

January 14, 2019

7:00 PM Public Meeting

PRESENT: Rusty Bridle, Chairman
Regina Barnes, Vice-chairman
Rick Griffin, Selectman
Jim Waddell, Selectman
Mary-Louise Woolsey, Selectman
Frederick Welch, Town Manager

SALUTE TO THE FLAG

I. Public Hearings

1. RSA 41:9-a Establishment of Fees, notice is hereby given that the Hampton Selectmen will hold a public hearing on January 14, 2019 in the Selectmen's Meeting Room, 100 Winnacunnet Road, Hampton at 7:00 PM to increase the Transfer Station Disposal fee on the following items: See attached sheet.

Town Manager Welch: posted notice and fees; fees deal with plaster, demolition, refrigerators, rocks, sand, sheetrock, television, tires, commercial trash, household trash and wood including demolition material

Vice-Chairman Barnes: last week the wood collection was postponed and open on January 11; now we are going to charge fee for it

Town Manager Welch: we do charge a fee all the time; cannot take large material right now as we do not have a trailer to put it in; waiting for delivery; has consistently charged for demolition material/construction.

Selectman Waddell MOTIONED to holding a Public Hearing and APPROVE increasing the Transfer Station Disposal Fee SECONDED by Selectman Griffin.

VOTE: 4-0-1(Barnes)

2. RSA 41:14-a First Hearing -36 Huckleberry Lane Map 115, Lot 34
 - i. Gifting of land to the Town at 36 Huckleberry Lane Map 115, Lot 34
 - ii. Acceptance of "Right of Access" for vegetation restriction area

Attorney Gearreald: follow up to approval of a 2 lot subdivision; one lot had cut through it a piece of traveled way for Huckleberry Lane, that had been laid out in a different location; deed to Town portion of land; lay-out proceedings to lay out the road over a portion of the gifted land; vegetation restricted area; enable PW to keep down the vegetation so there will not be a safety issue.

Selectman Woolsey: whole area is wet; follow-up and check on buildings; are you comfortable with this Mark; provide access for proposed new house lot

3. RSA 41:14-a First Hearing - 817 Ocean Blvd Map 197, Lot 30/1

Petitioner's request: Release of Town owned Deed Restriction on formerly Leased Land.

Deed restriction #4: The only structures permitted to be erected or placed upon said lot shall be one single-family dwelling, containing no more than four bedrooms, with no more than a two-car garage. No commercial use shall be made of the premises except that which is in existences on the execution of this deed.

Attorney Gearreald: there are already 2 pre-existing buildings on the lot and they want to ensure there are no title problems

4. RSA 41:14-a First Hearing - 2 17th Street Map 168, Lot 78/1

Petitioner's request: The petitioners wish to construct a 5.5' x 10' x 10' high freestanding storage building on their property 4.5 feet from the side and rear property lines.

Deed restriction #4: The Grantee will not erect any buildings upon the premises within seven (7) feet of any boundary line, nor shall the premises be subdivided. All outbuildings and sheds, other than stables or garages, shall be connected with and attached to the dwelling house, stable or garage on the lot.

Public Hearings Closed

II. Public Comment Period

Therese Evans, 79 Mace Road: concerned with the Budget meeting that took place on January 9; disappointed by the proceedings that the Budget Committee had on January 9, 2019; several members of the committee came with hostile intentions; disrupt, demoralize and condescend our SAU Superintendent Kathleen Murphy and Nathan Lunney; inappropriate, unacceptable, demeaning and abhorrent have been used to describe the tone of that meeting; the Chairman used words to describe prior budgets as suspicious speaks against the clear transparency of the SAU team; antagonize Superintendent Murphy; taunting of the word cop; member of a committee to speak specifics on security of our schools in a public forum is mindless and arrogant; no words for the inappropriate remarks the Chairman made not once but twice regarding seeking hugs and kisses from a professional woman representing our school; bargaining for his vote of a hug and a kiss; raising children to speak out against such disrespect; read book Team of Rivals; encourage more room tomorrow night; move to larger room.

Vice-chairman Barnes: spoke with Superintendent and she had not heard from the Budget Committee chairman; she said if a decision was made they would have the school ready to go if requested.

Meghan Riley, 14 Tobey Street: follow-up for sidewalk on Mace Road; would like to see it approved this year; includes tree removal to complete the sidewalk; sidewalk would be in town right-of-way; safety; hope community will support the article.

