

Board of Selectmen
February 24, 2014

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

SALUTE TO THE FLAG

I. Public Hearing (6:42)

To determine the parking status on the west side of Ocean Blvd from High Street to Church Street.

Chairman Nichols went through the format which will begin with Mr. Welch, then Chief Sullivan, then to the Board, then out to the public and lastly back to the Board.

Mr. Welch made comments on: question was asked regarding the 10 minute parking signs on the westside of Ocean Blvd; it was questioned if there legal, who put them there and are they supposed to be there; he researched this at the State level and it was determined that the signs are not permitted and there is no State ordinance regarding them; to make them legal Selectmen would need to enact a parking ordinance which will then be sent to State DOT Traffic Bureau, DOT Traffic Bureau will review it, and if they think it's appropriate, and as the signs have been there for so long, they will approve it and it will be signed by the Commissioner of Transportation, it will be recorded in the Secretary of State and Town Clerk's Office; that will make the signs legal and the parking allowances legal; this process is to see if this is what the Town wants to do; this will allow for Police enforcement.

Chief Sullivan provided the Board with his recommendations, and shared a bit of history of these zones; this is a State road not a Town road; talked about enforcement that has taken place; not a real problem with violations; communications they have had with the State and how although there is nothing in writing, the Town has been used to enforce; State has posted the signs; there is a difference between 10 minute parking zone and a no parking zone; businesses need to have quick drop off situations; how they handle 10 minute violations; easiest way is to have a no parking zone; biggest concerns are the 20 feet from an intersection, which is a State RSA, and some areas where you just cannot park because you are in the roadway.

Selectman Woolsey thinks they did a great job.

Selectman Pierce asked about people's ability to unload in front of a hotel and then move to parking area. Chief Sullivan stated that is what the setup is now and can remain this way. Chief Sullivan stated that has not been a real problem the way that it is; talked about loading zones; some of 10-minute parking signs are missing; and what are we trying to do here; the only thing he feels strongly on is the 20 feet from the intersection being marked as "no parking."

Chairman Nichols commented on how the 20 feet from intersection would be marked and Chief Sullivan feels it should be marked on the pavement.

Chairman Nichols reiterated that there are two choices: first, to leave it the way it has been with the exception of adding the 20 feet from the intersection and the other being to take the areas where there is not a hotel/motel change from 10 minute parking to no parking.

Comments from the Public

Skip Windemiller emphasized how important this topic is; explained the history of Hampton Beach Improvement Committee in the 1970's to the 1980's, that committee came into place and the work that they did; fundamental changes that were made through the Planning and Zoning Board at that time; talked about agreement between the Town and State in regards to parking; the increased cost of parking and the effect it has on the these small motels/hotels; discussed implications to these businesses especially on a Saturday in season; need for parking in front of property and reasons why; went through the increased figures in regards to parking revenue and meals & rooms tax that goes to the State; 10 minute parking is crucial to development; keep the vision that they started back in the 70's; what was done in the past and problems that have risen since this was done; problems that will come up if they do enforce the no parking 20-feet from intersection, issues with how the paving by the State which reduce the area for parking from the roadway.

Chief Sullivan addressed the 20-feet from the intersection, which is a State RSA, and reminded everyone that this is a State road so the Town does not have to do anything. Mr. Welch also addressed the paving and bringing the line closer, the State is trying to pass everything from the fog line over to the Town for responsibility, especially the drainage.

Bob Preston spoke that the on street parking is important part of doing business at the Beach, not just used by people checking in; also includes people stopping to see if they might want to stay.

Bill Lally commented on the Chiefs options; is in favor of first option to do nothing; remembers only one time when he was on the force that he responded to a complaint; in looking back at logs, he does not believe that you will find this to be a problem; these small issues are killers to small businessmen; hopes they will look at this and keep it the way it is; this is an major issue in the North Beach area on the numbered streets but not on Ocean Blvd.

Mary Jo Label, speaking for her parents who live at 833 Ocean Blvd commented: they do have an issue with the parking; concerns with safety; people do not abide by the 10-minute parking; only talking about the residential area; and her parents asked that the 10-minute parking be enforced.

Tom Higgins just relocated from Church Street to Boar's Head, definitely needs the 10 minute parking; how before he leased the property discussed this with the Police; real need to

have this 10-minute parking; never would have signed the lease if thought the parking situation was going to change.

