

Appeal to the ToNH Standing Ethics Committee against Kathleen Kilgore Comments for Ethic Committee hearing May 16, 2019

Mediation

Let me first state that my attorney did contact Mrs. Kilgore's attorney to discuss possible mediation. That request was rejected by Mrs. Kilgore's attorney. And while I appreciate Mr. Scott Baker's offer to mediate, my attorney's advice was to seek an independent mediator from outside the community agreeable to both parties.

For the record

For the record, my name is Jim Maggiore.

I am currently serving my fourth term as an elected member of the North Hampton Select Board. My service to the Town on the Select Board includes representation on our Planning Board, Heritage Commission, and Water Commission.

I also serve on the Board of Directors of the New Hampshire Municipal Association. From that Board I was nominated to serve on the Governor's Advisory Council on Diversity and Inclusion which, very broadly, was created to combat discrimination and advance the ends of diversity and inclusion.

In 2018 I was elected to my first term as a state representative from North Hampton in the State legislature.

My appeal

My appeal to the Standing Ethics Committee is focused on three facts:

1. I am not guilty of discrimination or prejudice based upon gender, sexism, as Mrs. Kathleen Kilgore's alleges, and;
2. Mrs. Kilgore's baseless accusation, comments to the press, and conflicting stories between the regular Select Board meeting and the press violate Article II, the Preamble of the Town of North Hampton Code of Ethics,

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which states in relevant part, “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.”;

3. Government employees are only protected by the First Amendment when they are speaking as private citizens. Mrs. Kilgore violated the Select Board Rules and Procedures Section 3 (c) v: “Treat with respect the rights of all members of the Board despite differences of opinion” and the North Hampton Code of Ethics Preamble “maintain the highest standards of personal integrity in the discharge of their public duties” when she spoke as a member of the Select Board about a specific Select Board issue in the April 18 Hampton Union article.

This accusation is going to hang around my head like an albatross for the rest of my life, regardless of the outcome of this hearing. Whenever someone Googles Jim Maggiore, sexist is going to be in the search results. I have never discriminated against anyone in the discharge of my duties on this Select Board, on the Planning Board, on the Heritage Committee, on the Water Commission, on the NHMA board of directors, in the state legislature, on the Governor’s Council, in any of my interactions with Town staff, elected or appointed members of any other Town board or commission, as a coach, or as a responsible adult.

My demeanor and comments during the organizational meeting were consistent with my demeanor and comments in almost every other meeting during my tenure on this Board: respectful, understanding, measured, and focused on the best interests of North Hampton.

Mrs. Kilgore may be disappointed with the results of the organizational meeting, but to take disappointment and trump up a charge of sexism is a violation of our rules.

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Mrs. Kilgore is first quoted as a member of the Select Board accusing me of being “sexist”. Then in a public Select Board meeting she denied saying “sexist”. This was followed by another newspaper article where Mrs. Kilgore “doubles down” on the claim of sexism! Making the initial accusation as a member of the Select Board, failing to take any responsibility for the quote in a Select Board meeting, then flip flopping and “doubling down” on the comment are all violations of the Select Board Rules of Procedure and Code of Ethics.

How did we get here?

The April 8 regular SB meeting included the election of Select Board Officers. This organizational meeting was to occur on March 25, the first regular SB meeting after the March 12th election, but needed to be rescheduled due to Mrs. Kilgore and I being out of town on the 25th. Rescheduling was further complicated when I required hospitalization for a health issue.

You have a copy of the approved minutes from the April 8 meeting where Mr. Larry Miller made the motion to nominate me Chair of the SB. That motion was seconded by Mrs. Kilgore. Ultimately the motion passed 2-1. My decision and vote were based upon the following:

1. The best interests of the Select Board, our employees, (union, administrative, and staff) and our community. It has taken more than two years to rebuild the morale that suffered so greatly immediately after the election in 2017. Employees, staff, and committee members tell me regularly that morale is still fragile. I am not willing to put our progress at risk by changing the current Chair who is clearly supported by staff, employees, and committee members.
2. Availability. Mrs. Kilgore has a full-time job at a business located in Lawrence, MA. I am only in Concord 1-2 days per week. Mr. Miller owns his own business which is located in nearby Hampton. Managing the

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prudential affairs of the Town occurs during normal business hours and I am available during those hours.

