10 August 2020

North Hampton Select Board

Jim Maggiore, Larry Miller & James Sununu

Town of North Hampton

New Hampshire

Delivered Via: E-mail

Dear Selectmen Maggiore, Miller and Sununu,

During the Select Board meeting of July 27, 2020, you discussed and subsequently made public a legal opinion provided by Attorney Reimer dated July 23, 2020 addressing the issues surrounding the proposed access to the new library on the adjacent lot. Given the legal implications of that correspondence, the Trustees with continued due diligence, sought expertise for a legal interpretation. This included not only the opinion, but the state statutes used to formulate the reasoning as it would be contrary to the basic principles of real estate law for a Town to grant an easement to itself.

As this is a complex legal matter, it is the continued responsibility of the Trustees to have clear and complete information allowing for an informed decision to be made regarding the library project. Our evaluation methodology remains consistent as we have sought the advice of professionally licensed architects, engineers, builders and NH DOT as they examined and considered the alternate plans presented by Mr. Miller and Mr. Etela in terms of cost, traffic flow and public safety. Furthermore, the Trustees have shouldered additional time and labor costs to make a thorough analysis of the facts. It is with those facts, provided to us by experts, on which we based our decision to move forward with the current library plan.

With regard to the required approved access to an adjacent lot owed by the Town, we submit to you the attached correspondence provided to the Trustees by Attorney Derek Durbin dated 9 August 2020. Attorney Durbin is an expert in areas of [real estate](about:blank), [land use](about:blank), [municipal](about:blank) and environmental law and was notably constructive in providing the guidance and expertise to successfully move the Town of Greenland’s library expansion and renovation project forward.

In the spirit of transparency adhered to by the Library Trustees, we respectfully ask that this correspondence and Attorney Durbin’s letter be read into the record in this evening’s Select Board meeting. Given the contrary opinion provided by Attorney Durbin, you will most certainly have questions which you are welcome to direct to the Trustees.

As elected officials, the citizens of North Hampton have entrusted us to make the best decisions given all the facts regardless of whether or not they align with our personal opinions. It is our sincere hope that the Select Board consider the legal opinion provided by Attorney Durbin and its implications as you move to make your decision on the necessity of granting legal access.

Respectfully,

Jacqueline Brandt

for North Hampton Library Board of Trustees, secretary