

March 31, 2014

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

SALUTE TO THE FLAG

I. Public Hearing – RSA 31:95-e, II (7:31)

1. To accept a gift in excess of \$5,000 in the Town's behalf
 - a. Sidewalk Dedication on Ashworth Avenue (275 Ocean Blvd)

Mr. Welch explained that this is part of the construction at 275 Ocean Blvd. There is a sidewalk at the rear of the Property on Ashworth Ave that needs to be constructed. Mr. Coronati is here to go over the plans in detail; the question is, will Town accept this gift; the construction cost will exceed \$5,000.

Mr. Coronati provided a diagram of the plan; explained the plans in detail for the Board; the sidewalk will be concrete.

There were no comments from the public

Comments from the Board

Selectman Woolsey questioned where the cars are going to enter the parking lot, also they asking the Town to pick-up commercial waste but wonders where they plan to put carts, as Selectman Woolsey wants to make sure there is adequate separation between carts.

Mr. Coronati showed where the cars will enter and where the carts will be placed;

Selectman Griffin asked if this is fine with the abutters; it is believed that Mr. Green has communicated with abutters.

Selectman Griffin MOTIONED to accept a gift in excess of \$5,000 in the Town's behalf the donation of a rebuild concrete sidewalk on Ashworth Avenue for the development at 275 Ocean Blvd; and on the condition that the concrete sidewalk will be seal coated to the satisfaction of the DPW Director SECONDED by Selectman Waddell.

Selectman Woolsey confirmed with the engineer that the sidewalk will be sealed and then will be maintained by the Town.

VOTE: 5-0-0

II. Appointment

1. Joe Coronati, Jones and Beach 14:30
 - a. 275 Ocean Blvd
 - i. Refuse Collection Request – Commercial

Mr. Coronati explained that it appears that going forward, all projects are to come before this Board, to request approval of refuse collection by the Town of the commercial units waste; it is his understanding that the Town picks up commercial trash along Ocean Blvd; the first floor of this building is going to be all commercial; asking that the refuse be picked up as they have done at other sites on Ocean Blvd.

Selectman Woolsey asked if he is referring to the collection of both trash and recycling, as solid waste refers to both.

Mr. Coronati is referring to both trash and recycling, as solid waste.

Selectman Woolsey asked Mr. Coronati to confirm that the residential solid waste will be picked up at the expense of the property owners. Mr. Coronati confirmed that that was correct.

Selectman Bridle asked if this is the same way it was done at the Sea Spray and Selectman Woolsey confirmed this to be true.

Selectman Woolsey just wants to point out that this is an area that has been serviced before and is now being rebuilt. We need to give direction to the Planning Board as to this Boards stand on the picking up of waste from new developments in Town.

Atty. Gearreald suggested they make a motion so the Board can be on record as ratifying this Board's approach for the solid waste collection for commercial and residential for the Planning Board.

Selectman Bridle MOTIONED to Approve the Collection of Commercial Solid Waste [Trash & Recycling of the Commercial Units] at 275 Ocean Blvd at curbside by the Town; the Residential units solid waste shall not be collected by the Town and the Condominium Association at 275 Ocean Blvd shall be responsible for the collection of that solid waste at their own expense and not through Town services SECONDED by Selectman Waddell.

VOTE: 5-0-0

III. Public Hearing – RSA 40:14-a First Public Hearing (18:13)

1. Litchfield Drive – Drainage Easement to the Town

Mr. Welch explained the Planning Board requirements for what we now refer to as Litchfield Drive; there is a requirement within the subdivision approval that the Town would be the second maintenance person; we would be the fall back individual for maintaining the proposed drainage system; this involves acceptance of easements; required to hold two public hearings and take a vote after the final public hearing; the recommendation is not to accept these easements; went into details on the expense involved with this type of maintenance; expensive to rebuild; no appropriation to do this and have staff capable of doing this work.

Public Comments

Arthur Moody seconds the Town Managers recommendation.

Comments from the Board

Selectman Woolsey stated that she will never support any easements such as this when a builder decides to build in these wet areas; outrageous burden for the taxpayers of this Town.

Chairman Bean confirmed with Atty. Gearreald that they have met the requirements for the first public hearing and discussed when the second hearing must be held, which is two weeks apart and then a third meeting to take a vote.

IV. Announcements and Community Calendar (21:24)

Selectman Waddell introduced himself and announced that this Sunday April 6th there will be a Pie Palooza at St. James Lodge including details of the event.