Bill Dufresne, 907 Ocean Blvd, expressed his concerns with residential and business areas; there is a difference between the areas, biggest problem at North Beach is the numbered streets; zero sight distance in the North Beach area coming off the side streets; no real problem in the 9 years he has been there; need to be more clearly marked; when cars are parked there does not receive mail; does serve a purpose to have 10-minute parking.

Maureen Buckley has heard two things this evening; how this would significantly impact the businesses if there was a change; ; never had a problem in the years with the 10-minute parking has been in place; please do not change anything.

Gil Mason, Ocean Blvd commented he would not change a thing that cause any affect to the businesses, now a days this will be a problem; spoke about what happens in some of the residential areas especially in North Beach; would rather see North Beach be a loading/unloading zone, or the 10-minute be enforced.

Gerry Flynn, 779 Ocean Blvd, commented: a little different perspective; Police Department does a great job as far as traffic enforcement; from 1st Street to 19th Street should be more concerned with parking on both sides of the numbered streets; how many times he has seen people almost get killed in front of his house; if this is about money give people who are paying taxes the right to park there; side streets really need to be addressed.

Chairman Nichols commented that this is not about money and no one has suggested that the timeframe be extended beyond the 10 minutes.

Arthur Moody, 3 Thomsen Road, commented: find it very convenient to have 10-minute parking spaces; takes a lot of pictures; always a Powerball at Bill Lally's place.

Tim Jones "Citizen Jones" commented: when it comes to Ocean Blvd/Rte. 1A as far as he can tell its owned by the State not the Town; he is opposed to the Town of Hampton getting involved in maintaining/regulating State property; Town should do nothing leave it alone.

Back to the Board

Selectman Pierce asked one of the residents who spoke if she was in favor of 10 minute parking and it was confirmed that she is in favor of the 10-minute parking but it needs to be enforced. Selectman Pierce also commented that as it stands right now, we cannot enforce anything, because there is nothing in place that allows us to.

Mr. Welch reiterated: that the States position is that unless they approve an ordinance recommended by the Selectmen there is no parking period; so that is not really a remedy to the problem; the issue is should we have 10-minute parking as has been done for the past 30 or 40 years or should we not have 10-minute parking; if we should then we need to make the signs legal so the Police can enforce it.

Chief Sullivan commented: this is not a high priority; if there is a complaint they go up and address it; or if they see a safety issue; if we are going to have consistent enforcement then they are going to have to keep using the Parking Enforcement Officers; spoke about a State statute that says essentially that a posted sign is presumed to be accurate and enforceable; this is what they have been using but if someone does appeal it there would not be any real solid

backing on that; thinks the goal was to solidify what's out there not really to make changes; when asked they added their safety concerns.

Selectman Woolsey commented: this somewhat goes back to what Selectman Bean has been complaining about the State dumping all this stuff on the Town; placed in a position where we are supposed to enforce something; inclination would be to leave it alone; if the State wants to step in and enforce then they can.

Chief Sullivan stated: that if we are not going to enforce this then there will be a problem since it will not be enforced by the State; concerns with this approach; practical reality that they have to keep the community safe; reiterated that this is not a huge problem for them; on Ocean Blvd why don't they identify where there zones have always been and submit that to the State; we do not have to create a problem where there is not one.

Selectman Bean commented: does not know where this problem came from but does commend those that brought it forward; thanks to the Chief, his Department and Mr. Welch for work they have done on this; agrees with the businessmen who have come in tonight; point raised by Mr. Jones is taken into consideration as well; he tallied up the numbers of the buildings on this study and they are in the hundreds; one or two people have spoken eloquently about safety concerns; great Police and Fire Departments here; sees departments interacting with residents and business owners; thinks there should not be a change made.

Selectman Woolsey pointed out that we have been so short sited in this community, for all that we offer to the business, on the parking issues, that it is killing us it's, a dreadful detriment to this Town to have the lack of parking that we have.

Chairman Nichols MOTIONED that they solidify the situation as they have it today with the 10-minute parking in the locations that it exists, that they turn that into an ordinance for approval by the Selectmen and communicate that ordinance to the State and then accordingly as we work through that process, and mark off the signs appropriately again, consistent in the manner they are today, and where they were in the past, and in the area of the numbered streets make them a short-term loading zones.

Chief Sullivan just wants to clarify one thing there are places where there were signs (along the numbered streets) but they are currently gone, is it the Board's intention to leave these areas alone or put the signs back up in these areas. Chairman Nichols believes the signage should reflect what was supposed to be there and was there at one time.

