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November 25, 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 Hearing – RSA 31:95-e, II (5:35)

1. Acceptance of a gift in excess of \$5,000 in the Town's behalf
 - a. Landscaping Installation and Continuing Annual Maintenance; and Sidewalk Construction at 580 Winnacunnet Road – Hampton Shores

Joe Coronoti of Jones and Beach Engineers and Atty. Saari of Casassa and Ryan were present as representatives of Hampton Shores for the gifting in the Town's behalf. Atty. Saari briefly spoke about the landscaping and the sidewalk construction; cost close to \$10,000 or \$11,000; offering this to Town as a gift

Joe Coronoti went through the plans in detail for the Board and public and explained the intent of the gift.

Selectman Woolsey asked how they feel about hot top vs. concrete sidewalk.

Selectman Pierce asked about some details on the landscaping which were provided for him by Mr. Coronoti.

There was a discussion on concrete sidewalks and maintenance.

Selectman Plouffe made comments as follows: thinks the plans look good; only decision would be if they should go with concrete sidewalk; kind of leaning towards concrete since that is what is there presently.

Atty. Gearreald asked about: clarification on some of the landscaping for the Board which was provided; where does the sidewalk start and end; memo for Board from DPW Director commenting on concrete vs. asphalt; if concrete is used, a sealer should be applied on the sidewalks.

Chairman Nichols commented on asphalt vs. concrete and the amount of input received in regards to maintenance issues with concrete.

Mr. Welch commented that they have not been maintaining concrete sidewalks and his recommendation has always been to use asphalt.

Chairman Nichols MOTIONED to accept the gift as proposed landscaping installation and

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continuing annual maintenance of and sidewalk construction at 580 Winnacunnet Road with the material for the sidewalk being asphalt and as condition of that on the excavation permit that there would be the standard insurance requirement naming the Town as an additional insured as well as the indemnification obligation SECONDED by Selectman Woolsey.

VOTE: 4(Pierce, Nichols, Plouffe, Woolsey)-0-1(Bean)

II. Public Comment Period (20:25)

Norm Silberdick, 70 Tide Mill Road, made comments as follows: representing Rational Taxpayers of Hampton; would like to get a new car and explained why but has decided to live with what he has; living with-in his means; concerned with the direction budget is taking; looking at a minimum 11% increase, without an increase in revenues; down shifting of cost coming from NHRS; extremely disappointed with Woolsey, Bean and Plouffe voting against a sticker program for commercial trash pick-up to generate income; petitioned warrant article that Selectman Woolsey will be putting forward; savings are not dramatic when removing commercial trash pick-up; Rational Taxpayers of Hampton plan to put forward a warrant article similar to the one discussed here including use of a sticker system; if the Board continues to promote spending, the taxpayers are not going to support the budget increases proposed; need to look for more revenue sources, rather than curtailing services.

Bob Preston made comments as follows: member of Chamber of Commerce and member of Experience Hampton; spends a lot of time on Hampton Beach; money spent on the buildings on the Beach and how it is improving Hampton's tax base; amount of money that Beach business owners spend on taxes in this Town; lack of room for dumpsters on many of the properties; issues with taking away commercial trash pick-up; DPW does a great job in this Town; rubbish collectors are in and out of the Beach in no time; Beach business owners do not complain about supporting the schools; businesses support the community and the schools; for years have been hearing about the Beach and uptown thing; hopes that this Board is not going to start this separation again; many of the businesses are barely making it; should not place more expenses on them; thinks status quo should continue and like Selectman Bean wants; it is the way to go.

David Lang, 66 Park Ave, made comments as follows: the business owners at Beach are not only paying property taxes but are also generating the Rooms & Meals Tax that is paid to the Town; wonderful job DPW does maneuvering their way around the Beach and would not want to see any other trash trucks down there; earlier heard from Rational Taxpayers of Hampton and he considers himself a responsible taxpayer; in a nanny type way we are deciding what we want to put in front of the voters and what we do not want; Hampton has on two occasions voted for Senate Bill 2, why did we do this, did not trust the small group making decision on what we are spending money on; taxpayers are given the choice of two budgets to vote on; he happens to be of the mind that the old system was ok; how Department Heads and the Town Manager put forward their needs, these needs are not a wish list; this Board should present the facts, present the cost and tell the taxpayers the impact, then on election day it is up to the voters.