Selectman Woolsey, Vice Chair, Selectman Griffin, Selectman Bridle, and Chairman Bean also introduced themselves.

V. Public Comment Period (22:50)

Corinne Baker, 244 Exeter Road: served on Recycling Committee since 2011; was current Chair of Committee; how committee was sun-setted unexpectedly last week; asked for an appointment for this week but it was denied by the Chairman; how Selectman Woolsey in 2013 motioned to have the committee sun-setted but it failed; provided documents for the Board on what the Recycling Committee has been doing and wishes to continue to do in the future; wishes they would make decisions on facts and not on one person's agenda; committee members are all volunteers who care about recycling; talked about the two warrant articles which were not supported by this committee; asking them to reinstate the Recycling Committee and provided reasons why.

Tammy Deland, 12 Bourn Ave: been on the Recycling Committee since 2011; her understanding that they are still a committee since there was no motion; spoke about the many things they do; tour of Ecomaine facility they took; no budget so does not cost the Town any money; spoke about blog; potential members who would like to join their group; asked them to reconsider their decision; would like to know how the Board will enforce ordinance without the help of the Recycling Committee.

Toni Trotzer, 39 Mill Road: read the vision under the Hampton Master Plan; specifically focusing on solid waste collection and recycling; plans the committee has to continue; brought some samples of articles that have been in the newspaper.

Norman Silberdick, 70 Tide Mill Rd: not going to echo his fellow members of the Recycling Committee; disappointed since part of Selectman Bridle's and Selectman Griffin's platform when they were running for office was listening to their constituents; did not formally terminate the committee; one way communication; thinks they are making a terrible mistake.

Bonnie Searle, 16 Penniman Ln: the wonderful material that the Recycling Committee provides the public with; not sure what the public understood about what happened at last week's meeting; was DPW Director even contacted or made aware; participation rate is at 30% and goal is 50%; looks like this Board had it in for the Committee.

Arthur Moody, 3 Thomsen Rd: surprised to find out last week that we pick-up recycling at locations where we do not pick-up trash; this is making more expense not saving; Fire Chief's 2000 Ford Taurus being sold to a junk yard and how he expressed that this item

should be auctioned; the 53B question and how there was a vote to withdraw from the district as of June 30, 2015, would like a report on this.

Chairman Bean commented that under Old Business, they were going to discuss the Recycling Committee, but since there are members present, the Board will discuss it now. He asked Atty. Gearreald to discuss the legal status of the committee.

Atty. Gearreald explained that it is his understanding that the Recycling Committee is an advisory committee to this Board; its existence owes itself to what this Board wills it to be; as opposed to some others that are statutorily grounded.

Mr. Welch thinks that if the Board wishes to sunset this committee they should take a formal vote.

Selectman Woolsey: respects the Recycling Committee and what they have done; she has participated with the committee; first of all we have no authority at all to enforce; went into details on why it cannot be enforced; this has been a concern of hers; since it cannot be enforced does not see any reason to waste peoples time; should not be permanent committees; there is a time and a place for these committees, and for them to end.

Selectman Griffin: there has been a lot of talk by the Board of Selectmen to sunset this committee; was not aware that they had so many programs in the works; thinks that they have done a good job of educating people; shared an experience he recently had with recycling; as to the comments made by Mr. Silberdick about him being a flip-flopper in the past, so not to be, he will not be able to vote on this motion.

Selectman Bridle: thanked them for all coming in to discuss this; at the last meeting he was only aware of the need for a Selectman Rep; needs to do more research on this committee before making a decision to sun-set or not.

Selectman Waddell: apologized to the Recycling Committee ,should have listened to them first; when he left last week he questioned if what they had done was the right thing; with the recycling changes thinks the committee should probably keep going.

Chairman Bean: thanked the members for coming in; spoke directly to Ms. Deland and assured her that prior to the last meeting he had not discussed this with any of the other Board members; addressed the concern of whether this Board has it in for this committee, that is not the case; since Atty. Gearreald is not prepared to answer if this committee has been legally sun-setted he will suggest that this be put on next week's agenda.

VI. Appointments

1. Ed Tinker, Chief Assessor (52:28)
 - a. 2013 Property Tax Abatements

Mr. Tinker commented: submitted nine 2013 abatements for their review this week; total amount of \$1,430.01; hoping for their approval and happy to answer any questions.

