

December 01, 2014

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

SALUTE TO THE FLAG

I. Public Comment Period (5:37)

Fred Rice, 15 Heather Lane, commented about an article in the newspaper that concerned him in regards to the Exeter Road project; hopes the Board comes up with some sort of statement to assure the residents that they aren't going to be forgotten and it's still part of the agenda.

Dave Wood, 4 Ruth Lane, updated the Board about the Coastal Risk and Hazard Commission; need to start planning from the town's perspective; need to start planning on a long-term basis; need to be proactive.

Art Moody, 3 Thomsen Road, commented about the consent agenda item of Nay Family Stone at Founders Park and the protocol, establishment, and placement of new family stones; the Trustees of the Trust Funds and concerns mentioned in the Fall that haven't been addressed.

Selectman Griffin asked: has Mr. Wood been in contact with Mr. Ladd from the beach precinct? Mr. Wood answered: yes; we're both on the Budget Committee; have been in touch with him.

Selectman Griffin commented: brought it up at the beach precinct meeting and it has to come from the Board of Selectmen; Fred has to be involved; have had to raise my flood insurance again; they want more than what I had last year but my mortgage is less; something we have to keep up on; wondering what we are going to do; people are circling because they want to do something.

Mr. Wood commented: in the next couple of months there are going to be a lot of people meeting on this from all different towns; down the road legislation will be involved; now is the time to meet with the other groups to see what other towns have done and join forces with them.

Selectman Griffin stated: I'm not familiar with what you are on now. Mr. Wood commented: it was a commission formed by the governor; each town was asked to appoint one person;

this is something the Selectmen approve; have kept Mr. Ladd informed on the progress; up until now it was really a fact-finding group; very concerned with what insurance rates are going to be doing.

Chairman Bean stated: we are in public comment; would like to schedule this; it's an important issue; it's a government program whether it is insurance or not; there is no money in the fund; it's \$25 billion out; it's been subject to continuing resolutions by Congress for years; like to put this on the agenda for next week.

Selectman Griffin commented: maybe we can get Mr. Ladd to come; would you be able to come next week? Mr. Wood answered: I certainly will; will ask Mr. Ladd tomorrow night.

Mr. Rice commented: what Mr. Wood is talking about really has nothing to do with the insurance rates; it's evaluating the risks from floods, storms, sea level rise; there are three groups right now; looking at the joints between towns so the policy transitions smoothly all the way along the coast; he needs to have the meeting between the Manager, Fire, and Police; the insurance is a separate matter that parallels.

Selectman Griffin stated: understand that something has to be done in order for the rates to be considered to be lowered in the future.

Mr. Rice stated: the rates went up because of the new FEMA maps that came out which are supposedly just a sharper map.

Chairman Bean stated: we will have this on the agenda for next week.

II. Consent Agenda (24:29)

1. Nay Family Stone at Founder's Park
2. Hampton Cemetery Deeds: Thomas E. Quinn; Christopher Tisher
3. One Day Entertainment License: CR's The Restaurant 12/31/14

Selectman Woolsey stated: would like to move the consent agenda with the exception of item number one; would like to pull that one until we understand a little bit better about the parameters; would like to get a little more guidance on that.

Chairman Bean asked: is there a second to support of Selectman Woolsey's exclusion of number one; that was provided both hard copy and in the mailbox; it's an extensive package; Director Moore provided quite a bit;

Selectman Waddell MOVED the Consent Agenda SECONDED by Selectman Bridle.

VOTE: 5-0-0

III. Approval of Minutes (25:37)

1. November 03, 2014 Postponed
2. November 10, 2014

Selectmen Woolsey MOVED to ACCEPT the minutes of November 10, 2014 SECONDED by Selectman Griffin.

VOTE: 5-0-0

3. November 17, 2014

Selectmen Woolsey MOVED to ACCEPT the minutes of November 17, 2014 SECONDED by Selectman Griffin.

VOTE: 5-0-0

IV. Announcements and Community Calendar (26:20)

Selectman Woolsey stated: thank the Public Works and other town service people for the helping with the mess of the storm; appreciate everybody's efforts.

Selectman Bridle stated: show the good work Unitil has done the past few years with the tree trimming; Christmas Parade is this Saturday at 1:00pm; Annual Tree Lighting at Marelli Square is Friday starting at 5:30pm.

