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August 5, 2013

PRESENT: Richard Nichols, Chairman
Michael Pierce, Vice-Chairman
Philip Bean, Selectman
Mary-Louise Woolsey, Selectman
Michael Plouffe, Selectman
Frederick Welch, Town Manager

SALUTE TO THE FLAG

I. Public Comment Period (3:03)

Arthur Moody, 3 Thomsen Rd, made comments as follows: provided some history on Joe Billy Brown Park and dedication with a boulder; expressed concern if boulder is still there or has been moved; Old Home Day in August 1964; Goody Cole stone which is noticeable and will be marked at the end of the 375th Celebration this weekend; reminded everyone that this weekend is the 375th Celebration; memorabilia that is for sale for the 375th.

Selectman Pierce brought up the fact that he has been approached by a few business owners asking who they should be communicating with in regards to 375th.

II. Announcements and Community Calendar (11:17)

Selectman Bean made comments as follows: is very excited about the 375th Birthday of a great Town, in a great Country and the best State; commented on the many remarkable people who have made this Town going all the way back to before the Town was incorporated; the great people who live in this Town; the number of people who have worked hard to make this event happen.

Selectman Woolsey made comments as follows: encouraged residents to watch Channel 22 and spoke about the video that is playing in regards to dams; the big decision they are going to have to make about the Gristmill.

III. Appointments

1. Hampton Cemetery Trustees (14:02)
 - a. Proposed Cemetery Warrant Articles

Mr. Welch explained how the Cemetery Trustee receive the funds from the selling of cemetery plots; State statute (selling of town property) currently requires that the funds to go into the general fund and explained that it can take up to 2-years for them to receive the funds; at year end the Board, if they so dispose, The Board create a warrant article for the transfer of those funds to the Trustees; concerns he and others have with the 2-year time lag; no process for funds to come back to the Cemetery directly; drafted two acts with help of

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Town Attorney; explained the two Acts in detail, one is Hampton specific and the other is a general act; funds would go directly to the Cemetery and start collecting interest immediately, and would be available immediately for use by the Cemetery.

Cemetery Trustees made comments and asked questions which were addressed by Mr. Welch as follows: expressed concerns with the Act stating funds would be deposited into the general fund and/or the Cemetery Trust; the reason for this is that it has to go through the Town Meeting; since has to go to the State we would be looking at this for 2014; seems like a lot of work when looking at the interest only being around \$600; Trustees are ok with this as long as the money is going into the Cemetery; feel current Cemetery land will serve the Town.

Board Members Nichols, Pierce and Woolsey asked questions and made comments as follows: this came up because there was not a warrant article last year so the money went into the general fund; can see 15 month timeframe but not sure where the 24 month period comes from; need subsequent warrant article so that would be 2015; this will remove the need to have a warrant article each year; two Acts wonder if Mr. Welch prefers one over the other; comparison of the 2010 census and little increase in population; is the Board comfortable with going with the generic act; still some confusion on what will happen to the funds; timeframe still a little foggy; concerns with minutes from Cemetery's last meeting and possible purchase of the property for a Senior Center

Mr. Welch would suggest the general enabling act be the one that is moved forward. Mr. Welch informed the Board that whenever Hampton specific Acts have been submitted the State tends to change them to general acts.

There was a consensus amongst the Board to move forward with the first act the one that is a General Act.

IV. Approval of Minutes (33:09)

1. July 22, 2013

Selectman Woolsey MOTIONED to move to adopt the minutes of July 22, 2013.

Page 2, 2nd paragraph, 3rd line change "first half" to "the 50% of 2011 credit", 5th line change "excepted" to "accepted"; 3rd paragraph, 2nd line change "money" to "LGC check"; 3rd line change "Security" to "Securities"; 4th paragraph, 3rd line add the following "the consensus of the Board is to post the Town's portion as revenue."

