

September 08, 2014

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

ABSENT: Rick Griffin, Selectman

7:00 PM Public Meeting

#### SALUTE TO THE FLAG

#### I. Public Hearing RSA 674:40-a Delegation of Authority to Accept Dedicated Streets (06:49)

##### 1. Roberts Drive; Donna's Lane; Karen Street; Forest Drive; and Purington Lane

Chairman Bean opened the Public Hearing at 7:01 pm.

Mr. Art Moody, 3 Thomsen Road, objects to the process, believes it's unnecessary; don't see any plans; doesn't believe it goes to the test of a public hearing; no publication in the paper; asked if there has been certification for a competent staff member that there are planning board approved plats for the five roads;

Chairman Bean answered: we're going to run this like all public hearings and hear your position and the Town Manager will give the Town's position after.

Mr. Art Moody stated: all the streets existed before the 1993 law; the developers left the town; the Town is still paying sewer user fees to Exeter; asked if Roberts Drive includes the extension; there is a plan for; it's never been named by the Selectman; the infrastructure is still incomplete; is it Brooks Lane or Donna's Lane; it's exasperating to not get answers at a public hearing.

Chairman Bean stated: Mr. Moody raised five questions; engineering documentations and details about each road; why we are going through this; question about Roberts Drive and an extension; question about Brooks Lane and Donna's Lane; reference a 1993 law; asked Town Manager Welch if he was prepared to respond to this; if Selectmen would like to satisfy Mr. Moody, it can be postponed.

Town Manager Welch stated: Town Counsel ruled that RSA 674-40-a may be used on streets that have been platted by the Planning Board and never been accepted by the Town; they have been platted by the Planning Board; Roberts Drive platted twice; once for the main road on 12/17/60 and once for the addition on 11/06/1996; Donna's Lane was also platted on that same plan on 12/17/1960; Karen Street was platted on 01/21/1967; Forest Drive was platted on 3/18/87; Purington Lane was platted on 4/2/87; there is nothing in RSA 647-40-a that requires a newspaper advertisement by law; reason we're doing this is that these streets aren't public

highways but they should be; to wait and go to Town Meeting on every street, it would never end; regarding that others that went to Town Meeting, they were accepted by previous Selectman unlawfully; we need to correct the original acceptance; there is no record of these being accepted by Town.

Mr. Art Moody asked does Donna's Lane include what is now called Brooks Lane?

Town Manager Welch answered no.

Mr. Art Moody stated in the 1990's, we followed the New Hampshire Municipal Association handbook; whether it was illegal or not.

Chairman Bean noted that the Public Hearing opened at 7:01 PM and the Public Hearing was closed at 7:15 PM.

Selectman Woolsey stated it does not include Warner Lane, not sure if that was looked at.

Town Manager Welch stated that it was previously accepted.

Selectman Bridle MOVED to approve the acceptance of the following dedicated streets as presented: Roberts Drive; Donna's Lane; Karen Street; Forest Drive; and Purington Lane SECONDED by Selectman Waddell.

VOTE: 4-0-0

## II. Public Comment Period (21:52)

Jay Diener, Conservation Commission, a workshop coming up Wednesday, September 10, 2014 from 6-7:30 PM at the Hampton Falls Fire Department; focusing on sea levels effecting salt marsh; program being developed to track what's happening to the salt marsh as the sea levels rise; going to be developing action steps for Hampton, Hampton Falls and Seabrook; also action steps to work on SLAM collaboratively.

Arthur Moody, 3 Thomsen, thinks the old restaurant on the marsh should be added like the old Shell Station; looks like it's ready to fall down; House Bill 297 Trust Funds, Hampton Trustees of the Trust Funds, upset that they went to the Legislators; this allows the Trustees to go to outside assistance, and take money from the capital reserve funds, finds this abhorrent that Mackensen wants to be paid, the Trustees have been taking fees out of the income from the Trust Fund, extremely illegal, should open the contract to a new bidding process.

## III. Announcements and Community Calendar (28:14)

Selectman Woolsey stated: we lived through the Seafood Festival, so I guess it is officially the end of the summer.

Selectman Bridle stated: summer is winding down; Police, Fire, Public Works and Recreation Department did an excellent job this summer; last week had a boat rescue and a plane crash; schools are in session so drive carefully.