V. New Business (27:45)

1. Purchasing Policy and Procedures

a. Amend Article I, Section 718-3 Purchase of Supplies, Materials and Services

Town Manager Welch explained: brings our purchasing policy in compliance with State and Federal requirements with the oversight of the Board of Selectmen or Town Manager.

Selectmen Bridle MOVED to APPROVE the Amendment to Article I, Section 718-3 Purchase of Supplies, Materials and Services of the Purchasing Policy and Procedures as presented SECONDED by Selectman Griffin.

VOTE: 5-0-0

VI. Old Business (28:23)

1. Draft Warrant Articles

a. Exeter Road Shim/Overlay

Town Manager Welch explained: confirmed today that we are still working at getting a cost for the final engineering in order to do any of the work on the road with the exception of paving; recommendation with the Department of Public Works and I agree with it is in order to hold the road even though it is in terrible shape, it needs to be shimmed and overlaid; gives us approximately five years; give us a period of years to plan the engineering and plan all the things that are necessary that need to go into the construction for the replacement of the sewer and drainage, the setting of basins, repair of sidewalks, and reconstruction of the street; there are options to all of those; asked Keith for an in-depth report on that information from the engineering firm on their estimate; asked that the pipe sizing that they are working with be reviewed with all of the constructed properties on Exeter Road and West; number of issues that need to be resolved before we get to plans; does have money left in the current appropriations; understanding that was for preliminary work and not final work; if that's the case it will go back into the general fund; recommendation is to spend \$320,000 to shim and overlay Exeter Road and to have the Department of Public Works come back to the Board of Selectmen with the appropriate information regarding final construction plans work to be done on Exeter Road in the future; read Article 12 as written; would do this as soon as the construction season opens; don't need to be holding that money until 2020.

Selectman Woolsey asked: sitting in December working up to March town meeting; have wasted money on engineering that has gone nowhere; it is desperate need to get Exeter Road

done; no voting for money to basically do a patch; think it is throwing money away; need to really redo that road; upset with what has happened here.

Selectman Bridle stated: want to see the road completed; need to do it correctly; will do a few years; need to do something done this year; it's a safety hazard; liability there is too great; get it shimmed and get the work done right; can grind the shim up and use it; rather spend the \$320,000 now and do it right in the future.

Selectman Waddell stated: very frustrating we've ended up here; we just have a preliminary study not a real study; it's a real safety issue; something needs to be done now with the road; going forward would hope we get on this properly; need to get this under control.

Selectman Griffin stated: would like to see something more done; appears this is the best way to go; values Mr. Welch's expertise.

Chairman Bean stated: agree with fellow Board members; been a difficult information pull and data pull for this project; essentially what we are doing this evening is commencing to phase the operation; that is to make the road more passable; that's a good first start; look forward to Mr. Welch going forward in the future rectifying years and years and years of neglect and forgetfulness of this road; it wasn't this Board, it wasn't prior Boards; it's been years; read Article 12 wording.

Selectmen Bridle MOVED to add Article 12 on the 2015 warrant worded shall the Town vote to raise and appropriate the sum of \$320,000 for the purpose of making improvements to Exeter Road which shall include the shimming and overlaying of the road and to include associated materials and labor necessary to do the work SECONDED by Selectman Waddell.

VOTE: 4-0-1(Woolsey)

b. Town Office Energy Improvements (37:32)

Town Manager Welch explained: this is not what I call an emergency item; concern is heat loss; previously looked at it and had a fifteen year payback; concerned if there were storms the building would become a difficult place to be in; would understand if the Board said no this year and came back with a better plan next year or year after to get something done to make the building safer and more heat efficient and energy efficient; rather put the \$100,000 towards sewer or roads.

Selectman Woolsey stated: we're dragging from year to year; it's frustrating.

Selectman Griffin stated he agrees with Mr. Welch.

Selectman Bridle stated: again it's the proverbial kicking the can down the road; had the building for quite a while now; could be a potential danger; investment in our community; it's not spent and gone away; going to get our money back just in the energy savings; something that needs to be done every once in a while; it's preventative maintenance; don't do the preventative maintenance then we have to rebuild buildings and replace buildings; should spend the money.

Selectman Waddell stated: if it's going to save money, it is good; this year it is something that can wait; hate to kick the can down the road but think there are lots of things on the warrant articles and budget; something can't go this year.

Selectman Griffin stated: fifteen years is really bad as far as a payback; to really want to do it, it should be under six.