Page 5, 1st paragraph, 12th line add after "6.9M" "as being too high"

Page 6, 1st paragraph, 4th line remove the word "time"; 6th paragraph, 1st line change "prospective" to "perspective"

Page 7, USS Thresher, change the number "4" twice to "3"

Chairman Nichols MOTIONED to approve the minutes of July 22, 2013 as amended SECONDED by Selectman Pierce.

VOTE: 4-0-1(Woolsey)

2. July 29, 2013 Non-public

Chairman Nichols MOTIONED to approve the non-public and sealed minutes of July 29, 2013 SECONDED by Selectman Pierce.

VOTE: 4-0-1 (Woolsey)

V. Town Manager's Report (39:28)

1. The State Department of Resources and Economic Development has issued a press release indicating that they will be placing a sign at the Hampton Beach Jetty advising people of the danger of walking on the jetty.
2. Aquarian Water Company has filed for an additional rate increase for Hampton designed to recover their cost to prepare and present their case for their just granted general and WICA rate increases.
3. The work underway at the beach located at 968 Ocean Boulevard is expected to be completed by Tuesday.
4. The punch list for the Wastewater Treatment Plant dewatering project is in final preparation to close out the project.
5. The contractor on the Church Street Pumping Station is completing the pour of concrete to bring the structure up to 3 feet below grade. Work progresses well and is on budget.
6. We have verified that the Federal Health Insurance penalties have been postponed until 2015.

Mr. Welch added the following to his report: Municipal Budget Committee has a seat to be filled and informed interested individuals can contact Mrs. Latimer or Town Manager's Office; sidewalk maintenance and winter maintenance will be before the Board at future meetings; south side jetty signs that will be going up.

Board Members Nichols, Woolsey, Pierce and Bean asked questions and made comments as follows that were addressed by Mr. Welch: would prefer to see the jetty blocked off and not just signs; contact the State to see when they plan to have the signs up; asphalt in ocean and has it been cleaned up and found; Lane Library August 7th event that was not approved by the Board to close off Academy Ave; asked Mr. Welch to address concerns with the timeliness of Fire permits; would like to know when the meeting is tomorrow with the applicant for fire permits; have now caught up on inspections; cost of putting on an additional Fire Inspector; look long and hard at providing additional resources; problem with inspections seems to be the lack of getting back to the customer; how every Spring this becomes a problem since businesses make request at the end of May for June 1st; possibility of giving notice to business owners when they close for the season to remind them about filing for permits the next year; questioned if there is going to be a Town Food Inspector and this has just been a suggestion, this is currently done by the State; jetty sign is up and looks great; NH Parks Director and fabulous job they do up north; Aquarion issue would like to spend some time with Town Attorney on this over the summer; 2015 push back on Health Care and some caution with new hiring; use of part-time employees at the Police Department; issues with the Fire Department in the paper and need for code enforcement needing to be beefed up; possibility of looking at two part-time positions for the additional need of Fire Inspector; use of email to keep the communication moving on the application process for permits; issue with first responders being put in danger in regards to rescues in the area of the jetty.

Mr. Welch provided an update on the following: the Lane Library event and it will be held in the Library; discussed in detail the issues with the applicant who was having issues with Fire and Building permits; record number of permits both in the Fire Department and

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Building Department; second Fire Inspector in budget; potential request for food inspection; some inspections will be delayed because some work is not completed; keeping track of every inspection and every application; 30 page report on inspections that are going on; how phone calls are coming into the Fire Inspection Office;

VI. Old Business

1. Volunteer Appointment to the SB163 Commission (1:05:10)
 - a. Jay Diener
 - b. David Wood

Chairman Nichols made the following comments: need for a representative to be appointed to the Coastal Risk and Hazards Commission; two individuals showed interest Jay Diener and David Wood.

Selectman Woolsey MOTIONED to appoint David Wood of 4 Ruth Lane as the Hampton Representative to the Coastal Risk and Hazards Commission SECONDED by Selectman Plouffe.