Selectman Waddell stated: reiterate what selectman Bridle said; the departments and the State lifeguards did a super job; Chamber and organizers of the Seafood Festival should be congratulated; requests that people to ask shop owners to put obnoxious t-shirts in the back of the shop if they see any.

IV. Consent Agenda (29:58)

1. Entertainment License and Posted Permit: Flatbread Hampton, 61 High Street
2. Parade and Public Gathering Licenses: 28th Annual Walk by the Sea 09/28; Victorian Tavernwalk 10/11; Reach the Beach Beer Tent 09/13
3. Street Closure: Colby Street 09/13
4. One Day Entertainment License: James House Association 10/05
5. Raffle Permit: James House Association for 1 year
6. RPC Transportation Advisory Committee (TAC) Appointment: Chris Jacobs
7. Library Alternate Appointment: Christopher Hendry
8. Conservation Commission Full Member Appointment: Diane Shaw
9. Bench Donation in memory of Raymond Gagnon & Irene Roberts at Dumas/Ocean
10. School Impact Fees Release of \$64,717.34 to SAU 21 Winnacunnet High School

Selectman Waddell MOVED the Consent Agenda SECONDED by Selectman Bridle.

VOTE: 4-0-0

V. Appointments (30:20)

Chairman Bean stated: the budget season has commenced; we'll listen, without a full board, not make any decisions; at a future date schedule to make decisions.

Town Manager Welch stated the he has again revised the Parks and Recreation Department budget; it's a small budget; it's a \$300,000 budget there about; generates \$757,000 in revenue a year; one of the largest programs in the State; recommend to give her a 9% pay increase; she is one of the lowest paid Parks & Recreation Director's in the State.

1. Dyana Martin, Director Park and Recreation
  - a. Review of 2015 Budget

Ms. Martin stated: runs four divisions with Parks, Recreation, Life Guards and Parking Lots; manage approximately forty employees and contractors; gross revenues last year were \$788,893; on track this year to make around the same; net revenue last year were \$375,332 which more than paid for the department and its operations; asking for 9% increase for the Director's pay and 9% increase for the Programmer's pay which amounts to \$10,893 with retirement, FICA, etc.; for 39 weeks this becomes \$4,896 for the Director's pay and \$3,274 for the Programmer's pay totaling \$8,170 for added salary and benefits; accepted to NRPA Director's School this year; two year school; this year got scholarship money for the school but will not have that same money next year; learned of two scholarships for next year and will apply for them; school is put on by North Carolina State; highly regarded program, hoping to graduate next year; asking for an additional \$2,500 to attend the school next year; asking for \$5,774 above the Town Manager's budget submittal; the tax impact is 2/10 of a cent per \$1000 tax dollars; in regards to the parking lots budget, there is an increase fee in the Church Street parking lot lease; looking to put together a wage scale for the parking lot employees for next year.

Selectman Woolsey asked: is this a separate sheet over and above from what Town Manager Welch to show the amended request?

Ms. Martin answered: yes, it would be.

Selectman Woolsey commented: get it by line breakdown for increase; thought we settled wage scale for part-time employees last year.

Ms. Martin stated: do not have a scale that starts at this figure and after so many years you go to this figure.

Selectman Woolsey commented: have something in mind and in writing; getting a lot of happy feedback on the bathroom at Church Street.

Selectman Bridle stated: think some of the increases in their wages are long overdue; think it's a fair and adequate request.

Selectman Waddell stated: do a great job; think it's necessary.

Chairman Bean stated: echoes the board's comments; and do get a detailed per increase what that is for the tax rate.

2. Jay Diener, Chairman Conservation Commission (38:58)
  - a. Review of 2015 Budget

Mr. Diener stated: budget has two changes this year; one, proposing a 1.25% increase for the Conservation Coordinator; it's been two years since an increase; scope of the position has continued to grow and will continue to do so; most of it work that has proactively protect the Town's property and educate the residents; also reducing the hours to 29 per week to be in compliance with the affordable care act; the other increase is for the secretarial expenses; have paid it \$10/hour as far back as can be found; asking for an increase from \$10/hour to \$11/hour; actually looking at a decrease in the overall from \$33,252 to \$32,740.