Michelle Zaino, 85 Exeter Road: met with USS Virginia team; sworn in as a committee; Mike Edgar, will be vice-chair

Chairman Bridle: it is an honor to be the host

III. Announcements and Community Calendar

Selectman Waddell: went to see the superintendent to apologize for the behavior of a chairman to a valued employee; was sexist, misogynist and outright disrespectful; terrible never should have taken place; this is 2019, not 1950; if the Town Manager, Police Chief or Deputy had said something like that to a female they would be gone; outrageous behavior.

Selectman Griffin: I agree.

Selectman Barnes: yes, it was outrageous behavior; a lot of that around here lately; received a list of activities the Navy crew can do; they can definitely help us; hope to see warrant article is passed.

Chairman Bridle: filing opens on January 24 and closes on February 1 for positions in the Town; 2 budget positions; 1 BOS position; and others; looking for people to sign up; deliberative session is February 2; voting second Tuesday in March.

Selectman Griffin: people have brought to my attention; important to remember that the town positions that are up for election are non-political; working for whole town.

Selectman Woolsey: Rep. Cushing is working on HB352 to restore state aid grants program for sewer projects.

Chairman Bridle: heard someone on the Budget Committee spouting off that our taxes were going to be \$10,000 next year; asked Assessing Office; average tax bill is \$6,500 average single-family house is \$412,000; do not know where they got it was \$10,000; scare people; compare taxes with any town around is and you will see by far that you get more for your tax dollar than any community; Hampton has one of the best tax rates for what we get for services in this town; fear mongering has to stop.

IV. Consent Agenda

1. Letter of No objection for transfer of liquor license to BNRHAMPTON LLC from the 401 Tavern LLC
2. Parade and Public Gathering Licenses: Hampton Half Marathon & 5K 03/03/19; Smuttynose Winter Festival 01/19/19
3. Sign Permit: Smuttynose Winter Festival 01/19/19
4. Use of Town Property: Hampton Half Marathon & 5K 03/03/19

Selectman Waddell MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Griffin.

VOTE: 5-0-0

Selectman Woolsey: sent heads up to Fred; last time we voted on the Consent Agenda we had information from Mr. Tinker and part of the information was faulty; do have correction tonight; should be addressed separately.

V. Appointments

1. Chief Sawyer, Police Chief, Deputy Chief Hobbs
 - a. Departmental Update

Chief Sawyer: Special Olympics Penguin Plunge is coming up on February 2 and 3, 2019; blessing to close down road for traffic pattern; same plan we have had

Selectman Griffin MOTIONED to APPROVE the Closure Plan for the Penguin Plunge on February 2-3, 2019 SECONDED by Selectman Waddell.

VOTE: 5-0-0

Chief Sawyer: current full time staffing level is 35 sworn; Officer Galvin retired, will remain part-time; current part-time staffing level is 31; 11 officers left part-time positions; 12 new part time special officers came in 2018; 9 full-time civilian personnel; Rhonda Stevens retired, will remain part-time; recruitment; finest training in country; investigated 31 overdose cases; 8 resulted in death; in August outbreak of Legionnaire's Disease; continuing shortage of officers; bringing in assistance from other outside departments; compliance checks with NH Liquor Bureau; call for service +2%; motor vehicle stop -1%; arrests -24%; DWI +6%; drug offences -46%; incidents reported -12%; offences -12%; felonies -9%; parking tickets +45%; accidents -1/2%.

Selectman Woolsey: school resource officer; concerned of robbing you of three full-time officers during school session. Chief Sawyer: hard time believing it is a detriment; additional officer.

Selectman Woolsey: having trouble getting officers. Chief Sawyer: no; have trouble finding part-time officers; recruitment for full-time is outstanding; hope voters will not listen to some of the crazy talk I heard at the Budget Committee; unbelievable that people would make the comments they made; one person commented we have to stop this; the same person as a member of the BOS that endorsed the warrant article to add 4 officers; ridiculous commentary; this is an additional officer that would bring staffing up to 36; study was done that the HPD should be at 44; this would enhance; best recruiting class in the last 5 years; not reduce patrol ranks, just adding an SRO.

Selectman Woolsey: dispatcher is incredible; A+ excellent service.

Vice-chairman Barnes: we have three SROs. Chief Sawyer: yes, one at WHS, 1 at HA and one splits between Marston and Centre.

Selectman Waddell: great job; keep beach calm; agree with the SRO; preventing crime from happening in the future by developing a relationship with students; DWI +6%. Chief Sawyer: concern; made Hampton Beach a true destination; they are on vacation and let their problems go; we do not want to become an impediment to peoples good time, but have to draw a line somewhere; service of alcohol

Selectman Waddell: drug offences down. Chief Sawyer: hope we are getting smarter in our approach to the problem; follow-up; education; getting treatment, they need

Selectman Griffin: great job; 7 out of 10 categories are down; amazing; best that I have seen in the 15 years I have been here; keep up the good work.

