

North Hampton Select Board
Jim Maggiore, Chair
Larry Miller, Vice Chair
Rick Stanton, Member



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February 28, 2017

The Hon. Jack Blalock, Mayor
CITY OF PORTSMOUTH
1 Junkins Avenue
Portsmouth, New Hampshire 03801

RE: Public Meetings of the Coakley Landfill Group

Dear Mayor Blalock:

We appreciate the discussion at the Portsmouth City Council after you received our letter of January 25, 2017. As elected public officials, we believe that transparency in the conduct of public affairs is vitally important. On February 16, 2017, we received a response to our letter to you from Peter Britz, on behalf of the Coakley Landfill Group ("CLG"). We are writing to you again because we do not feel the letter is responsive to the issues we raised.

Mr. Britz contends that the CLG is not a public body as defined by the Right to Know Law ("RTK") set out in RSA 91-a. We disagree in the strongest possible terms. The CLG Participation Agreement, by its own terms, acknowledges that its municipal members have obligations under RTK. Participation Agreement, at Paragraph 9.4.

More importantly, public funds provide the majority of the Group's operating budget. Quasi-public institutions, even if they are completely separate from the City or the Town, are subject to RTK when they perform essential government functions. Our own Health Trust here in New Hampshire is subject to RTK precisely because it provides health insurance benefits to public employees. Were it otherwise, any governing body could simply delegate away its responsibility for transparency.

The CLG is a group we, the potentially responsible parties in the Coakley litigation, established to help run the remediation efforts mandated by the state and federal governments. It clearly has been performing essential government-like services by deciding how a major public health threat will be managed. As the governing bodies of our respective communities, we cannot abdicate our responsibility to ensure that this work is done in public.



The Group's position denying the right of the public to participate raises the question: why? In an environment in which the Group already suffers from the public perception of being slow to act, the position only adds to the notion that they have something to hide.

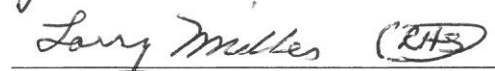
The five proposals made by Mr. Britz on behalf of the group do not secure transparency for the CLG. Detailed minutes, while helpful, are not useful if they are not posted where members of the public can have ready access to them. An agenda the day of, or the day before, a meeting does not ensure full participation. Prior approval for attendance is not an open meeting and actually acts as a restraint on public participation.

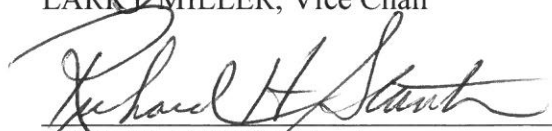
Finally, we reject Mr. Britz's contention that we should deal directly with the Group rather than through the City Council. The Group is the problem. Mr. Mayor, we observed during the last Council meeting we attended that some residents of Portsmouth were very concerned about obtaining information about the Jones landfill in Portsmouth. You and other members of Council were unambiguous in stating that the information would be provided in public. The residents of the towns in the CLG – and in fact all the residents of the Seacoast – deserve the same consideration for Coakley. The Council, and this Board, must work to ensure that the entities we entrust with the public's business conform with the law.

Respectfully,

NORTH HAMPTON SELECT BOARD


JIM MAGGIORE, Chair


LARRY MILLER, Vice Chair


RICK STANTON, Member

Copies: John Bohenko, City Manager
Robert Sullivan, Esquire, City Attorney
Paul L. Apple, North Hampton Town Administrator
