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BY: HAND-DELIVERY

November 20, 2019

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

RE: Library Renovation/Expansion Project

Dear Chairman Maggiore and members,

Please be advised that this Office was recently engaged to provide legal counsel to the Trustees of the North Hampton Public Library with respect to its proposed renovation and expansion of the existing library building at 237A Atlantic Avenue. It is my understanding that the Select Board have taken an active position on the Library Trustees' design plans and have offered a competing design alternative that has been openly discussed at public meetings. That alternative would involve the construction of a new library on an adjacent parcel of land owned by the Town and the re-purposing of the existing library building for other municipal-related uses.

It is my opinion that the Board has overstepped its statutory boundaries and that its proactive, continued efforts to lobby for the construction of a new library on adjacent Town-owned land is actionable. Please accept this letter as courtesy request for the Select Board to ***cease and desist*** all efforts aimed at thwarting the Library Trustees' proposed renovation/expansion project for the existing library building.

Pursuant to RSA 202-A:6, "[t]he library trustees shall have the ***entire custody and management of the public library and of all the property of the town relating therein***, including appropriations held pursuant to RSA 202-A:11, III...[.]" (**emphasis added**). RSA 202-A:6 is a broad grant of authority to the Library Trustees over the management of the public library and related property. It grants the Library Trustees exclusive control over decisions concerning the library, including any renovation or expansion thereof. In hiring its own consultants to create alternative design concepts for the library, the Select Board are unlawfully interfering with the Library Trustees' grant of authority pursuant to RSA 202-A:6.

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Despite being advised of the Library Trustees' broad grant of power over the library¹, the Board has nonetheless persisted in its efforts to lobby for an alternative design plan for the library. This has resulted in a frivolous expenditure of taxpayer money and a fracturing of public support for the Library Trustees' renovation/expansion plan. As the Board is well-aware, significant taxpayer funds have already been dedicated to and invested in the Library Trustees' plan to renovate and expand upon the existing library building, a plan which has been thoroughly vetted and which members the Board was previously supportive of. Judging by recent history, the Library Trustees can only conclude that the Board is purposely attempting to fracture public support for the library renovation/expansion project to address other priorities. The Board is aware that the Library Trustees are proposing a \$2.4 million dollar appropriation (bond) to pay for a portion of the library construction costs. This bond request will be put forward in a warrant article at the March 2020 Annual Town Meeting. It goes without saying that the fracturing of public support will make it difficult if not impossible for this warrant article to pass. It is common knowledge that the Town has several other priorities that it would like to address outside of the library renewal project. However, the approach it is taking with the library renovation/expansion project is misguided and unlawful.

If the Board chooses to ignore the above request to cease and desist, the Library Trustees will be forced to file for relief before the Superior Court. Any such Complaint would inevitably involve a request for attorney fees and costs.

Sincerely,



Derek R. Durbin, Esq.

CC: Board of Library Trustees
Bryan Kaenrath, Town Administrator

¹ See Memorandum from Stephen M. Bennett to Bryan Kaenrath, dated October 7, 2019, re: Selectmen Miller's Question Regarding the Proposed Expansion of the Library. Attached for reference.