Selectman Woolsey MOTIONED to approve the nine 2013 Property Tax Abatements presented by Mr. Tinker SECONDED by Selectman Bridle.

VOTE: 5-0-0

Selectman Woolsey AMENDED MOTION to state that they are approving 7 abatements and 2 denials for 2013 Property Tax Abatements as presented by Mr. Tinker SECONDED by Selectman Bridle.

VOTE: 5-0-0

2. Joe Coronati, Jones and Beach – Discussed under Public Hearing #2
 - a. 275 Ocean Blvd
 - i. Refuse Collection Request

VII. Approval of Minutes (54:05)

1. March 17, 2014

Selectman Woolsey MOTIONED to approve the March 17, 2014 minutes SECONDED by Selectman Griffin.

VOTE: 5-0-0

2. March 17, 2014 Non-Public Session - Sealed

Selectman Woolsey MOTIONED to approve the March 17, 2014 Non-Public Session Sealed minutes SECONDED by Selectman Bridle.

VOTE: 5-0-0

VIII. Town Manager's Report (54:38)

1. For those residents who may be eligible for veterans, elderly or blind property tax credits or exemptions there are only 15 days left for you to make your application. Please see the Assessing Office.
2. Work continues on the interior and exterior finish at the Church Street Pumping Station with the station in operation. The demolition permit is in process for the old pumping station.
3. The first nine warrant articles for the 2015 Annual Town Meeting have been drafted.
4. Household Hazardous Waste Day will be held Saturday, May 17, 2014.
5. The request for a JOP with the Town of Seabrook for the beach raking at Sun Valley will not be answered; the Town of Seabrook has no interest in assisting us.
6. The ten minutes parking ordinance has been sent to the NH DOT for concurrence and we are awaiting their response.

Mr. Welch added the following to his report: request by Tax Collector's Office, that office will be closed on Wednesday April 16th for the Annual Tax Collector's Spring Meeting; the frost ban road posting with a 10,000 lb. limit, listed all the roads impacted; tomorrow afternoon the House Committee will hear SB219 which is the bill to obtain more interest on Cemetery funds by allowing direct deposit to Town Trustees; received a letter from DOT announcing they will be holding a public information session in Hampton Falls that effects both Hampton and Hampton Falls in regards to Taylor River Dam.

Selectman Bridle asked if they could have a posting at the end of Industrial Drive notifying the truck drivers. Mr. Welch commented that there is a "No Trucking" sign there and the Police have stopped many trucks.

Selectman Woolsey asked about where we are going with the JOP with DRED. Mr. Welch has communicated with the State and is waiting for them to get back to him. Selectman Woolsey spoke about the Fire Station parking lot uptown, dreadful condition wonders if there are funds available to do some resurfacing. Mr. Welch informed her that there are no funds available. Selectman Woolsey made note of tree trimming going on; on the HealthTrust, where are we at in regards to refund and whether we have any inclination at all for years prior to 2010. Mr. Welch believes we have received funds for 2010 through 2012 at this point and the case started with 2010; Selectman Woolsey spoke about information she heard, the about possibility of receiving funds for 2003 through 2009 from HealthTrust

Selectman Griffin: Mr. Rage asked him to ask if there is a truck that was used by the Cable Committee that is going in the auction, Mr. Welch explained that there is an old truck being stored at DPW and will be going to auction; Mr. Rage would like the Town to keep the truck so it can continued to be used for storage, Mr. Welch stated if the Board wishes this to be done he can ask the DPW Director if this is ok; asked Mr. Welch to research this with Keith and come back to the Board.

Selectman Woolsey commented: that at the Precinct Meeting on Friday night this was brought up; Beach Station is no longer going to have a Dispatcher; when the crew of 3 is pulled out of the Station will it be secured; Commissioners were asking about having a shed for their parking lot; where asked about having a bathroom; the Commissioners stated that they were going to allow the use of their bathroom; wonders if there is a separate entrance for that; when station is vacant are we going to have the public just walking in unsupervised; how is that going to work; Mr. Welch has not heard about this until now so he will have to discuss with the Chief.