Motioned SECONDED by Selectman Woolsey.

Selectman Woolsey wants to make it clear to the State that the Town wants no responsibility for Rte. 1A.

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

II. Public Comment Period (56:58)

Arthur Moody, 3 Thomsen Road, commented: spoke about an article in Sunday's paper written by members of NH Municipal Association; talked about the Senate Bill that passed in regards to simplifying ordinances that are on the ballot; how Hampton did not do this for the upcoming ballot; being opposed to a Town charter and putting all the power to the Town's Council; he was on the last charter commission and he was opposed to it.

Tim Jones commented: concerned with what he is seeing going on in government in general on a local level; talked about how the Precinct is using taxpayers money to brain wash the public against a citizen's warrant article (just happens to be the warrant article brought forward by Selectman Woolsey in regards to solid waste collection); concerned with what was discussed last week in regards to the IT policy; problem with how the Planning Board discussed how they hire and fire the Town Planner yet the Town Manager is the one who placed the Planner on paid administrative leave; what type of management structure is this; how Jamie was responding to a 91A request by him in an email the day before he is put on paid leave; questions if the Town Manager was reading this employees emails; Town Planner position was put on the ballot and voted against 3 times; following the third strike the Town hired a Planner; asking that if the Planner is fired, please do not hire a new Planner until you get a yes vote from the public.

Selectman Pierce responded to Mr. Moody with comments as follows: how a Selectman on this Board when he arrived, had asked the LGC to consider doing away with SB2 when they went to the legislature; how he found out about this since he was appointed the representative to that group and attended the first meeting with this being an agenda item; as far as he is concerned LGC should not move forward on this.

III. Announcements and Community Calendar (1:08:52)

Selectman Pierce mentioned: Experience Hampton and Chamber of Commerce will be having a meeting on Wednesday the 26th at the Galley Hatch in regards to the Downtown corridor study; March 11th is voting day in Hampton and reminds everyone to get out and vote; importance of the number of candidates running for Selectman and how this can change the Board's direction of the past couple of years.

Selectman Bean commented: beautiful job the Public Works, Fire and Police Departments have done over these past few weeks of very New England like weather; strain these storms will have on the budget; wonderful job done by all.

Selectman Woolsey commented: strain on DPW budget and need to vote to pass the budget; importance of voting in every election, when people in other countries are dying to be given the chance to vote.

Chairman Nichols commented: in regards to numbers roughly 2400 people voted last year compared to around 3500 the year before; how in a Presidential election there are around 8500 to 9000 voters; how a vote carries more weight in a local election.

IV. Appointments (1:13:05)

1. Edward Tinker, Chief Assessor (1:13:12)
 - a. 2014 Leased Land Rent

Mr. Tinker commented: added one property to list that pays 2% land rent; now have 33 properties who pay the land rent; 4 properties that are still under the old lease and starting in 2017 a property each year will come off this list and move to the 2% land rent list.

Selectman Woolsey MOTIONED to accept the 2014 Lease Land Rent for \$167,624 SECONDED by Chairman Nichols.

VOTE: 5-0-0

b. 2014 Sewer Abatement Rate (1:14:10)

Mr. Tinker commented: sewer abatement rate has been set; list has been generated and sent to the Board for approval; this year's rate is \$0.62 per thousand for a total refund amount of \$105,139.

Selectman Woolsey MOTIONED to accept the 2014 Sewer Abatement Rate of \$.62 per thousand for a total of \$105,139 SECONDED by Chairman Nichols.

VOTE: 5-0-0

2. Carl McMorran & John Walsh from Aquarion (1:15:04)

Mr. Walsh thanked them for having them; and are here to give an update on their infrastructure in 2013 and plans for 2014.

a. WICA

Mr. Walsh spoke about the projects they completed in 2013, spent \$737,875 invested in water main, service, hydrant and valves replacements; explained the request for the postponement of the 1.4% surcharge requested; effective date typically January 1; however company requested delay until April 1, and to have the surcharge on bills delayed until January 2015; it will be a credit to customers, this is due to IRS tax changes, credit will be effective January 2015, net effect of WICA surcharge would decrease the bill and the credit will be a rate decrease.

Chairman Nichols remarked that he compared some of the numbers with numbers they had provided to Board in January; asked Mr. Walsh to explain how projects in Hampton vs. North Hampton effects the rates; Mr. Walsh explained that projects are all taken into consideration and not separated out between Hampton/North Hampton; Chairman Nichols asked what is the principal amount driving the 1.4% surcharge; what is the source of the financing; interest rate and timeframe; Mr. Walsh and Mr. McMorran explained they will have to get back to them with interest rate but timeframe is 88 years.