Selectman Woolsey stated: great job; conservation is becoming more and more necessary and important.

Selectman Bridle stated: echo the fact that Commission is doing a great job.

Selectman Waddell stated: great job and nobody is going to argue a decrease.

Mr. Diener stated: Conservation Coordinator does a tremendous amount of work; not too long ago when there was not a Conservation Coordinator, the Town and Commission suffered; would like to make it closer to a fulltime position; there is enough work to warrant it.

Chairman Bean stated: great department and leadership and employees and effort.

Selectman Waddell MOVED to approve the Conservation Commission 2015 Budget as presented SECONDED by Selectman Woolsey.

VOTE: 4-0-0

3. Norman Hurley, Friends of the Grist Mill Pond (43:40)
  - a. Petition Warrant Article

Mr. Hurley stated that they have formed a group called the Friends of the Grist Mill Pond; group of 35-40 residents and a core group of 12-14 that meets every Thursday; had several meetings; have received approval from the New Hampshire of Department of Revenue Administration on the wording of a warrant article we're putting forth; would like for group to be recognized so they can keep working on the repair issue.

Mr. Jim Metcalf stated the goals are to ensure the issues identified the 2012 letter of deficiency are addressed in regard to the Grist Mill Dam; educate on the cost benefit of Mill Pond and its dam; explain the potential problems with decommissioning the dam and the desirability of making repairs instead; to secure passage of an alternate 2015 warrant article for Mill Pond repair; make sure the requirements of Section 106 of the National Historic Preservation Act are followed; there are two important attributes of the Stephens Report, first it is endorsed by the Department of Public Works and the Dam Bureau, second the DPW and the Dam Bureau are completely neutral, report represents a solid basis on how to proceed, in developing the estimates the uncertainties are very large; amount to about \$100,000 for decommissioning and about \$170,000 to repair; Public Works strongly recommends the high estimates be used for budgeting purposes, which is why the current article uses \$400,000; there is more than one option for repair; the presence of the Dam and Mill Pond provides for an accumulation of the storm water; the smaller the rain fall, the greater the effect of the pond staging is; if the dam is removed it is going to have to be a straight shot through the dam, the appearance will be greatly altered; there would be no cascade, it would be a large flat area through the grist mill; if the case of modifying the dam in the way it's described in the Stephen's report, there'd be a great reduction in the peak flow for the 100 year storm, that particular modification of the dam as described wasn't analyzed in the Stephen's report; may see significant savings by making repairs to the high street culvert; more work needs to be done; Hampton needs the dam and mill pond.

Ms. Stellmach spoke about how they are going to advise the citizen's about some of the choices they have to make; this is the only grist mill to remain in such great condition; the challenge is to be visionary.

Mr. Hurley would be happy to answer any questions and would love to come back at another time.

Chairman Bean stated: would like some type of motion for the Friends of the Grist Mill Pond to solicit and secure and submit data through one spokesman from group; that you are not making any decisions for the Town; its purpose it for the furthering of your warrant article process.

Town Manager Welch stated the group's request is to allow the group to continue to work with the Department of Environmental Services and continue to get their aid, and coming back with items approved from the State, should the Town change its mind. That all parties know what information that is being circulated

Selectman Waddell MOVED to approve Mr. Hurley as the spokesperson for the group and is authorized to continue to work with the Department of Environmental Services and continue to get their aid with copying the Town Manager and the Public Works Director on any of the information requests SECONDED by Selectman Bridle.

VOTE: 3-1 (Woolsey)-0

Chairman Bean stated: reiterate what the situation is now with the warrant article and the challenges it proposes and shed guidance.

Town Manager Welch stated: there is currently a warrant article that passed by Town meeting this last session which appropriates, speaking in round numbers, \$400,000 to breach the dam; don't know what the warrant article will propose; both warrant articles have the

potential to be appropriated; need clarity on the issue; both could be appropriated and nothing could happen.

Mr. Hurley commented: have a warrant article with the approval from the DRA and its wording; happy to give a copy now so you can see the wording.

Chairman Bean stated: you can work liase with the Town Manager and Public Works Director going forward.

Selectman Woolsey commented: have a vote of the tax payers to decommission the dam; granted extension to get process together in November 2016; proposal was not selected to go to the next stage in the process; lost a grant; need an enlarged culvert to let the water flow freely; not in favor of the warrant article; need to continue effort of decommissioning that dam.