IX. Old Business (1:07:48)

1. Adoption of the Rules and Regulations Relative to Public Tree Preservation and Protection (1:07:50)

Mr. Welch explained that this has been through a series of Town Meeting actions and a series of actions of the Legislature; asked them to allow us to appoint our own Tree Warden; instead of doing this they rewrote the entire laws on trees; did give us the privilege of appointing our own Tree Warden; Town Counsel analyzed that and stated that we needed to put something in the warrant which we did and it was passed; at this point we have the ability to formally appoint a Tree Warden; have a requirement to have tree rules and regulations; these are those; DPW Director has been functioning as the Tree Warden; if rules are passed next week we can appoint a Tree Warden.

Selectman Woolsey: read duties of Tree Warden; we have a jewel of a park at 5 corners where trees are not in good shape and cared for; sounds very nice but would like to know where the funds are coming from; she thinks we should maintain these small parks better; agrees with what trying to do but would like to see a more proactive plan.

Selectman Griffin asked who is going to be the Tree Warden; Mr. Noyes will continue in this role; agrees with Selectman Woolsey that it has been brought up through the years but there is never any money; how parks have been maintained by the Parks & Recreation Department.

Mr. Welch agrees there does need to be money in the budget; this is a community that would strike him as being the ideal community to be a Tree City USA; very few of these in NH;

means you must appropriate \$5.50 per capita each year; money put out by utility companies for maintenance; spoke about Pine Grove Cemetery and huge pine trees that need to come down; mentioned other trees around Town that need to come down; plan has to include planting trees; would like to have some money in the budget.

Selectman Griffin commented on how different Hampton looks now and the number of trees that used to be around Town.

Selectman Bridle: confirmed with Mr. Welch that there is no longer a Shade Tree Committee; and this is a way to start.

Selectman Waddell thinks this is something that we should do since we need to get it rolling; have someone monitoring whether a tree should or should not be removed; good start.

Atty. Gearreald explained that the RSA provides that the Town may provide for the appointment of a Tree Warden; read wording of article in regards to Town Manager appointing a Tree Warden; need for a public hearing; would recommend that this be put on as a public hearing.

Chairman Bean understands the need for funds; attention drawn to rules & regulations section in regards to anyone being able to remove trees without going through procedures; will follow guidelines from Town Attorney.

Other Old Business (1:18:03)

Selectman Woolsey: as Mr. Welch mentioned a few weeks back the possibility of asking them to surrender \$1M from Unreserved Fund Balance to help offset the tax rate; spoke about when Mr. Welch came to the Town in 2007 the cupboard was bare; Mr. Welch and the Board of Selectmen have worked to build this balance back up; DRA recommendation to take 5 to 7%; estimated 2013 end of year Unassigned Fund Balance of \$5,852,845; if surrender a \$1M then you will be on a slippery slope; need to really look at sources of revenue; will continue to push the sewer buy-in fee; increase in sewer connection fee that took place a few years back; ideas she has in regards to sewer buy-in fee; does not want to waste this opportunity with all the developments going on.

Selectman Griffin asked Mr. Welch if this is something that would be done by this Board or the Planning Board. Mr. Welch commented that it is the job of this Board; they control fees since they are the Sewer Commissioners at this point; the concept is one they need to investigate and understand; concept is to charge for capacity; talked about the capacity left in the sewer system; Selectman Griffin asked how can you charge one person and not another; Mr. Welch explained that you are charging a rate and it is up to them to decide if they want to do this; there will need to be a ton of information provided and public hearings held; a professional firm will have to be hired to do this and the cost is between \$20,000 and \$25,000 to do this; looking for a sample contract; a lot of work involved in this; quite different then just setting a sewer rate.

Additional Old Business

2. BOS Summer Schedule (1:25:53)

Selectman Griffin would to bring up the Board's summer meeting schedule, to be discussed or just make a motion to meet every other week during the summer; this is what has been

done for many years; in the meantime if they need to have a meetings it will be scheduled, ads it was done in the past; does question why there is not a meeting scheduled for April 28th.

Selectman Griffin MOTIONED to approve the BOS Summer Schedule as presented with the exception that they will have a meeting on April 28th SECONDED by Selectman Bridle.

Selectman Woolsey asked what the holiday is May 12th; when Selectman Griffin says the past he is only referring to the past 10 years; they ran for office to undertake their duties here; does not think they should slack off and just take days off because they want to in the summer; the next 6 months are going to fly by; a lot of work needs to be done.

Selectman Bridle commented that it appears that it has worked well in the past; looking at the calendar would like to see April 28th and May 12th added back on; thinks it is fine for June, July and August; Department Heads are very busy in summer.