Atty. Gearreald commented: supplemental materials filed on January 31st; because of tax benefit that has been achieved going to ask the Commission to defer imposition of surcharge until January 2015; there will be an application of the portion of the tax benefit to that. Mr. Walsh explained the filing in detail in regards to the sur-credit; customers will not see any of this until January 2015; Atty. Gearreald asked about the aggregate cap of 7.5% and if the 1.4% will be counted towards the 7.5%; work in the Auburn Ave area, and that it will.

Mr. Walsh addressed what Aquarion will be doing in 2014: they have received approval for \$1,018,000 for infrastructure improvements; mostly for main replacement projects and hydrant service line and valve replacements.

b. Capital Projects

Mr. McMorran spoke about the following items: went through the total budget; main replacement projects Ocean Blvd: Dumas Ave to Winnacunnet Road, main in the alley to Great Boars Head, the projects on Gentian Road, Green Street and Meadow Pond Road and Ross Avenue; presented O&M task performed in 2013; community relations rain barrels partnering with Conservation Commission and others again this year, Hampton Academy painting project, rolling out Environmental Champions Award was explained in detail.

Chairman Nichols asked who receives water off of the main in the alley to Great Boars Head and Mr. McMorran went into detail on who this will service. Chairman Nichols commented on budget amounts changed from January memo and Mr. McMorran confirmed that the amounts presented tonight are the updated numbers.

Mr. Welch asked about the WICA charge and wonders how long the credit last. Mr. Walsh stated it would be somewhere between 2 and 3 years. Mr. Welch stated that means that after that the customers will be paying the 1.4% surcharge forever. He also commented on their testimony at the PUC and how they do not pay down their principal. There was a discussion on how things are run differently between a municipality and the private sector. Mr. Welch commented on the long-term impact on the customer's rate as it continues to raise.

Selectman Woolsey stated that we are seeing an old system that is being rehabilitated; wishes we could see the Hampton sewer system being rehabilitated the same way; delighted to see the orderly progress of rehabilitation and new construction in what is a critical resource to this Town; sat on the Hampton Water Commission for a long time; pleased with this; does not think this is a frightening thought.

Selectman Pierce commented that Aquarion is in business to make money and the Town is not.

Atty. Gearreald spoke about the WICA charge which is charged after they have spent the money; several years ago Aquarion refinanced \$4M of debt and borrowed an additional \$1M at a lower rate; and asks if any of that \$1M is being used on any of these projects, and to cause the 1.4% rate increase. Mr. Walsh will have to come back to the Board with an answer.

Selectman Bean commented: thanked them for coming out tonight; commented on how we read about places like West Virginia and California where their economic future, personal hygiene, their safety and their way of life is imperiled by a lack of a safe and reliable water source; initial opposition and research he has done; understands businesses are in the business to make money; gaining more confidence in their company with research he has done; we are a Town and if our water system is imperiled then things stop in this community; equally thankful to the Town Manager and Town Attorney.

V. Approval of Minutes (1:45:15)

1. February 03, 2014

Page 6, 1st paragraph, 2nd line, change the date of the 4th to the 24th

Chairman Nichols MOTIONED to approve the February 03, 2014 minutes as amended
SECONDED by Selectman Plouffe.

VOTE: 5-0-0

2. February 10, 2014

Page 2, 1st paragraph, 1st line, change "Reed" to "Reid"

Page 3, 5th paragraph, change "Barbour Road" to "Nilus Brook"; 7th paragraph, rewrite the paragraph as follows "Chairman Nichols asked that DPW; before Memorial Day; remove the boulders that are at Plaice Cove, and to work in conjunction with the work that will take place on Nor East Lane."

Page 4, 2nd paragraph change “toren” to “torn”
Page 7, 9th paragraph correct the spelling of “Nichols”

Selectman MOTIONED to approve the February 10, 2014 minutes as amended SECONDED by Selectman .

VOTE: 5-0-0

VI. Town Manager’s Report (

1. The Finance Director has filed his impact fees report with the School Departments - \$45,481.65 for SAU 21 and \$111,902.50 for SAU 90.
2. DPW’s winter snow expenditures for the month of January were as follows: 30.50% of its winter snow budget based upon the default budget for 2014. Winter OT – 36.16%; Winter Hired Equipment – 59.03%; Salt – 25.38%; Winter Sand – 0%.
Selectman Woolsey asked how we are for salt and Mr. Welch stated that we received 300 tons today.
3. Extensive work is ongoing at the Church Street Pump Station for completion of the Station.
4. The lease/rental agreement for seawalls is in its final preparation stage.

