessed Mr. Maggiore make any comment or use any tone which might even have a hint of sexism. Rather, to the contrary, I have witnessed him treat women and men with the same decency and respect one would expect of a public official and Board member, and I am proud to serve on the Executive Committee and Board of NHMA with Mr. Maggiore.

Thank you for your consideration and time.

Regards,

A handwritten signature in cursive script that reads "Lisa M. Drabik". The signature is written in black ink and is positioned above the typed name.

Lisa M. Drabik, Esq.



**From:** Margaret Delano  
**Sent:** Wednesday, May 8, 2019 6:42 PM  
**To:** mjmaggiore@comcast.net  
**Subject:** Thank you for you leadership!

Jim,

After watching the last Select Board meeting I felt upset by what some people were saying and felt inspired to write a few words to you.

You are a true leader. To me great leadership is demonstrated when a person conducts themselves and approaches others with respect and dignity- allowing space for the ideas of all to come to surface. You do this very well.

Your meetings are facilitated in a way that makes what could be uncomfortable situations much easier to be present for. This is a gift and a talent which you possess.

I am always very grateful for the acknowledgment I feel in your presence. I believe that this is something you are attentive to with all people who you encounter in many different types of settings. It is in your nature to be this way and you should be very proud of the person you show up as in this world. I am happy to know you and appreciate the person you are. I always leave your presence inspired and feeling good.

(This was not intended as a character reference. Half way through watching the meeting on my computer I opened up my laptop and started writing. I sent this to Judy and told her I was upset by some of the dynamics I was seeing and wanted to say something positive about you. She told me that you would like to hear what I had to say. So here it is!)

Thank you again for the leadership qualities that you possess and show as chair of the North Hampton Select Board.

Sent from my iPhone

Hello:

I will not be able to attend the meeting on Friday. I will be on my way to a high school track meet in Manchester.

Something to be said somewhere. Jim has a lovely family. The sexist term I feel also points the finger at his family as well. i.e. they tolerate living with a sexist person. Which I don't believe they would or is Jim a sexist person. I don't know the family well at all. I only know Casey from my observations of her as a high school softball player (1 game) and several performances as a high school basketball player. She plays collegiate softball. The stereo type women who plays softball I don't believe would tolerate a sexist person. Casey's aggressiveness on the high school basketball court demonstrated to me she is a young women who speaks her own mind. Jim would not survive as a sexist with Casey in the household.

Jo-Jo

June 6, 2019

To the North Hampton Ethics Committee-

My name is Larry Miller. I am currently serving in my 9<sup>th</sup> year on the Select Board of North Hampton.

Mr. Maggiore is and was a member of each of these 9 Boards.

He and I have participated together in at least 216 Public Select Board meetings, nearly as many nonpublic Select Board meetings and 9 Deliberative Sessions. At no time have I ever witnessed Mr. Maggiore treat anyone disrespectfully. Tempers can flair and lines have been drawn, but, never has Jim spoken down to anyone or treated them unfairly. Period.

I was present at the Select Board meeting when the positions of Chair and Vice chair were confirmed by the 2019 Board. I stated then and I reaffirm now, I chose to vote for Mr. Maggiore for Chair because he was and is the best person for the job. There is no tradition of rotating the Chair and Vice Chair positions as has been claimed by Select Board member Kilgore. There is no such mention in the Select Board Rules and Procedures adopted by the present Select Board members on April 23, 2018. Leading the Select Board means setting the meeting agendas and presiding during meetings to conduct the Town's business. Each member has an equal vote.

The Select Board or any board, Commission or committee are not places of opportunity to make personal attacks on your fellow board members. The Code of Ethics makes this point plain and clear. Select Board member Kilgore's statement that Mr. Maggiore discriminated against her by his vote for Chair of the Select Board is unfounded by the facts, dreadfully harmful to his reputation and repugnant to civil discourse and the responsibility conferred by the voters. She claims he is a "sexist" by his actions taken in his execution of his governmental duties. She has produced no evidence to substantiate her heedless claim. None.

The Select Board Rules of Procedure, Section 1, e, iv, state "The Presiding Officer **shall** preserve order and decorum,". Mr. Maggiore has proven he is an adept leader in fulfilling his required and sworn duties. Thanks to him are entirely in order.

I hope the Ethics Committee will recognized the importance of Town officials choosing to not use derogatory language when engaging other officials or the public. One can disagree and, yet, not be disagreeable. This is what all of us have sworn to do.

It is my suggestion the Committee find Select Board member Kilgore to be in violation of the Code of Ethics. I further suggest the violation remain in place until she makes the requested apology to Mr. Maggiore and submits a retraction letter to the Hampton Union and Portsmouth Herald.

Thank you,

Larry Miller

North Hampton