Selectman Bridle commented that we need to continue to look at it; there was not enough thought put into it; the water that is flooding does not just come from that area.

Selectman Waddell commented: we need to look at it, and be aware of the vote taken; two things are running side by side now; move forward to investigate; have some time; need to do it properly and honor the vote that was taken last year; vote still stands today.

Chairman Bean asked Mr. Hurley to please explain to the Board and the Town your past elected and municipal experience.

Mr. Hurley stated: was the Fire Chief for 13 years in Kingston; was the Emergency Management Director for 16 years in Kingston; was the Planning Board Chairman for 2 years in Kingston; served on several other boards including the budget committee; DES has no problem as long as they know that we're working on avenues to correct the flooding.

## VI. Approval of Minutes (1:17:26)

### 1. August 25, 2014

Page 7: Correct the spelling of Mr. Waddell.

Selectman Woolsey MOVED to approve the August 25, 2014 minutes SECONDED by Selectman Waddell.

VOTE: 4-0-0

### 2. August 25, 2014 Nonpublic Session (1:18:1)

Selectman Woolsey MOVED to approve the August 25, 2014 minutes Nonpublic Session SECONDED by Selectman Bridle.

VOTE: 4-0-0

## VII. Town Manager's Report (1:18:27)

1. The Town continues to have vacancies on various Town Boards and Commissions. Please consult the Town's Website for existing vacancies. If you are interested in serving, please contact the Selectmen's Office.

2. The Board received a request to place a memorial granite bench on Town property at the foot of Dumas Avenue on the east side of the seawall. I recommend that the Selectmen approve the request and have the Recreation Department monitor the work.
3. The last Household Hazardous Waste Collection will be September 13<sup>th</sup> from 9 AM to 12 Noon at the Brentwood Highway Garage, Route 111A in Brentwood. Please review the flyer on the Town Website.
4. A workshop will be held on September 30, 2014 at the Newington Town Office for community officials on the FEMA Preliminary Flood Mapping. The meeting starts at 8:30 AM and ends at 12 Noon.

Town Manager Welch added the following : ask the Town Clerk to get information on pending election and the duties of selectmen; Medicare rates will be on next week; worked on GASB 34 and 45, have started the process on GASB 34, have a guy from MRI to do the setup work, GASB 45 is going to require the hiring, the low bid was rejected; the second low bid was recommended by our auditors, GASB 45 would need to be done by an actuarial or it won't be recognized; have received the JOP back, had sent them a blunt request for a change to one of the sections in regards to lobster traps, it has been returned in that form, need to review it before signing the JOP; and have sent a letter to the old owners of the gas station on the corner of Lafayette Road and Winnacunnet Road; haven't heard anything back; HealthTrust has settled their 17.1 million dollar mess; on September 25, 2014 we're going to receive for medical billing a check for \$167,624.37 and for dental \$8,866.47; will be distributed on the same basis as the prior distributions were made; large tree on the corner of Towle and Winnacunnet Road that is very dead; going to have it removed; also large tree in front of the town hall that continues to die off large sections, going to have it trimmed, having an arborist is going to come and look at it, if it's dead it will be removed; received a request from the Rockingham Metropolitan Planning Organization Technical Advisory Committee asking us to appoint an individual to fill the vacancy as the Town's representative; received a letter from Mr. Friedman requesting to be appointed to that; before receiving this letter, I had talked with the Director and Deputy Director of Public Works and recommend the Deputy Director be appointed.

Chairman Bean stated that a motion is required.

Selectman Waddell MOVED to appoint the Deputy Public Works Director to serve as the Town's representative on the Rockingham Metropolitan Planning Organization Technical Advisory Committee SECONDED by Selectman Woolsey.

VOTE: 4-0-0

Selectman Woolsey asked about the money from the HealthTrust is to be issued to the Town, employees and retired employees, what does that sum represent, is it the sum of the recovery?

Town Manager Welch answered that it is from my understanding.

Selectman Woolsey spoke about the Hampton – DRED JOP, they left in the ability to deposit the lobster traps when Fish & Game does not provide a dumpster, they also did not include the required covers to the dumpsters for beach rakings.