3. Work load. During the discussion I listened intently to Mrs. Kilgore's request to be nominated Chair. This is clear on the video. I recognized the planned, new library renovations which Mrs. Kilgore strongly supports and will now have regular and direct responsibility, and the pace of work and goals set by the Economic Development Committee which she admits is a "passion".

Subsequently, my comments about "being one Board", saying "we are going to have a lot on our plates", complementing Mrs. Kilgore when I said, "You do an extraordinary amount of work – EDC, CIP, Bandstand, and now Library Trustees" have been twisted into this accusation of discrimination.

And how did everyone learn about Mrs. Kilgore's accusation? In an April 18th article posted on Seacoast online and in the print-edition titled, "Kilgore alleges sexism by North Hampton board colleagues". Select Board member Kathleen Kilgore states, "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."

During the next regular SB meeting Mr. Miller asks to address the accusation. He reads from the April 18th article: "She believes Maggiore and Miller showed sexism in their demeanor and reasoning when they turned her down". Mrs. Kilgore, participating fully as a member of the Select Board in a public meeting, responds, "That word sexism and the header on the story was not my words at all". She was quoted in the article! Regarding the quote attributed to Mrs. Kilgore ("Do I think there was a sexist part of it? Yes")...." she says, "I did not use the word sexist. I said it was dismissive."

I remind you, "The town of North Hampton values honesty, transparency, accountability, respect and civility in the behavior of its Officials". Failure by a member of the Select Board to be honest or accountable in their official capacity

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is a clear violation of the approved Select Board Rules and Procedures as well as our Code of Ethics. Government employees are only protected by the First Amendment when they are speaking as private citizens. If their speech is part of their official duties, then they can be disciplined.

April 25th: Seacoast online article referring to the specific action of the Board, “Kilgore doubles down on sexism accusation after denial”. “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.” As previously stated, my decision was based on availability and had nothing to do with gender.

Mrs. Kilgore may argue that her right to speak is fully protected by the First Amendment. I agree that a member of the public has a right to free speech. But in each instance Mrs. Kilgore was speaking as a member of the Select Board about a specific Select Board issue. Our approved Select Board Rules and Procedures and our Code of Ethics each establish standards by which board members should hold themselves in the discharge of their duties. We do not take our Select Board hats on and off. Mrs. Kilgore violated the terms of those documents when she made the accusation, when she denied the accusation, and then again when she doubled down on the accusation.

Responsibility of SB members and relationships

The responsibility of each member of the Select Board is defined very simply in NH RSA 41:8, “The selectmen shall manage the prudential affairs of the town and perform the duties by law prescribed. A majority of the selectmen shall be competent in all cases.”

When the Board acts, I believe each member of the Board is making a decision that will benefit the residents of North Hampton. We work diligently to find common ground on all issues despite differences of opinions. Our diligence may be best proven by the vast number of unanimous votes during the last 2+ years.

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Pick any meeting from the video stream library on the Town website in which I participated. Watch 10, 20, 30, 180 minutes and you will see that I have never once treated Mrs. Kilgore, any member of any board or commission, or any member of the public regardless of gender, race, or religion with anything but respect. In fact, I am often criticized, sometimes harshly, for allowing the discourse to continue beyond the established limits of our rules for public input.

Put simply the relationships I have with those who serve our community and the State as a whole could not be possible if I did not hold myself to the highest standards of ethical behavior, honesty, and personal integrity.

Conclusion

Members of the Select Board shall act in the best interests of the Town, shall maintain the highest standards of personal integrity in discharging their public duties, and shall treat with respect the rights of all members of the Board despite differences of opinion.

Mrs. Kilgore has a right to say she is disappointed. I am disappointed that Mrs. Kilgore would violate our rules, procedures, and ethical standards.

I ask the Committee to find that Mrs. Kilgore violated the Town of North Hampton Code of Ethics and approved Select Board rules and procedure and censure appropriately.