Discussion on Motion

Chairman Nichols made the following comments: nothing against Mr. Wood; spoke of Jay Diener and his experience with coastal rise; work on the Conservation Commission; many discussions he has had with Jay Diener on this topic.

Selectman Pierce made comments as follows: has spoken with and knows Jay Diener; might be a nice change to bring in someone new; appreciates all the work Mr. Diener does for the Town.

VOTE: 4-0-1(Nichols)

2. No-Through Trucking (1:08:34)

Chairman Nichols reminded everyone this is something they have discussed in the past and Atty. Gearreald along with Mr. Welch has done some research on this.

Atty. Gearreald made comments as follows: started looking at this when wanted to add Tide Mill Road to the list of No-Through Trucking; motion made and past earlier this year adding to this code; No-Through Trucking added on to weight limits and duplication that occurred; remove No-Through Trucking from where it currently sits in code and put into new section; singling out Tide Mill Road as No-Through Trucking and why this does not need to be done; violation and penalties; motion presented to the Board.

Selectman Woolsey MOTIONED to Amend §769, Section7, A & B by making the following changes:

1. §769 A & B shall be removed from §769-7 and placed under the heading §769-A-1 No Through Trucking
2. Add new §769-A-2 as follows:
§769-A-2 Violations and penalties:
 - A. Penalties. Any person violating any of the provisions of §769-A-1 shall be liable to a penalty of not more than \$100 for the first offense, \$250 for the second offense, and \$500 for the third and each subsequent offense.

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- B. Validity. If any section or part of a section or paragraph of this article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this article.
3. Repeal Chapter 805, Article IX, Sub-Section 57 (Tide Mill Road No Through Trucking provision) as same is now covered under §769-A-1, A

SECONDED by Selectman Pierce.

Discussion on Motion

Selectman Woolsey made comments and asked questions which were addressed by Atty. Gearreald: understands what they are saying; on 4th page problem with wording and list of only 3 streets; listed out all the streets that should be listed in her opinion; commented on Towle Farm Road to Merrill Industrial Drive; wants to make sure the streets where you are not going to be penalized on are listed out and that the exceptions that will be listed out.

Selectman Woolsey MOTIONED to amend the previous motion to include in the new section §769-A-1, A, (4) by adding “(h) Hardardt’s Way” to the list of excepted streets SECONDED by Selectman Pierce.

VOTE: 5-0-0

There was an additional discussion on the signage that will be going up and suggestions that Selectman Woolsey made in regards to wording and possibility of referencing the ordinance.

4. Waste Collection on Private Properties (1:19:48)

Selectman Woolsey made the following comments: sent the Board an email; need to work on this problem a little at a time; took the list as prepared by Mr. Welch and Mr. Noyes, the list identifies private properties that DPW enters onto to collect solid waste and recycling, and divided it into 3 sections: Churches, trailer parks, businesses; clarification of private properties, as opposed to private roads, for the collection of solid waste and recycling; recommendation for Churches is that they purchase carts and move them to the curb for pick-up; Sacred Heart School will need to purchase their own dumpster and pay for private removal; recommendation for mobile home parks to place carts on public way as currently is being done in most cases, will continued to be picked up; Hampton Beach Trailer Park, they need to purchase dumpsters and pay for the private removal; as for the businesses that DPW currently enters onto to pick up waste, entering onto private property by DPW needs to stop; listed out all the businesses; if businesses bring carts out to public way then can pick-up, if not they need to pay for it privately.

Selectman Woolsey MOTIONED that they take the list that the Manager provided the Board regarding private properties and have them segmented with the churches, mobile home parks and the businesses and move that they make these adjustments as of today SECONDED by Selectman Bean.

Discussion on Motion

Selectman Pierce had questions and made comments as follows: questioned why Sacred Heart School needs to get their own dumpster; Selectman Wolsey stated that it is a private operation, it was commented that business are private as well; wonders why Sacred Heart is being singled out; would suggest that they treat all the Churches and Schools the same;

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businesses, if they do not put it out to the curb, that they would have to pay if they bring their trash to the Transfer Station.