Chairman Bean stated: think the Town Manager has made his sentiments clear and the Board has; seeing no support; will be pulled.

c. Ice Pond Dam (41:33)

Mr. Diener stated: was used for ice harvesting for businesses down at the beach; stopped in the sixties; been fifty years since any maintenance has been done on the dam; when the Conversation Commission negotiated to buy the Ice Pond which was completed in 2007, discussed whether or not the dam should be part of that purchase; ultimately concluded that it should be since it was an integral part of the pond; town would be remiss if it didn't have control of it; dam did become part of that purchase; bought it for flood storage, for recreation opportunities, and for preservation of wildlife habitat; the town uses the pond quite a bit; that warrant article was supported on a three to one basis for the purchase of the Ice Pond; misconception that damming the ice pond cause flooding back up twelve shares and even up to Tuck Road; there are flooding issues in those neighborhoods; believe that's because the streams there tend to get clogged; it's really maintenance there that causes flooding; those waters actually flow into the ice pond; original idea was to repair it; hired an engineering firm; they gave us a plan to repair the dam; before it could get it to warrant, there was a storm and it completely failed; the stop logs aren't there anymore; if it weren't for the beavers, we wouldn't have a dam at all; the beavers build the dam up, Public Works goes in and takes the top layer off so the water level doesn't get to high; the process is repeated; not a very efficient way to maintain it; have gone to Stevens and Associates; they have done an analysis of the dam; have given us an engineering drawing of rebuilding the dam; looking at a concrete dam; it would be stone faced; taking about two spillways; a redundant system with two stop logs; got three estimates from Stevens and Associates; the midlevel estimate is about \$130,000; it's very reasonable; Conservation Commission wanted to contribute to it; we're contributing \$40,000 towards it to get the warrant article under \$100,000; an effort that is going to benefit the town for many years to come.

Selectman Woolsey stated: the Ice Pond is no long useful as an ice pond; should have the spillway totally taken down; should not be used for water storage at all; if the environment in that area were allowed to run free and drain all the time, you wouldn't have any backup there; water should be able to flow free; don't see why were not better off leaving it alone; get rid of whatever is blocking it; supposed to be a pasture; was never supposed to be blocked up other than winter; if it's draining naturally on a consistent basis there shouldn't be any great flooding; not happy with all the tinkering of our natural resources.

Selectman Griffin stated: would like to know what Mr. Welch has to say about the Ice Pond.

Town Manager Welch stated: Ice Pond is one of three intermediate disposal or storage areas before we get to the marsh; water has difficulty getting through; entire area is major wetland goes over into North Hampton and back into Ice Pond; when the dam was down, it flooded to almost surcharge of the culvert; a sixty inch culvert out on Woodland Road; only way to improve the size of that culvert is to build a bridge; can't get any bigger; need to be able to hold water in some places; cannot allow water to run free; it has a relatively high water table now; the minute you get major rains like the Mother's Day storm, it's going to flood; eventually going to blow out some of the facilities and streets; there is going to be a problem;

need to have some retention; it's a difficult proposition; putting a facility in there is an extremely expensive thing to do; talking annual maintenance; pardon the expression, think it's a crapshoot; want to have a pond there you need to have some sort of facility to erect it; if you don't want to have a pond there then don't build a dam; won't have any control in the future; going to have a problem if we don't do something there; it's a small dam; it's a very minor facility.

Selectman Griffin asked: how long will it last? Mr. Diener answered: don't know but I would be surprised if it wasn't forty or fifty years.

Town Manager Welch stated: suspect longer than that; the dam that was there was hand built with rocks cemented together; lasted a hundred years; well-constructed dam will last longer than that.

Selectman Bridle stated: in favor of it; holds storm water back; disappointed can't use the blocks from the railroad bridge; why can't we transport them once? Town Manager Welch answered: we petitioned the state to remove the overhead bridge structure; then we petitioned them to all us to remove the blocks; State wanted us to bring the blocks to the Public Works in Hampton; they would come and inspect them and determine which blocks they were going to take for themselves; we indicated to them that it was inappropriate; suggested to the State to bring trucks down, we would load them as we're taking them down.

Selectman Bridle asked: how long ago did that come up? Town Manager Welch answered: three years ago; the State is renegeing on moving one inch on it.

Selectman Bridle asked: they haven't done anything; I say they aren't interested in the blocks; if we use them and they don't like it, then too bad; doing a couple of things by reusing those blocks; doing too things with those blocks; rebuilding the dam and taking away the narrow hazard on Drakeside.