Town Manager Welch stated: both of those have been changed according to what the committee recommended.

Selectman Woolsey stated we said no.

Town Manager Welch stated: the state's beach raking; the committee agreed they could rake the beach provided they place the rakings in dumpsters and that they were covered.

Selectman Woolsey stated: the amendment to ordinance, the recycling and solid waste amendment, said there would be no beach rakings from the State of NH through.

Town Manager Welch stated: it is not going to be run through the trash operation, it is their responsibility to remove their own dumpsters and get rid of that on a regular basis.

Selectman Woolsey asked: their dumpsters are going to be on Town property full of the beach rakings?

Town Manager Welch answered: yes that's what the committee decided.

Selectman Woolsey stated: ask the Chairman to consult with Counsel on the ability of a sub-committee of this committee out of the public eye, out of public ear shot, to negotiate something with the State of NH without the authority of the rest of this board; want a legal opinion on what a sub-committee of this Board of Selectman is empowered to do.

Chairman Bean commented as a point of order; this is a scheduled agenda item.

Selectman Woolsey asked: do we know where stand with Comcast on the school channel?

Town Manager Welch answered: the school channel is operating; the fine people of Channel 22 are constantly jabbing at Comcast to get the cable into the Fire Station; it's supposed to be done mid-month.

Selectman Woolsey stated: equine excretions at the Ashworth Lot; got an email about that; what is happening with that.

Town Manager Welch stated: if you parked there and stepped out, you'd be parking in a no parking zone; talked with the Police Chief and he has an understanding with the clean-up and the state was supposed to take care of that; it was in the corner of the Ashworth Avenue parking lot and Brown Avenue.

Selectman Woolsey stated: ask a Public Works employee to get a container and fill it with the material and send it with kind regards to Concord.

Town Manager Welch stated: it has already been removed.

Chairman Bean stated: the email is essentially anonymous; may we move on please.

Selectman Woolsey stated: the green lands, the area across from Plaice Cove, had a complaint from a citizen that walks her dog on a leash and has been accosted now by three adult males telling her to get out of their neighborhood; is it possible to write a letter

Town Manager Welch stated: have looked at that area, Acorn Road; the center of that roadway is private; technically it should receive no Town services; it could be posted as private by the owners; up to the Selectman with the advice of Counsel if we should seize to maintain it.

Selectman Woolsey asked: may we have advice from Counsel; do you think the board would like to check with our attorney to see what options might be presented.

Selectman Woolsey MOVED to check with Town Counsel to see if the area on Acorn Road is private and the owner can restrict access to the public and thereby lose Town services if it is truly private SECONDED by Selectman Waddell.

VOTE: 3-1 (Bean)-0

#### VIII. New Business (1:36:16)

1. Great Gate Drive Town Property
  - a. Conservation Commission Maintenance Agreement

Town Manager Welch stated: when the Town purchased the ice pond; we owned half and they owned half; we came up with this exact agreement with the Conservation Commission; they would maintain it; did approve it in their last meeting; proceed to make this a regular management agreement with the Town.

Selectman Woolsey MOVED to approve the Great Gate Drive Town Property Conservation Commission Maintenance Agreement SECONDED by Selectman Bridle.

VOTE: 4-0-0

2. Seawall Repairs by State DOT (1:37:30)

Town Manager Welch stated: Audley Company is preparing to mobilize and finish the seawall repair on North Beach; asked for meeting with Public Work and the Police Department; met with Audley and State DOT; wanted secure area for people to walk behind jersey barriers on the wall side; state let Audley decide what they wanted to do; they will not allow that to happen; people will have to cross to the other side where there is no sidewalk; their plan is to put up cones; the Police Department is going to send two officers for the first day of the operation so people know what to do; opposed to having people walk across the road; they are afraid the chips being blasted off will hit somebody; we're back to the same place we were; don't want to have two accidents.

Selectman Bridle asked: other than being opposed to it, what can we do?

Town Manager Welch answered: bring some political pressure there; after the accident occurred wrote a letter to the Governor, the jersey barriers went up the next day.

Selectman Waddell stated: living and walking in that area, knows how dangerous it is to cross that street; when they put the jersey barriers up you felt more secure walking there; should put some pressure on them to do whatever we can do; so many people walk down there.