Chairman Nichols made comments as follows: agrees they should stop going on private property to pick-up solid waste; viewing private roads as a separate issue, not talking about private roads; make this simpler by making a statement of policy as opposed to breaking into 3 categories; simply state that DPW will not be going on private property to pick-up waste on all existing properties going further and leave it up to Fred and Keith to figure the rest out; if motion is made the way suggested by Selectman Woolsey what happens if a property is left off; Keith has to come to the Board with an overall plan in September; let the timing be decided by DPW; the issue of not going on to private properties providing the motion tonight; that it applies to existing properties and not future additions; commented on the Hampton Trailer Park and difficulty of getting around and not possible to bring carts curbside, it is not practical; question of Selectman's Woolsey's proposal, what do we do with the businesses who have purchased the carts and now have no use for them; if an entity will no longer have a use based on the Boards decision tonight then the carts should be able to be brought back to the Town and cost refunded to business.

Chairman Nichols MOTIONED to AMEND Selectman Woolsey's motion to reflect that the Town will stop going onto all private property going forward and that the Town will refund the full amount for carts that are returned by any entity where the Town will not pick-up any longer be picking up in the future SECONDED by Selectman Pierce.

Discussion on Motion

There was a discussion on the timeframe for this to be implemented and the Board will look to the DPW Director for guidance on this.

Selectman Pierce wants to make sure that the Sacred Heart School is not singled out like in the original motion.

VOTE: 5-0-0

Selectman Pierce MOTIONED to AMEND Selectman Woolsey's motion that everyone on private property be treated the same.

It was explained to Selectman Pierce that this amendment was not needed since Selectman Woolsey's motion was deleted by the amendment made by Chairman Nichols.

Selectman Plouffe suggested that since this will have a big impact on the trailer park at the beach and they close on October 15th can they extend the implementation for this property until this date. The Board agreed to defer this to Mr. Noyes and possibly defer implementation of the whole policy until October 15th.

5. Purchasing Policy Amendment (1:36:52)

Selectman Woolsey explained the following: emailed this amendment to the Board; referring to page 3 the section in regards to use of State and Federal bids and proposals; thinks this section is vague and can be phrased better so that everyone understands it; wants to make sure the Department Heads know what they are dealing with; knowledge she has gained on how the State bid process works; problem with different fiscal years between the Town and the State; silly not to be taking advantage of the pricing the State gets; need for a clear

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statement; increased the limit in this section for passenger vehicles to \$25,000 before needing approval of Board.

Selectman Woolsey MOTIONED to amend the Purchasing Policy Amendment Section 718-7. Use of State and Federal Bids and proposals.

“In lieu of the requirements contained in this policy the Town may accept and use collective competitive bids and professional proposals awarded by the State of New Hampshire or the United States Government.

In cases where the Town uses State of New Hampshire base bid pricing (including separate base pricing for option packages) for new model year vehicle purchase(s) Dept. Heads can use the State base figure(s) as leverage to negotiate with any dealer for the lowest price - even when the State bid was awarded to a single dealer and has expired.

If the per vehicle price exceeds \$25,000 - including options, discounts and trade-in – permission to waive the bid process must be sought from the Town Manager and Board of Selectmen prior to purchase. Any options on the State bid list that a Dept. Head wishes to add to a base vehicle must be pre-approved by the Town Manager and Board of Selectmen. Specific details of package costs which have been negotiated based on the State bid prices must be presented.

In cases where the Town is utilizing State or Federal Funds for projects that require engineering services, those services shall be exempt from the bidding and solicitation requirements contained in this policy where it conflicts with State and Federal laws and regulations. The Board of Selectmen shall be advised of bids and proposals utilizing State and Federal Funds, consistent with the provisions of Section 718-4, B of this policy.”
SECONDED by Selectman Plouffe.