Selectman Woolsey commented: neglecting roads; potholes; miracle there have not been more accidents; potholes on Exeter Road are a disgrace; hopes to see a more orderly maintenance schedule in the future.

Selectman Pierce asked Mr. Welch about patching that he saw taking place on Exeter Road and trenches on Locke Road. Mr. Welch explained that when someone puts in a trench they have to put up a bond and maintain it for one year and believes the work on Exeter Road was probably being done as a result of this type of situation. They discussed if a trench should be bonded for the life of the road and why this cannot be done. They also discussed the different ways to patch a trench. Selectman Pierce thinks that if a patch falls apart 3 years down the road thinks the vendor who dug the trench should have to come back and fix the work. Mr. Welch discussed an expensive product that can be used to patch the road better and will last longer.

Chairman Nichols commented: point of information on numbers winter maintenance budget is almost exactly 3% of DPW budget; January financial report not worth reviewing with Mike at this point instead the approach they should take is combine January and February reports in March when he comes; fine with deferring Mike’s appointment from next week if the February information is not ready; MOU with the State of NH and asked for an update; Mr. Welch has called twice and not gotten a response back; he is fine with having the same agreement with only one change and that would be to the rate being charged at the Transfer Station be changed to \$.07; Mr. Welch pointed out that the State has been paying the \$.07 now; asked Atty. Gearreald to work this language into the agreement for this year; there was a discussion on tipping fee increases; Board agreed to add the language of “at cost” determined by the Board of Selectmen as opposed to the \$.07.

Selectman Bean commented: how sidewalks on Rte. 1A have been plowed and cleaned by the State on a regular basis for the first time in several years wonders if Mr. Welch cracked the whip or how this happened; Mr. Welch responded they have been debating with the State for years on this and how someone almost got run over last year and State decided to do put a

piece of equipment down there to clear the sidewalk; Chairman Nichols added that he believes this just started it was not done with the first storm and he also went through the area that is being cleared.

Selectman Bean spoke on the appearance of the beach and how small things make a difference; income statements and financial statements for the State; State not accounting for the revenue and keeping the lots cleaned; shared a story from Mr. Lally about how a young woman was not able to get her car out of the parking lot to go to work and make a living; recommend that they complement the State on what they have done on the sidewalks; Mr. Welch stated they were not plowing the lot down by the Seashell until recently, State said they would be happy to plow more but they would probably put meters back up; Chairman Nichols believes that they appear to be plowing from the Shell up to bathhouse by Mrs. Mitchells.

Selectman Woolsey commented: hopes State makes the same effort in the spring to clean up all the rocks; reminded everyone of the problems they had last year with this; hopes they carry the same enthusiasm forward.

Chairman Nichols brought up: a memo from Fred in regards to trash pickup at 24 Acadia Ave; believes it is 50 Acadia Ave; similar to situation at Reuben's Driftway and Ice House Lane; does not see a difference between the two; letter that someone was unhappy; do the Selectmen have the authority to reverse the decision on something the Planning Board has put in place; Atty. Gearreald explained back in the day (prior to him) there was not any involvement of the Planning Board in the condominium documents, not sure the condition was imposed by the Planning Board, thinks Board always has authority over trash; Selectman Woolsey commented this is why she has asked this Board for a statement for her to bring to the Planning Board in regards to solid waste; he does not see any rationale to taking a different approach then they took on Reuben's Driftway and Ice House Lane. The Board agreed that they need to be consistent. Atty. Gearreald pointed out that he believes they gave these other communities a date as to which whatever they had before they would no longer have. Mr. Welch stated that with the others they contacted them and discussed a date. Mr. Welch will do the same with this association.

Chairman Nichols brought up the couple of pages from NH Employment Security that was in their boxes: quite a few errors; one is the email address which Paul has taken care of; school appropriations of \$41M and that is not possible; Mr. Welch stated they are including the whole of Winnacunnet; population figure for 2010 is incorrect; asked that they be contacted to fix these errors.