Chairman Bridle: SRO building rapport; excellent opportunity; doing a great job in the schools; invaluable. Chief Sawyer: I respect different opinions; nobody appreciated the

negative manner in which they were expressed; egregious comments; comment was made Police at fault in the Parkland shooting, no the shooter was at fault; reach was low; cast vote; speak your mind; it is ok to disagree, but do not tear people down; do not have to get personal or negative; diplomatic.

Chairman Bridle: I agree.

Vice-chairman Barnes: on the warrant is the election of officers; if you have any major concerns with your elected officials throughout the Town; go to Deliberative Session and Town Meeting and cast your vote.

Selectman Griffin: put your name out there and be a candidate; always room for someone else.

Chief Sawyer: get involved with your local government; run for office

2. Aquarion Water Company – Carl McMorran; Dan Lawrence & John Herlihy
 - a. 4th Quarter Report

Mr. Herlihy: update on 2018 progress; PFAS; drinking water; plan for managing PFAS in 2019; minimized use of Well 6; continued sampling; 26 compounds tested; completed private well testing with NHDES; continued PFAS treatment evaluation; development of a new source of supply Well22; installed sentinel wells along Mill Road; NHDES eliminated PFAS discharge from the carwash; monitored regulation development process; communicated regularly with Town and State officials; PFOA, PFOS, PFOA + PFOS; PFBS; PFHpA; PFHxS; PFNA, PFBA, PFHxA; PFPeA compounds tested; standards proposed; water relative to standards proposed today; 2019 plan; minimize use of Well 6; continue PFAS testing of wells and tap water, initiate PFAS testing at sentinel wells; continue PFAS treatment evaluation; obtain DES approval of Well 22; continue to monitor the regulatory process; continue communication with Town and State officials.

Selectman Woolsey: concern with saline contamination; communicated concern on perimeters of well.

Vice-chairman Barnes: concerned about what you are doing, which is very good; got testing going; numbers on chart; asks Mindy Messmer questions; keeping numbers low; track regulations; numbers are lower than DES numbers; stay on top of it. Mr. Herlihy: these numbers will be lower when we do not have to use Well 6 at all.

Selectman Griffin: had liver transplant; one thing they do is they teach you about things you should avoid; one of the things most important was about water; 3 categories; public water, bottled water and well water; they said the community water system is best as it is tested regularly; people that have wells should be tested often.

Chairman Bridle: Well 7 and Well 22 are not surface water wells; deep wells. Mr. McMorran: Well 7 is a sand and gravel wells; 50-60' deep; Well 22 is 220' deep; education materials go out to everyone that lives in the aqua-protection zone; minimize potential contamination.

Mr. Lawrence: Mill Road Treatment Analysis; alternatives; source selection; treatment; removal by filtration; granular activated carbon (GAC); ion exchange; testing; bench scale at North Caroline State University; pilot scale at Well 6; pilot testing; narrow down operating cost; more information the better.

Mr. McMorran: water treatment upgrades Wells 7 & 22; working on withdrawal permit for Well 22; main replacement project along Route 101; environmental champions; May 9, 2019 event; will be looking for nominations.

Vice-chairman Barnes: statements placed on website stating CLG is not responsible for contamination. Mr. Herlihy: original statements were placed there because some were stating that Coakley was causing contamination in the Mill Road well; we said no they are not; not conclusive evidence either way; more study is needed; at this point in time no evidence that we are aware that has proof CLG contaminated wells; more testing will be done.

Vice-chairman Barnes: what is the capacity of Well 22 compared to Well 6. Mr. McMorran: three times the capacity; will help meet the demands.

Mr. Lawrence: plan to replace our water main; get out of marsh; submitted permit applications; access permit; build this year; Hampton Beach water supply; critical main source

3. Mindy Messmer
 - a. Water Issues

Ms. Messmer: 46% of people in NH get their water from their own well; stricter standard for arsenic bill passed; reducing the rate of cancer; highest rate of breast, bladder, esophageal in NH; problems with water numbers; only testing for 26 PFAS chemicals; will be in the body for a long time; child and prenatal exposure; protect young children.

Selectman Woolsey: do you get reports from Aquarion. Ms. Messmer: yes; still concerned with numbers that are higher; long time period to find out how chemicals should be regulated; share concern with protecting source water; technology to get chemicals out; DES rejected the technology; professional judgment not appropriate; lower standards; drinking water commission bill timed out; Rep. Cushing brought bill back in to reestablish commission; Coakley Landfill meetings are public; next meeting Wednesday at City Hall/Library; \$17M has been spent; remedial system for CL; concerned about Wells 14 & 16 another source for low levels of PFAS; migrating from Coakley.