Discussion on Motion

Selectman Pierce made comments as following: the section 718-7 is very clear in the Purchasing Policy; violating the spirit of the policy; Selectman Woolsey’s change just goes on and on; very clear beginning and ending dates, not confusing or ambiguous; distressed in believing that other members of this Board cannot understand this; problem with upping the limit to \$25,000; adding another amount in the mix and that is not necessary.

Selectman Bean made comments as follows: four or five incidents that Selectman Pierce brought up last week; now changing the amount to \$25,000; what does this mean in regards to decisions Board made last week.

Chairman Nichols made comments as follows: this amendment complicates the policy; as opposed to simplifying it; adding two paragraphs; detailed rules for passenger vehicles purchased off of State/Federal bids; only purchase new passenger vehicles about every 5 years; the scope of the policy should not include detailed procedures for specific purchases as this amendment does; the more you complicate something the harder you make it to conform with the policy; amendment gives the Board authority to pick options on passenger vehicles; current language is not that complicated and went through the language for the Board; discussed the waiver procedure and how it is handled; how DPW Director has come before the Board for waivers previously; most of the time the Board has approved waivers; how the current policy is complied, the public can feel comfortable with purchases being made; absolutely opposed to this amendment and went into further details on why he feels this way;

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the limit was increased to \$15,000 not to long ago with the goal for purchases to comply with the policy.

Selectman Woolsey made the following additional comments: still feels that the language is not clear; problem with piggy backing on State bids; this is a waiver section; why can they not use the State bid process and the State price.

Chairman Nichols stated that this applies to everything not just autonomies.

Selectman Bean made comments as follows: thanked both Selectman Pierce and Selectman Woolsey for their work on this; this was discussed by the Board last week; can talk about it for half hour but does not feel motion will pass.

VOTE: 1(Woolsey)-4-0

6. CIP Review Discussion (1:52:24)
a. 2014 Money Warrant Articles

Selectman Woolsey made comments as follows: coming up on time to work on warrant articles; some items of CIP need to be re-worked from her perspective; have information on work that needs to be done on the seawall at Bicentennial Park and cost is way to high; municipal tax rate sheet that was provided by Chairman Nichols; some items need to be adjusted; Fire Pumper Truck should be replaced sooner; 5 corners reconstruction should be moved forward or removed altogether; seawall needs to be added to municipal tax rate sheet and a better price needs to be sought.

Chairman Nichols brought up the following: last year they focused two years out; items that were out further were left on report but discussion did not occur on these items; limit our discussion to 2014 and 2015.

Selectman Pierce is not in favor of removing 5 corners from the CIP Report.

Selectman Woolsey MOTIONED that 5 corners intersection reconstruction for 2015 be removed from the CIP Report SECONDED by Selectman Plouffe.

VOTE: 2(Plouffe, Woolsey)-2(Pierce, Nichols)-1(Bean)

Selectman Pierce made comments as follows: wash bay for \$500k in 2014 can be removed; DPW take care of vehicles properly without this.

Chairman Nichols made comments as follows: wash bay includes office space, garage and storage; impact on municipal tax rate without even looking at the budget; possibility of having DPW Director coming back with cost for wash bay only; see this as being more practical; feels they have been able to find balance between ideal solutions and the so called “doing it cheap” kind of thing; provided some examples for the Board on projects that have been done over the past few years for less money than original proposal.

Selectman Pierce made comments as follows: expressed concern with the numbers; reminded everyone what happened in the past when spending went crazy; need to show taxpayers that we have their best interest in mind.

Chairman Nichols explained the impact of \$150,000 as opposed to \$500,000; it would be a substantial reduction in 2015 and pointed out that increases in property values do not impact the tax rate.

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Selectman Woolsey commented on the building in this Town and how it increases the value in Town and the tax base; the Town has not passed a sewer construction/reconstruction bond since 1986 and expressed her concerns with this.