Charlie Preston, 37 Glade Path, made comments as follows: history of the Trash and Recycling Committee; why he went on it back when it was started; importance of picking up trash on the Beach; need to recycle; how much cardboard and glass comes off the Beach during the summer; would businesses consider getting rid of the glass which would lower the weight; how Seabrook

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handles trash including not picking up commercial waste; Hampton needs different solutions; possibly more favorable to bid part year contracts for recycling.

III. Announcements and Community Calendar (38:52)

Selectman Bean announced a new book available at Marelli's about the first 100 years in business in Hampton, NH. Invitation out to join them at Marelli's Market on December 12th from 6 to 7:30 to celebrate their 100th anniversary.

Selectman Woolsey announced the following: received Comcast franchise fees covering the period July 1st through September 30th in the amount of \$81,511.01; a quarter of this will go to Cable Revolving Fund; DPW notices continue to go out through email and over the phone; no waste pick-up on Thursday for the holiday; was asked by Ann Carnaby, the Planning Board representative to the NH Coastal Bi-way Corridor Study Committee to announce there is a resident survey to collect comments and information on the study for Rte. 1A and 1B, the website can be access at www.surveymonkey.com/S/NH/coastalbiway

Chairman Nichols announced an opening for a Hampton Representative to the Rockingham Planning Commission anyone interested should contact Jamie Steffen. He also thanked Warren Bambury for his many years of service to this Commission.

IV. Appointments (42:22)

1. Hampton Beach Village Commissioners – Mr. Rage, Ms. Buckley and Mr. Ladd
 - a. Changes in Trash Pick-up

Mr. Rage made comments as follows: this comes up every 4 years or so; money he spent on carts for his business; need for a public hearing prior to doing anything on this; number of phone calls he and other Commissioners are receiving; how he grew up in Salem and how they handle trash; there will be a need to expand the Transfer Station since more people will be bringing their trash there; the number of trash trucks that will be on the Beach; how the Beach has a lot of renters who do not care about Hampton.

Ms. Buckley made comments as follows: a lot of talk about trash fairness; cannot have fairness of trash when you are talking about commercial pick-up, it should be talked about fairness all around; she has no children in the school system and has never asked for a rebate since she is paying for the schools; parking revenue and Rooms & Meals tax these businesses provide; need to see the Town as a whole and responsibility of the Town to work together with the Beach on this issue.

Chairman Nichols provided the following information: discussions the Board has had on this; vote of 4-1 by Board to not eliminate commercial trash pick-up; majority of the Board has taken the position not to eliminate commercial trash; there was a vote at one time to go down the road of sticker/fee system with a 4-1 vote; Friday there was another vote taken and there is no longer a Selectmen sponsored warrant article related to the cessation of commercial trash on Hampton Beach.

Mr. Ladd made comments as follows: we have to stop meeting this way; article in Hampton Union about letting the voters decide; problem with this is that many of the people this effects cannot vote on this article; creating a division between the private and public sector; economic tipping point at the Beach; businesses will be facing having to pay for flood insurance; pay the

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non-exempt Precinct tax; revenues they generate from parking; spoke about Green & Company projects and amount of money they are paying for building permits; Beach does not have the traditional services year round; risk of trash migration and the State side of the Beach is going to get a lot more trash and recycling bins will begin to be filled with trash; can save a lot of money by not picking up anyone's trash but that is not what a community does.

Mr. Rage made additional comments as follows: understands the Selectmen did not endorse an article; but still should have a public hearing to see what others think about this change; by charging businesses for trash going to stop expansion of businesses; will have a lot of people coming in and showing how much they care for this Beach; understands Galley Hatch has its own dumpster but feels that they should have their waste picked up by the Town if they choose to bring carts out; does not think we should be messing with this.