Selectman Waddell has no problem meeting weekly; does have a problem with not being productive; if organize work, do not need to meet every week; agrees with Selectman Griffin if need to meet they will; does not like to meet to just to meet; the Chair and or Town Manager will call for a meeting, if needed.

Chairman Bean for the motion on the schedule that is proposed, to add back April 28th, May 12th September 15th and 29th as meeting dates. As Mr. Welch pointed out that the triggers have been Memorial Day and Labor Day so dates in September need to be added back in also.

VOTE: 4(Waddell,Bean,Griffin,Bridle)-1(Woolsey)-0

Selectman Griffin asked about the bathroom at Church Street. Mr. Welch explained that the previous Board approved this and permission has been granted by the Church. Selectman Griffin would like this to be put on the agenda for a future discussion.

Selectman Bridle believes we lease the parking lot on Church Street so it is not just like going on private property. He asked about the Town not ordering the second ambulance and what does this do to the Fire Department budget since they will need repairs to current ambulance.

X. New Business (1:36:00)

1. Collective Bargaining Agreements - Postponed until next week.
2. 2014 Highway Heavy Equipment Bid Waiver (1:36:27)

Mr. Welch explained that the prior Board had instructed them to go out to bid before Town Meeting so they would have an actual cost; talking about the replacement sweeper in this case; bids returned were only 2 of the 3 required; the cost is \$180,025; trade-in value of unit #9 is \$35,000; trade-in on unit #51 is \$2,000; net cost of low bid is \$143,025; with Boards permission like to add options bringing the total to \$143,700; went through what the options are; this amount is within the appropriation.

Selectman Woolsey MOTIONED to Approve the waiver for the 2014 Highway Heavy Equipment Bid SECONDED by Selectman Bridle.

Discussion

Selectman Woolsey commented that DPW has been working on this since last summer; does not have a problem with needing this; but really thinks there was plenty of time for this to be brought forward; would feel better if this was not just dropped in their laps tonight; she is a little aggravated.

Chairman Bean confirmed that Selectman Woolsey is referring to the \$675 difference.

VOTE: 5-0-0

XI. Entertainment Licenses under review (1:41:59)

1. North Beach Bar and Grill – 931 Ocean Blvd
2. Ron’s Landing – 379 Ocean Blvd

XII. Consent Agenda (1:42:21)

1. 2014 Report of Appropriations Actually Voted
2. New Elderly Exemption: Beaulieu, 11 Hickory Lane 170/3/1; Yeaton, 85 Little River Rd. 129/12. New Veteran Tax Credit: Alhowik, 4 Westridge Dr. 69/1/3; Rei, 18 Hampton Meadows 172/6/18. New Blind Exemption & Veteran Tax Credit Renewal: White, 86 Exeter Rd. 125/42. Requalifying Elderly Tax Exemption: Kellicker, 67 Brown Ave. 282/189; Marttila, 29 Seaview Ave 133/54. Requalification of Elderly Tax Exemption & Veteran Tax Credit: Gelsomini, 35 Brown Ave. 274/168; Roy, 2 Ann’s Terrace 127/17; Caswell, 36 Seaview Ave. 133/34; Jackson, 8 Tide Mill Rd. 230/7; St. Germaine, 60 Mill Rd. 162/23. Requalification of Veteran Tax Credit: Grandmaison, 191 Towle Farm Rd. 139/23; Griffin, 14 Walnut Ave. 209/38; Graves, 6 Cogger St. 109/20; Goudreau, 79 Dunvegan Woods 180/5/79; Parsons 15 Burgundy Dr. 69/19; Hansen, 19 Bear Path 111/4/9; Conway, 3 Hutchinson Dr. 166/44; Gaffny, 3 Lyons St. 274/26
3. Entertainment Licenses: 401 Tavern – 401 Lafayette Road; Ashworth by the Sea Hotel – 295 Ocean Blvd; Ocean Gaming – 81 Ocean Blvd; Logan’s Run – 816 Lafayette Road
4. Termination of Lease 3-5 H Street
5. New Lease 3-5 H Street

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

VOTE: 4(Woolsey,Waddell,Bridle,Griffin)-0-1(Bean)

XIII. Closing Comments – None

XIV. Adjournment of Public Meeting (1:43:34)

Selectman Griffin MOTIONED to adjourn the Public Meeting at 8:32 PM SECONDED by Selectman Bridle.

VOTE: 5-0-0

Chairman