Vice-chairman Barnes: has there been anything about CL affecting wells. Ms. Messmer: letter that said radial flow occurs; goes in all directions from CL; investigating the south between CL and Hampton.

Vice-chairman Barnes: past bills; SB309 got through; HB1101. Ms. Messmer: yes, responsible for rule making; HB1101 made it through.

Vice-chairman Barnes: Hampton will be looking for a Hampton representative for the cancer cluster commission; would like to see Mindy Messmer involved at-large appointment; not sure what seats are available on the commission; do you think Aquarion are justly doing what is in their ability to do. Ms. Messmer: I think so; concerned about blending; prefer being proactive.

Attorney Gearreald: thank you Mindy for all your efforts; your continued involvement in this field is critical.

VI. Town Manager's Report

1. Work continues on the installation of piping on Church Street for the new sewer force main. Residents are advised to seek alternate routes due to on-going construction in

- the street that will hold up traffic at times. Please watch for construction workers and Police Officers in the roadway.
2. Please mark your calendars for the upcoming Deliberative Session of Town Meeting that will be held on February 2 beginning at 8:30 AM at the Winnacunnet High School
 3. Christmas tree collections on-going with your regular trash collection. Contact Public Works for specific questions.
 4. The Hampton Harbor Bridge Project will be holding a Public Information Meeting at the Seabrook Recreation Center on January 30 at 7PM, inclement weather date is February 6.
 5. We have been notified that FEMA has approved the final obligation for the storms we experienced last year, they are still working on the damage to a sewer line we experienced last year; we have some petitions before the State DOT and DES.
 6. On behalf of the Town and board sent letters to representatives for HB352 asking all to attend the hearing and sign support of the bill; hearing will be on January 17 at 1:15PM in Room 210, Concord. Bill will fund outstanding obligation for the wastewater project; Hampton eligible for \$2,869,921; all involved say they will support.

Selectman Waddell MOTIONED to APPROVE the Town Manager writing letter for BOS support for HB352 SECONDED by Selectman Griffin.

VOTE: 5-0-0

Selectman Woolsey: red listed bridges; appreciate notice for assessing from Ed Tinker on report that had discrepancy. Town Manager Welch: we will replace it with new information.

Selectman Woolsey: need a sit down with DOT and State Representatives for discussion of JOP; on their waste.

Vice-chairman Barnes: I agree; need board to have conversation with Attorney Gearreald on 91A; where we stand; both sides want.

Selectman Griffin: should be done through board; spoke with Senator Tom Sherman and has ideas; would like to work with State Parks; he would like to present his ideas to small group of representatives from the town; could lead to public meeting; I would like to be one of the representatives; successful in working with members of the HBAC.

Vice-chairman Barnes: I would like to be the other representative.

Selectman Waddell: we should make a decision as a group who is going to be on the committee; decide next meeting; agree on meeting with Senator Sherman.

Chairman Bridle: Hampton River Bridge project talked about taking of properties. Town Manager Welch: only one of several proposals; 40' or 50' high bridge; 40' would take down 4 buildings in Hampton plus 2 in Seabrook and road would disappear; moving roadway as far west there are 15 plants/animals in danger; would be above the top of the control tower that is there now; still need to dredge; bridge would not be opening bridge.

Chairman Bridle: consensus of this board is we are open to all the options, but do not want to see property taken. Town Manager Welch: property would be taken by eminent domain,

Selectman Griffin: some believe they do not have to take the buildings; be built toward the west, come out where the State Pier is. Town Manager Welch: the diagram they showed us the buildings are gone; we do not want them taken; sound barrier.

Chairman Bridle: planning stages; do not want to see property taken; come back with another plan; Mary-Louise the commentary you have when everybody is speaking is getting very old

Selectman Woolsey: never want to hear bascule bridge; if there are tolls money would go to state.

Selectman Waddell: engineers working on this; have to have bridge; needs to be repaired; whether it is bascule or 40' high; boats need to go under it .

VII. Old Business

Vice-chairman Barnes: everyone is concerned about the rail trail; I think it is a great project, but do not want to see taxpayers pay something that is on State property; hear from other towns; could we host a stakeholder meeting to discuss all pros and cons.

Selectman Waddell: agree.

Town Manager Welch: would hold up analysis for engineers; we have been given until January 30 to provide a new rail trail designation for the engineering problems we have identified, if it does not happen then town will not be able to sign permit or move forward; valuable asset provided it is done right; significant problems; Federal Law governs it; meeting next week to solve and identify problems; DOT does not want to identify; they think it is ready for signature without further discussion.

