

Durbin Law Offices, P.L.L.C.  
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*\*Also admitted in MA*

BY: EMAIL ONLY

December 20, 2019

Select Board  
Town of North Hampton  
233 Atlantic Avenue,  
North Hampton, NH 03862

**RE: Library Renovation/Expansion Project**

Dear Chairman Maggiore and Select Board Members,

I recently reviewed the video recording of your meeting on December 4, 2019. In the meeting, there were numerous pointed comments that Member Larry Miller made about the Library Trustees' plans for the renovation and expansion of the public library. Many of the statements were inaccurate and clearly directed at gaining traction for the Select Board's alternative plan for the public library. I do not intend to address these in this letter, other than to say that the Select Board continues to act to its peril in continuing to create an alternate library plan and utilizing taxpayer money and seeking an appropriation for the same.

There was one comment made by Mr. Miller, however, that I am seeking clarification on and which requires an explanation from the Select Board. During the meeting, Mr. Miller stated that "we [the Select Board] are on very strong legal basis, very strong..." when referring to its actions to create an alternate library plan for the "homestead" property. To-date, I have yet to see any legal opinion from the Town that would suggest that the Select Board has any basis to justify its actions. To the contrary, the Town attorney's opinion(s) have indicated otherwise. I have also expressed to the Select Board twice through written letters that it lacks authority to take the actions that it is taking with respect to the public library. Mr. Miller also indicated during the December 4, 2019 Select Board meeting that the library cannot move forward with its design plan for the public library, as it cannot expand upon its existing building footprint without Select Board approval.

It is incumbent for the Select Board, particularly given the differences in opinion expressed, to produce the legal opinion that Mr. Miller relied upon in making the statements he made at the December 4<sup>th</sup> meeting. It is further incumbent upon the Select Board to articulate the legal basis for the position(s) it has taken with respect to the library, as it is unclear to the Trustees and to the general public. If there is to be any potential resolution concerning the public library outside of litigation, the Select Board need to articulate their legal position to the Trustees by no later than December 23, 2019.

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Sincerely,

A handwritten signature in black ink, appearing to read 'Derek R. Durbin', written over a horizontal line.

Derek R. Durbin, Esq.

CC: Board of Library Trustees  
Bryan Kaenrath, Town Administrator