Selectman Bean made comments as follows: would like to reiterate comments he made on Friday; reaches out to Selectman Woolsey, that you are a part of this team, you have a responsibility to this team; do not advocate any of your rights as a taxpayer, but that you work with this Board; if the Board decides and comes to a decision that you support that; he would hope that we are not going to have 5 different articles on trash; voters will be confused; nobody has the real numbers that Mr. Sliberdick spoke about, it was just recently known what we spend to secure the trash from the trailer park on Kings Highway, and the amount of revenue we receive from that park; problem with Police Chief and Deputy Police Chief spending time on constitutionality of trash; the amount of executive leadership time that has been spent on this so far; what are their fixed costs spent on that issue; would also look at the Rooms & Meals tax since it is not brought into the equation, that tax is paid by individuals who do not send their children to school in Hampton, have the Rational Taxpayer factor that in the cost; only get little bits and pieces on the financial portion; from the Board of Selectmen there is no warrant article on trash; he is not a member of Norm Silberdick's group and is not sure if any other members of this Board are or if they communicate on a regular basis with him; not sure that in 4 minutes someone can show a true picture of the costs involved with commercial trash.

Selectman Plouffe made comments as follows: wonders when they think a public hearing should be held on this; Chairman Nichols would think that if one was held it should be on December 16th along with the other public hearings.

Chairman Nichols stated that this Board is not making a judgment on a warrant article that is not even on the table.

Ms. Buckley asked since the Board does not have a warrant article what is the next step, is there a next step as far as they are concerned. Chairman Nichols commented on the 3 options provided by Mr. Noyes, explained the three votes that were taken and at this point he does not intend to put forward any articles related to trash.

Selectman Pierce clarified that Chairman Nichols was referring to all commercial trash and not just at the Beach.

Selectman Woolsey made comments as follows: how it appears the Town is getting the short end of the stick in regards to Rooms & Meals tax; this is not a Beach issue it is a Town wide issue; she does not separate the Town from the Beach; significant commercial development at the Beach; size and age of the Transfer Station, and it was build smaller then it was designed; concerns with volume going through the Transfer Station; FEMA meeting that will take place in

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regards to flood insurance and she will make sure the Precinct Commissioners are made aware of the meeting date.

Chairman Nichols made comments as follows: will have a public comment period at the meeting on December 16th in regards to solid waste collection; aside from the fairness issue, one of the reasons he is opposed to eliminating commercial trash pick-up is because he does not feel it can work at Hampton Beach; so many lots cannot support a dumpster; spends a lot of time at the Beach; conversation he had with a DPW employee who has spent a lot of years on a rubbish truck and estimates that about 30% of the properties at the Beach cannot support a dumpster; problem with going to a private entity for trash pick-up which he discussed in detail; is the Town going to buy back all the carts that they sold to the businesses; this would be a significant expense.

Selectman Pierce made the following additional comments: appreciates them coming in; important that what a dump the Beach will end up looking like if we do not pick-up trash; concerns with a large number of trash trucks that will end up on the Beach; supporting continuing as they were period.

V. Approval of Minutes (1:13:44)

1. November 18, 2013 Sealed Minutes

Selectmen Pierce MOTIONED to APPROVE the November 18, 2013 Sealed Minutes SECONDED by Selectman Woolsey.

VOTE: 5-0-0

VI. Town Manager's Report (1:14:08)

1. The Board was forwarded a recommendation concerning the illegal dumping of yard wastes on a Town roadside. As the Selectmen are the officers in charge of highways, would you like us to proceed to work with the individuals to clean up the area where the dumping has occurred?
2. The Board was furnished information concerning the unpermitted construction of seawalls on Town property. Would the Board like us to work with those involved to correct the issue obtaining permits?
3. The last day to submit petition warrant articles to amend the Zoning Ordinance on 12/11/13, and must be received at the Selectmen's Office before 5PM.
4. The last day to submit petition warrant articles for the Annual Town Meeting for all other subjects is 01/14/14 and must be received at the Selectmen's Office before 5PM
5. Please remember that there is no on-street parking from 1AM to 7AM until March 15, 2014. Also reminded everyone that if there is a snow emergency there will be parking at the Ashworth and Island Path Lots.

Mr. Welch added the following items: work update on the Church Street Pump Station; and the Board was given the material with regards to the instructions for the non-union wage increases.

Selectman Woolsey MOTIONED to have the Town Manager work on the situation of the illegal dumping of yard waste on the west end of Little River Road SECONDED by Chairman Nichols.

Chairman Nichols questioned why the Board is even being asked this and why it is not just being enforced. Mr. Welch stated for two reasons need consent for them to enforce the cleanup and if

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the owners decide they are not going to cooperate it becomes a criminal matter. The Board is the Officers of Highway and therefore must be asked.