VII. Old Business (2:16:57)

1. IT policy related to the monitoring and intercepting of information (2:16:59)

Chairman Nichols explained that this subject was discussed briefly at the last meeting; he provide background information on why he put this on the agenda. He feels there are philosophical and ethical issues; when is increased security worth reduced privacy; are people entitled to any privacy with messages communicated on Town email; current policy is pretty clear that employees do not have any privacy and he read the two sentences in the policy that address this; not challenging if this policy is legal; on a philosophical level he personally believes that employees should be entitled to some privacy; in terms of email

messages the implications are broader than just employee privacy; email communication can and does involve members of the public sending and receiving messages from Town employees; thus this policy affects the privacy of the public who are probably not aware of the Town's Information Technology Use Policy and have not signed anything agreeing to its terms; understands the need to manage our network and keep it secure; control of internet access and installing software on Town computer systems; those are absolutely acceptable measures; this is not a private entity with a need to protect trade secrets and other proprietary information; does not see a justification for a policy allowing email content monitoring without cause; "without cause" is the key for him; policy does not indicate that there has to be a cause; he would seek to address this concern by asking that the Town Attorney draft language that assures this aspect of the policy is legal and place some limitations on what appears to be to open ended; with something as simple as "with just cause as determined by Town Manager and Town Attorney or HR Coordinator; he would find this completely satisfactory; his reference to the NSA a couple of weeks ago was just that what NSA is doing is just totally open ended, there capturing emails and phone calls from everyone; anything else that the Town Attorney or Paul came up with in regards to language that accomplishes that; he is not hung up on what the exact language is; he would be much more comfortable with some privacy; since policy has not been updated in 14 years Town staff might want to take a closer look at policy.

Mr. Welch commented: not sure if they read the paper about the issues with regards to Seabrook and the County Attorney, they were doing some things in the Police Department that in his opinion violated the eavesdropping or wiretapping law; without some clear designation that in fact someone has violated the law he is not going to go looking at someone's email; he thinks this is somewhat prohibited by the statute on wiretapping; he thinks you need to have just cause regardless of what happens; if you don't have just cause you may be committing a crime; he simply is not going to go there.

Chairman Nichols commented it seems like Mr. Welch agrees with him. They also discussed the RSA that Mr. Welch was referring to and the number of times it has been amended. Chairman Nichols discussed his experience with this in the past.

Selectman Woolsey commented: that she thinks "for cause" is vague; she thinks that material coming from outside the departments is not something you can control; on other hand we are not a private business we are a public business; we own the communications media and she thinks they have a responsibility; it does not say "shall" it says "may examine at any time"; she would not expect the Town Manager or anyone else to be prowling the halls looking at peoples computers; however if an employee should suspect that another employee is violating the policy or a tip is given to the Town Manager then we have every right to go onto that computer; what is "just cause".

Chairman Nichols believes "just cause" means there are lists in other locations of the policy that address inappropriate use, so "just cause" is simply in his estimation is some indication that there is some level of inappropriate use based on list; discussed some items on the list; so he is very comfortable with Town Manager and Town Attorney making that determination.

There was an additional discussion amongst Chairman Nichols and Selectman Woolsey in regards to the use of the word "may" and not "shall".

Selectman Pierce stated that he had worked for a company that the policy was just like this; has a big problem with disclose all messages; word “disclosed” should be removed; problem with Town Manager or his designee and thinks designee should be removed.

Mr. Welch shared the two instances where they have had to take action: one dealt with them being told an elected individual who brought a relative in who put programs into our computer system. He asked Paul to check this and it was true, and the programs were removed. Computer systems come with games such as solitaire and poker and periodically he has Paul check to make sure that employees have not installed these games.

Chairman Nichols stated that he has no issue with that; what he is addressing is the right to monitor, review, intercept, access and disclose email messages; not talking about whether someone is removing games someone has installed on the system. His concern is the very narrow within the scope of the whole policy that has a policy the right to monitor, review, intercept, access and disclose email messages sent and received when it does not mentioned to “just cause”.

Chairman Nichols MOTIONED to add language that is legal and that places limitations on the open-endless of that section and it be could be as simple as “with just cause as determined by the Town Manager and Town Attorney or HR Coordinator” SECONDED by Selectman Pierce.

Selectman Pierce MOTIONED TO AMEND to by removing “his designee” and look at the “disclosed.”

Amendment failed for lack of a second.

Chairman Nichols explained why he would not second the amendment because he is not concerned with whom the Town Manager may appoint as the designee and the same is true with giving that level of authority to Mr. Welch to whom he would disclose the information to.