Selectman Griffin: Senator Sherman said there are ways this could be done without being a burden on the taxpayers; invite him to our meeting on January 28 if he is available.

Selectman Waddell: put on agenda for January 28; have people here; hear from all sides.

Vice-chairman Barnes: we cannot have another 1A.

Chairman Bridle: will have on agenda on January 28th.

1. Vote of recommendations on 2019 Warrant Articles

Article #11 - Master Plan - Recommended 5-0-0

Article #12 – Budget

Town Manager Welch: Budget Committee had a vote not to recommend 1-6-1; Selectmen need to make recommendation as it is a warrant article.

Selectman Griffin MOTIONED to Recommend Article #12 – Budget SECONDED by Selectman Waddell. Recommended 3-1-1

Article #15 - Optional Tax Credit for Combat Service - Recommended 5-0-0

Article #16 - Veterans' Optional Tax-Credit - Recommended 5-0-0

Article #17 - Change Veterans Service-Connected Disability - Recommended 5-0-0

Article #42 - Repeal False Alarm Fees - Selectman Woolsey MOTIONED to Remove Article #42 from the Ordinance SECONDED by Selectman Waddell. Recommended 5-0-0

Article #49 - Mace Road Sidewalks - Town Manager Welch: was not recommended yet; Budget Committee voted 0-6-2

Selectman Woolsey MOTIONED not to recommend Article #49 – Mace Road Sidewalks SECONDED by Selectman Waddell No Recommendation 0-4-1

Article #50 - Establish No Smoking Ordinance – Advisory Article – No Recommended 0-5-0

Article #51 - Establish No Smoking Ordinance – Actual Ordinance - Selectman Woolsey MOTIONED to APPROVE Articles #50 & #51 – Smoking Ordinance SECONDED by Vice-chairman Barnes.

Selectman Waddell: 100% again no Smoking, but cannot vote for something we cannot enforce.

Chairman Bridle: no recommendation on Articles #50 and #51

VIII. New Business

IX. Closing Comments

At approximately 9:30PM, on MOTION made by Selectman Woolsey, SECONDED by Selectman Waddell, the Board voted unanimously by roll call (5-0) to go into a non-public session under RSA 91-A:3,II, (e) litigation.

Also present: Town Manager Welch; Town Attorney Gearreald.

Northern Utilities tax abatement cases: Town Attorney Gearreald presented to the Selectmen the proposed settlement for the two BTLA cases by Northern Utilities, Inc. v. The Town of Hampton for the tax years 2016 and 2017. The settlement will result in a payment by the Town of only \$20,361.21 for the tax year 2016 with no refund due for 2017 and no supplemental bill to Northern for 2018. The settlement also includes acceptable terms for calculating the assessed values for the years 2019 through 2022. The Board indicated that it would be voting favorably to accept this settlement once the Board returns to its public session.

At approximately 9:34 PM, the non-public session was adjourned on MOTION made by Selectman Waddell, SECONDED by Selectman Woolsey, which passed unanimously (5-0).

Back in public session on MOTION made by Selectmen Waddell at 9:35 pm to approve the Settlement Agreement in the case of Northern Utilities, Inc. v. Town of Hampton, SECONDED by Selectman Woolsey, the Board voted unanimously (5-0) to approve this Settlement Agreement.

A MOTION was then made by Selectman Barnes to have the Town withdraw its intervention in the 2019 WICA case involving Aquarion Water Company, SECONDED by Selectman Woolsey for discussion. Selectman Barnes indicated that she was having difficulty dealing with the rate person at Aquarion so long as we are involved as an Intervenor. Selectman Barnes also felt that Aquarion Water Company is not adverse to our interests.

As requested by other members of the Board, Town Attorney Gearreald described the status of the 2019 WICA surcharge case and how the Public Utilities Commission staff is coming around to the Town's way of thinking on issues that we have been pressing for some time. He felt that withdrawal of our intervention might result in the PUC staff retracting its positions. He recommended against the Town's withdrawing its intervention.

The vote on Selectman Barnes motion was two in favor (Barnes and Woolsey) and three opposed (Chairman Bridle, Selectman Waddell, and Selectman Griffin). Selectman Barnes indicated that she would no longer be acting as the Selectmen's representative to Aquarion as a result of this vote.

A MOTION was made by Selectman Waddell to adjourn at 9:42 PM, SECONDED by Chairman Bridle, which was approved unanimously (5-0).

Rusty Bridle, Chairman