There was an additional discussion on what happens if they do not wish to cooperate.

VOTE: 5-0-0

Selectman Woolsey MOTIONED that they go ahead and authorize the Manager to pursue whatever needs to be done on these unpermitted construction of seawalls on Town property SECONDED by Chairman Nichols.

Chairman Nichols made comments as follows: asked who the letter is from and whom did they contact; Mr. Welch stated the original letter was from the Conservation Commission and the new letter would be from him, asked that information be added as to who these individuals can contact with questions; permits will be included with the letter; issue goes beyond these properties; this has to be done because what is the incentive in the future for others to not do the same thing.

VOTE: 5-0-0

Selectman Woolsey pointed out that the public hearing on the Zoning articles will be on December 18th.

VII. Old Business (1:23:50)

1. 2014 Warrant Articles (1:23:53)

Selectman Woolsey made comments as follows: would like to motion to move to reinstate the Sewer & Drain Wash Down Facility article; work that had been done on this; how the correct article was not included.

Chairman Nichols made comments as follows: there is no Wash Down Facility Article as we stand now; there was a motion, a second and a vote to remove it; if she would like to bring the correct article forward to the Board she may do so; it can be added to the agenda for next week.

Mr. Welch stated that most of the corrections that the Board ordered for all warrant articles have been completed and copy will be forwarded to the Board later this week.

Selectman Pierce confirmed that the Board will receive copies of the warrant articles by the end of the week so they can be discussed next week.

Chairman Nichols made comments as follows: brought up the wastewater system development charge; had mentioned last week that he wanted to get some information from Mr. Noyes on this; will be meeting with Chris Jacobs on this later this week; listed out his concerns accounting of the funds; collecting fees does not state where these fees are going; if no direction for where the fees to go, the fees would go in the general fund revenues; philosophical background of where this article comes from; this is in addition to article 21 which was to increase connection fee; will there be two forms; two distinct fees; states it will covers non-residential units and how it will be calculated around number of bedrooms, this is confusing, nonresidential units do not have bedrooms; this needs to be calculated; Article 21 was amended at Deliberative Session and discussed the amendment in detail; provided an example using the Sea Spray on what they would have paid prior to last year, after the article passed and what they will be charged with this new

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article also; work has to be done on this thing; not in favor of going forward with such a large increase.

Selectman Woolsey stated that she would like to attend the meeting with Chris Jacobs and work she has done on this article along with Chris Jacobs.

Selectman Bean commented on the amount of the increase for the Sea Spray as discussed by Chairman Nichols.

Chairman Nichols read article 21 that passed.

Selectman Plouffe made comments as follows: discussion he had on the fees; what the fee used to be prior to Town meeting; what fee included.

Selectman Bean thanked Mr. Welch for the metrics he provided from Department Heads in regards to the State.

VIII. New Business (1:42:23)

1. WWTP Electricity Block Pricing (1:42:29)

Mr. Desrosiers made comments as follows: talk about electric utility budget for the WWTP; a year ago they entered into an agreement with Integrys Energy to provide electrical service to WWTP; rate made up of two components; provided Board with a chart showing actual usage and expenditures for the past 12 months; shows what we have actually spent; discussed the chart in detail for the Board; natural gas rates are predicted to go up a good 10% or higher; electric rate forecast is also not very encouraging; Integrys is suggesting that we go to a block pricing concept; block pricing concept basically fixing a rate for a fixed volume; taking the high demand months and charging 90% of the volume at a fixed rate, the other 10% of the volume we are charging at a market variable rate; really taking a risk on those on demand months; for the off months we are charging 50% usage at the market rate and 50% usage at a fixed rate; with this concept we are really level loading; taking basically all the risk out of using a market; have used the actual volumes and invoice amounts from Unitil for the delivery charge; using this model is predicted cost for the year is \$153,000; if use the fixed rate suggested by Integrys you come out at around \$172,000; so if go with the block rate you are leaving a lot of the guessing out and it is a good budgeting tool; discussed this with Keith and he is in favor of the program; next week at Budget Committee he is going to make a motion to decrease this electric budget by \$35,000 and take that \$35,000 and put it into the budget line for paving and roads.

Chairman Nichols made comments as follows: forecasting a cost of \$153,00; so proposing a budget of \$165,000; leaves a little room; proposed budget by Mr. Noyes is \$200,000; in favor of this also.