Selectman Woolsey does not want this to be disrespectful but wants to remind everyone that we are not talking specifically about Fred we are talking about a Town Manager as generic.

Atty. Gearreald explained that he was asked to look into the applicability or not of RSA 570 A; having to do with wiretapping and eavesdropping; it prohibits and says that you are guilty of a class B felony if you endeavor to intercept a telecommunication or oral communication; intercept is very broadly defined; telecommunication is also very broadly defined; discussed these definitions; all this is by way of him saying to you that it may be more then adding “just cause”.

Chairman Nichols understands this and that is why he stated that Atty. Gearreald and Paul Paquette have the latitude to change the language in a manner that makes the policy legal.

Selectman Woolsey wonders if intercepts is the key here. What happens if you do not intercept the communication when it is ongoing but look at it a year later. Atty. Gearreald stated that it must be done within the law and how an application for an order to a judge which is beyond the Manager and him; the AG’s office comes into play too.

Selectman Bean commented that he knows Paul has a good system in place along with the Police Chief; the Town’s employees are honest people; did not know this was an issue; respects the Chairman’s interest in this; municipal platform that provides first responder

services; if someone in law enforcement needs to access someone's email; thinks we are going the wrong way with this one; after removing the personnel emails he would be happy to release the rest of the email on his Town account; he takes the standard that our employees are honest, hardworking and that they would never abuse the practice of this that would require someone to spy on their emails unnecessarily; if they do it's a crime and they need to move on; everybody needs to know that computers are Town of Hampton property; need this kind of flexibility; needs to see something from the Attorney, IT and then to the Board.

Chairman Nichols explained that his motion was to ensure that the section in bold of IT policy is legal and place some limitations on what appears to be to open ended and again it was the spirit of what he was saying as opposed to the exact language he would expect Paul Paquette and Atty. Gearreald to run with and it may be as simple as adding "with just cause as determined by the Town Manager and Town Attorney or HR Coordinator"

VOTE: 3(Plouffe, Nichols, Pierce)-2(Beau, Woolsey)-0

Chairman Nichols reiterated that no action will be taken until something comes back to the Board from Atty. Gearreald and Paul Paquette.

Selectman Woolsey spoke about that conversation she had with Paul Paquette in regards to where the union contracts are located on the Town's website; she thinks that all requests for the website should go through Mr. Welch. Selectman Pierce agrees completely.

Chairman Nichols just wants to understand what Selectman Woolsey is asking and wonders if she is suggesting that if someone is looking for something on the website they have to go through Mr. Welch.

Selectman Woolsey stated that she is only suggesting that if someone wants something to be placed on the website or something placed in a certain location that the request go through Mr. Welch, that people should not be making individual requests of Paul.

Chairman Nichols shared how he went to Wanda in the past as to having the CBA contracts placed on the website; does not see going to Mr. Welch for something that may take 30 seconds of Paul's time.

Selectman Woolsey stated that the contracts should be under documents not Human Resources; looking for some logical sequence/placement. Selectman Pierce agrees and request should go through Mr. Welch.

Chairman Nichols responded that first of all the contracts are nowhere on the Town website, the tentative agreements and fact finders report are on the website. Mr. Paquette pointed out that there is a link on the website to the PELRB for the contracts.

Selectman Pierce requested that there be plaques at the two new Fire Stations honoring Chief Silver. Mr. Welch stated this is in the works.

Selectman Woolsey asked if the Board plans to meet to weigh in on warrant articles one final time prior to the election. The Board agreed that they will not be doing this.

Chairman Nichols brought up a phone message he had from someone complaining about the road race on Saturday and wonders if anyone else had any. Selectman Woolsey had one, which she has discussed with the Police Chief.

VIII. New Business (2:51:27)

1. Town of Hampton Audits 2011-2013 (2:51:32)

Selectman Bean explained this subject and that this Board has talked about subject a couple of years ago; it's about finances; has discussed this with Mr. Welch; what we do here is exciting; it is where rubber hits the road; specifically there is a couple of things as far as depreciation of our assets; conformance with Government Accounting Standards Boards. He spoke about the breakdown of members of this board; we do not meet a couple of these requirements; spoke about front page articles about people who are not in conformance of State laws; we do not look at the cost involved. If we do comply more with GASB rules we get the real fixed cost; from GASB site spoke about State and Local governments are a substantial part of the US economy and went through some numbers. Specifically our 2011 audit in 2012 annual report, he read auditors notes in regards to not recording assets under GASB; does not think this is the standard we want to be seen under. He read the remainder of the auditor's notes; thinks this is a big disclaimer. And not recording the depreciation of Police Station, Fire Station or WWTP; talking 10's of millions of dollars; talked about the Retirement System and not knowing the cost; not satisfied that they are doing due diligence as the managers; postemployment benefit options; read details of GASB. The balance sheet would look much different if we were complying with GASB. In his opinion, we need to change this; to account for pensions by State and Local employees; talked about this a year ago; deficiency in their leadership; nobody knows what's going to go on with our employees, we have no fixed cost. Once election is over, he will be making motions to incorporate this.