7. Mayberry Report (2:10:41)
a. Impact Fees Cost Estimate

Chairman Nichols made comments as follows: report Board received; cost to do a study; pointed out some interesting items from report; what impact fees cannot be used for; most of what Town is doing does not apply to impact fees; cost of \$40 to \$50k to do the study; other avenues that Town could use; RSA 149 has been repealed, unknown what its replacement is; bottom line this is a Planning Board responsibility and let them do their job.

Selectman Woolsey made comments as follows: pointed out that the Board sent a letter to the Planning Board about Municipal Impact fees.

Chairman Nichols MOTIONED that this Board drop this issue of Impact Fees and not go forward with the study at a cost of \$40 to \$50k and leave it up to the Planning Board since it is their job SECONDED by Selectman Pierce.

Discussion on Motion

Selectman Pierce made comments as follows: understands job of the Planning Board; what happens if they do not have the money.

VOTE: 5-0-0

Other Old Business (2:15:22)

Selectman Woolsey discussed the following: has been asking to have a discussion with individuals from Concord to come down and talk to the Board; problem on the 4th of July; letter received in regards to the increase to 7%; 3 summers of not having a Superintendent of Seacoast Parks; comments made by Chairman Nichols that he had applied for the job; concerned that maybe the meeting is not happening because of this.

Chairman Nichols commented as follows: that he has sent in a resume but not applied since it has not been posted to his knowledge; believes there was a consensus amongst the Board to not hold the meeting until position is filled; one issue is trash; other is financial inequities with the State and cannot have the meeting until the Town has the numbers.

Selectman Bean made comments as follows: complimented the State on the fabulous job they do down there; Town and Precinct does a fabulous job; money issue that they are going to work on that; sanitation and new bath houses; ¼ million people cannot be wrong and that is how many flock there.

Chairman Nichols brought up the pending letter to the ocean front property owners; discussed the locations they are talking about; Town Beach and location where it is not Town beach in the Ancient Highway area; make sure when they do the mailing that they have accurate information before sending the letters out. There was an additional discussion amongst the Board as to what portion is Town beach and what is not and deeds involved.

VII. New Business

1. Sherburne Drive Drainage Installation (2:28:34)

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Mr. Welch made comments as follows: project completed many years ago; Town took a sum of money, little over \$6,000; received money to build a drain system in this area; there are retention basins/rain gardens through the subdivision; concern with design of these; problems for an abutter if retention pond is to flood; this information is to advise the Board of the work to be done; does not need to be approved by the Board; do need approval from Board to close Barbour Road during the work.

Selectman Pierce questioned the exact location on the map that the work will be done and Mr. Welch discussed the project in detail for the Board.

Chairman Nichols MOTIONED to approve the closure of Barbour Road during construction of the drainage project SECONDED by Selectman Pierce.

VOTE: 5-0-0

VIII. Consent Agenda (2:33:36)

1. Hampton Cemetery Deeds
 - a. Gary E. Merrill and Michelle V. Merrill
 - b. Dorothy A. Grzywacz
2. Seafood Festival Sidewalk Vendor Licenses
 - a. Coffee Cann Café – 169 Ocean Blvd
 - b. Bargan World – 235 Ocean Blvd
 - c. Shirts R Us – 105 Ocean Blvd

Chairman Nichols MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Pierce.

VOTE: 5-0-0

IX. Closing Comments (2:34:05)

Selectman Bean commented on Friday evening the Hampton Community Band will commence at 6 pm not 7 pm as mentioned earlier.

Selectman Woolsey brought up the policy from the Recreation Department on the Transfer Station/Parking Sticker and wonders if it will be on a future agenda for discussion. Chairman Nichols wanted to make sure that there was a policy in place and have someone besides himself look at the policy. Board agreed that it was needed but not necessarily a future agenda item.

Selectman Pierce brought up the SAU 90 channel and Chairman Nichols will put this on a future agenda once information is available.

X. Adjournment (2:36:29)

Chairman Nichols MOTIONED to adjourn at 9:32PM SECONDED by Selectman Pierce.

VOTE: 5-0-0

Chairman