Chairman Nichols MOTIONED to approve Mr. Desrosiers proposal for block pricing concept SECONDED by Selectman Woolsey.

Selectman Pierce commented that this Board does not have any control over the Budget Committee.

Chairman Nichols commented that this Board is allowing them to go to the block pricing method.

VOTE: 5-0-0

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2. Seawall, Revetments, and Stairs on Town Property Regulations (1:51:18)

Chairman Nichols asked if the Board prefers to defer this until next week. He did not have a copy in his box but did receive it in email.

The Board agreed that they did not need to defer this item.

Selectmen Woolsey MOTIONED to APPROVE the Seawall, Revetments, and Stairs on Town Property Regulations SECONDED by Selectman Pierce.

VOTE: 5-0-0

3. Ratification of the SEA Tentative Agreement (1:52:44)

Chairman Nichols made comments as follows: Board has received a copy of the agreement; represents majority of DPW employees; no colas since 2006; no contract for 7 years; net cost to taxpayer over 3 year contract is roughly \$300,000; current employees will be placed on the step in pay plan that they would have been on; current pay scale adjusted up by 3%; pay scale will be adjusted up 1.25% on April 1, 2015 and 1.25% on April 1, 2016; two steps have been added at 1% for 25 and 30 years of service; noted CPI has increased by 16% over this time period; 4 employees will experience larger increases; the remainder of the employees on average will receive around 13% increase over the 3 year time period; no retroactive pay will be granted; discussed the new pay plan for employees hired after April 1, 2014; existing employees will be paying 15% for a POS health plan; will pay 10% for the lower cost HMO plan; discussed changes to new employees in percentage paid for health insurance and vacation accruals.

Chairman Nichols MOTIONED to APPROVE the Ratification of the SEA Tentative Agreement SECONDED by Selectman Woolsey.

VOTE: 5-0-0

4. Tuck Field 3-Bay Garage Bid Received in excess of \$15,000 (1:56:43)

Mr. Welch made comments as follows: Board received an email indicating what this bid was; as a requirement for the bid to be awarded it must be approved by the Board since it is in excess of \$15,000; recommendation is to award it to the low bidder Tier 1 Construction; the cost is \$35,000; plumbing and site work for \$13,000; roof ventilation work totaling \$1,200; the next bidder was \$52,900; total amount of bid is \$49,200.

Selectman Woolsey MOTIONED to award the bid to Tier 1 Construction in the amount of \$49,200 for the construction of Tuck Field 3-Bay Garage SECONDED by Selectman Pierce.

Chairman Nichols made comments as follows: wording in warrant article referred to sheds and this is stating garages; concerns if this is ok; Mr. Welch believes it is and will run it by the Town Attorney; confirmed funding is available.

VOTE: 5-0-0

There was an additional discussion on the warrant article for signs that Mrs. Martin has put forward and if the funding will be available for this article. Mr. Welch stated that article has been scratched and a new one is being worked on.

5. Agenda Posting (2:00:27)
a. Placement locations

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Chairman Nichols commented that this is a request by Kristina and read the following: problem with posting agenda at the new Beach Fire Station; read RSA 91-A; discussed locations that agenda is posted; requested that the Board change this practice to not post the agenda at the Beach Fire Station.

Chairman Nichols MOTIONED to APPROVE the Agenda Posting Placement locations SECONDED by Selectman Woolsey.

Selectman Pierce asked about public access to the Beach Fire Station and it will be available when the Fire personnel are present but there is no longer a dispatch area.

VOTE: 5-0-0

IX. Consent Agenda (2:01:57)

1. 2013-07 "Supplemental" Real Estate Property Tax Warrant
2. Energy Committee Appointment – Richard Desrosiers
3. Hampton Cemetery Deed – Anthony T. McGowan

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

VOTE: 5-0-0

X. Closing Comments

XI. Adjournment (2:02:33)

A motion was made by Chairman Nichols to go into a non-public session under RSA 91-A:3,II (a), this motion was seconded by Selectman Woolsey. A roll call vote was taken, and all 5 Selectmen were in favor.

Chairman Nichols MOTIONED to adjourn at 8:58 PM SECONDED by Selectman Woolsey.

VOTE: 5-0-0

Chairman