Chairman Nichols stated that Mr. Schwotzer should be present for this subject in order to have an informed discussion and agrees it is best to wait until after the election to make motions. Pointed out that the Town does not provide any other postemployment benefits such as health insurance that is a liability of NHRS.

Selectman Woolsey reiterated on the number of times she brought up this exact point of complying with GASB standards at the Budget Committee; very upset the State has been able to pull out of their responsibility for the 35% contributions to Group 2 and the teachers NHRS costs.

Selectman Pierce stated that he has no problem with going forward with this, but does not quite agree on what the purpose is of depreciating a building. When it comes to retirement money this is up to the State Legislators. Municipal accounting scheme is really needed in the private sector but most of it, when it comes to the Town of Hampton will not be useful to us; will cost a ton of money to put in place.

2. Hampton PTA SAU 90 (3:12:22)

- a. Request the use of the Selectmen's meeting room on March 4th for the Candidates' Debate

Selectman Woolsey MOTIONED to approve Hampton PTA SAU 90 request to use the Selectmen's meeting room on March 4th for the Candidates' Debate SECONDED by Selectman Pierce.

VOTE: 5-0-0

3. Hampton Union (3:12:40)

- a. Request the use of the Selectmen's meeting room on February 28th for the Selectmen's Candidates Debate

Selectman Woolsey MOTIONED to approve Hampton Union's request to use the Selectmen's meeting room on February 28th for the Selectmen Candidates Debate SECONDED by Selectman Pierce.

VOTE: 5-0-0

Chairman Nichols asked if everyone was copied on the request from Jones & Beach in regards to the street naming. It is his recollection that they agreed to go back further to King Phillips War when naming streets.

Mr. Welch confirmed that these names comply with that decision.

IX. Consent Agenda (3:14:03)

1. 2014 Veteran's Credits and Exemptions: Bilodeau, 2 Hemlock St., #2 Map/Lot 209/33/2; C&J Irrevocable Trust, 8 Plymouth St., Map/Lot 305/2; Ford, 5 Victor Rd. Map/Lot 181/22; Gibadlo, 89 Carolan Ave. Map/Lot 70/16; Hepburn, 12 Seaview Ave. Map/Lot 133/81; Kittredge, 2 Hunter Drive, Map/Lot 130/12; Lessard, 6 Colby St., Map/Lot 207/1; Lauder, 1044 Ocean Blvd. #3A, Map/Lot 116/8/3A; MacKensen, 31 Forest Drive, Map/Lot 106/24/1; Massett, 18 Ancient Highway, Map/Lot 134/94; Niver, 70 Dunvegan Woods, Map/Lot 180/5/70; Piccirillo, 10 Janvrin Rd. Map/Lot 193/5; Proulx, 4 Eleventh St. Map/Lot 197/11/1; Rallis, 70 Dearborn Ave. Map/Lot 127/80; Spoerl, 31 Gale Rd. Map/Lot 34/4/6; Shaughnessy, 96 Hampton Meadows, 172/6/96; Taylor, 23 Cusack Rd., #31 Map/Lot 133/68/31; Terwilliger, Map/Lot 76 Hampton Meadows, Map/Lot /6/76; Wagner, Map/Lot 511 Ocean Blvd, Unit #9, Map/Lot 266/2/9; Whiting, Map/Lot 27 Briar Rd., Map/Lot 115/44
2. Use of Town Property
 - a. Hampton Garden Club Annual Plant and Bake Sale – May 17, 2014
3. Rockingham Planning Commission Alternate Appointments
 - a. Frederick Rice
 - b. Ann Carnaby

Selectman Woolsey MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Pierce.

VOTE: 5-0-0

X. Closing Comments - None

XI. Adjournment of Public Meeting (3:14:52)

Selectman Pierce MOTIONED to adjourn at 10:15 PM SECONDED by Chairman Nichols.

VOTE: 5-0-0

Chairman