Chairman Bean stated: you have your marching orders.

3. Request of the Trustees for a Warrant Article Chapter 297 Acts of 2014 (1:41:57)

Town Manager Welch stated: fair to say that the discussion that occurred earlier in public comment is true; the statute would allow the trustees to take funds from the individual capital reserve funds to pay administrative expenses; appears that those funds were coming for the real estate trust

Chairman Bean stated: we are into budget season; nowhere near the deadline for warrant articles; have emailed and invited Mr. Silberdick to attend this evening; he is not in attendance; can we postpone this and reschedule at a later date.

IX. Old Business (1:43:18)

1. 2015 NHMA Legislative Policy Review

Chairman Bean stated: that this is Selectman Woolsey's request; this is a set of initiatives from the New Hampshire Municipal Association; there is an agenda; Selectman Waddell has agreed to attend; 2015-16 Legislative Policy Conference is scheduled for Friday, September 26, 2014; have a two part motion; enthusiastically support some provisions more than others.

Chairman Bean MOVED to accept the legislative agenda from the Town of Hampton and that Selectman Waddell attend and represent that subject meeting SECONDED by Selectman Bridle.

VOTE: 4-0-0

Chairman Waddell commented: if anybody has any feeling on any particular one, let me know.

Selectman Woolsey stated: go for that pollution one.

2. Hampton – DRED Joint Operations Plan – Discussed under Town Manager's Report.
3. 349 Lafayette Road – Gas Station (1:44:48)

Selectman Bridle stated: keep after them; do have other properties in Town.

Selectman Waddell stated: the High Street one.

Town Manager Welch stated: that one was recently purchased and going to be cleared up.

Selectman Bridle stated: Mr. Moody was correct with the old Jerry's Restaurant.

Town Manager Welch stated: that one is ready for sale; understanding is it is going to be purchased and shared with abutters; if deal goes through the building is going to be torn down and grass put there.

Additional comments under Old Business

Selectman Woolsey commented: would like to see to get the excel spreadsheet of the proposed budget online; complain of lack of public interest; have the technical expertise to do that; understands it's already in excel up in the Finance Office;

Town Manager Welch stated: the book (budget) continues to change; we could put what was submitted up there.

Mr. Paquette stated: when you start sharing Excel, Word, PowerPoint documents there is a lot of back end network information; would like to convert it to a PDF.

Town Manager Welch stated: would like to take the document and convert it to a PDF and put it online.

Selectman Woolsey stated: terrifying how these things can be hi-jacked; asked what process do we need to go through for the Planning Board to require putting drainage requirements for the different projects in the deed; is there some requirement we can set to say; to make it clear that the Town will under no circumstances will expend Town funds and there has to be an agreement for ongoing property maintenance on the part of the new owners.

Town Manager Welch stated: we do not, but the Planning Board can by amending their regulations.

Selectman Woolsey asked: can we write a cheerful letter asking them to please have that in motion; not fair to us for people to move in and complain about the drainage problems; be proactive with the new developments that are going in.

Town Manager Welch: sure we can do that.

Chairman Bean stated: as a point of order, this needs to be staffed; have a liaison with the Planning Board.

Selectman Woolsey commented: do we have a way to suggest to our representative for the Planning Board that the planning board pay attention to the recommendations of department heads, in particular of the Fire Chief.

Selectman Bridle stated: that would start to happen as a new Planner gets involved.

Selectman Woolsey commented: attended last Wednesday's meeting; the 86 Woodland Road project, the road goes near the wells, the water company had not been notified;

Town Manager Welch stated: they are not an abutter, a property separates them.

Selectman Woolsey commented: the understanding of the Real Estate Trust Fund was to get the money to them faster.

Town Manager Welch stated: it was a different statute; and he was invited Thursday evening; he will suggest he come in next Monday.

Selectman Woolsey stated: the intent was totally different then getting the money from the sale of graves.

Selectman Bridle commented: the 9/11 Memorial is Thursday at 6:00pm at the Legion and also at 9:30am at the Fire Station.

X. Closing Comments

No Closing comments.

XI. Adjournment (1:54:17)

Selectman Woolsey MOVED to ADJOURN the Public Meeting at 8:48PM SECONDED by Selectman Waddell.

VOTE: 4-0-0

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Chairman