Mr. Diener stated: that was our original concept to use the blocks; held design work up on waiting to see if we could use the blocks; design is based on not using the blocks; to say we want to use the blocks would have them go back to the drawing board which would be an additional expense; work hard to have the Conservation Commission to cover that.

Selectman Bridle stated: cost would be cheaper to use the blocks; corrects the problem on Drakeside as well; should get it done; would like to see us use the blocks.

Selectman Waddell asked: if we did use the blocks, what are the savings; are we saving money by using the blocks? Mr. Diener answered: concrete is not that expensive; we're talking about now a concrete dam; don't know that there is a huge savings there; would be nice to be able to reuse them.

Town Manager Welch stated: could actually use the blocks as a dressing; once you constructed the dam you could face it with the stones.

Selectman Waddell asked: if we use the blocks are we going to get into with the State? Town Manager Welch answered: the State keeps on posturing; they couldn't wait for us to take them away; we stopped talking with them because we couldn't get anywhere with them.

Selectman Waddell asked: how long has the dam been down? Mr. Diener answered: the dam failed about two years ago; it was in serious disrepair for many years before that; one side where the whole sidewall had disappeared; the spillway was all but collapsed.

Selectman Woolsey asked: going back to the natural state of it is no dam and just the water flowing; with a pasture there as Mary-Louise was saying? Town Manager Welch answered: right, it would be a wet pasture basically.

Selectman Waddell asked: the whole purpose of the dam in the first place was the ice? Town Manager Welch answered: the embankment of the dam that was the purpose of it.

Chairman Bean stated: support Rusty's thrust and the way he is thinking about this; support Mary-Louise's comments; we initially didn't have any information on this; we've received the timeline; this is a dam that goes back to 1900 that was made by men and women in 1900 and it's lasted 110 years; probably didn't cost anywhere near \$130,000; they didn't have engineers; engineering in this municipal platform is starting to be the dog wagging the tail; we're spending a heck of a lot of it; their options and their costing and their projects are vastly overkill; the \$5.8 million that we did not vote on tonight include \$2 million in engineering costs and excess costs; that's why it's not getting done; we need as leaders in this town to represent the taxpayer; to examine this closely; examined the data that was brought forth to us again; this is a dam that lasted over 100 years built by Hamptons folks; it has been classified by the Dam Bureau and NHDES that it is not a menace; we're serving the master down at the Grist Mill right now with the State; they are dictating that must be done; think as we look at tax issues and tax rates and we look at our employees and taxpayers, we owe allegiance to prioritize; don't think this fits the bill; this has been going on for six years; the recommended repairs initially it was at \$25,000-\$40,000; six years later we are approaching \$150,000; Rusty makes great comments about the granite blocks; we could do it in-house or push this back as it's not a menace and get a better plan and probably save \$50,000-\$70,000 of taxpayers money to repair this; estimates are at \$89,128 and \$165,000; that spread I find very interesting; examined schematic; it's not a menace; examined the sixty-five comments from materials, earth work, reinforcing steel, testing which is great stuff but the beavers are doing it right now; they don't have sixty-five notes; I'm describing the logic; read note number ten; have a lot of faith in the beavers; examined this thing; don't think it's a threat to the town; appreciate the Conservation Committees efforts; not only on this project but every project they do; my personal opinion is I'm concerned about the Grist Mill; concerned about that threat and what happens in a 100 year storm or 50 year storm; I don't support this for the reasons just articulated based on the data provided.

Selectman Woolsey stated: still concerned about the size of the culvert coming off the end of the Grist Mill and going across High Street at the end there; it's an undersized culvert; if you want the water to flow freely and not backup and wash out Woodland Road and North Shore Road and everything upstream; got to have the culvert; lost the opportunity for a grant for the culvert because of the uproar over the Grist Mill; got to replace the culvert; a lot more in favor of getting money together to get that culvert replaced at the end of High Street; causing flooding at the end year; they never should have allowed to build in the marsh there; seems it would unclog a lot of the water upstream if you let it flow properly and got a culvert wide enough to accommodate that stuff and get it in the meadow pond; absolutely not in favor of doing this.

Mr. Diener stated: had looked at putting this warrant article forth last year; in deference to the fact that there was more imminent danger and more need to act quickly at Grist Mill, we deferred; very sensitive to the needs of the Grist Mill; the cost differential between repair and

replacement is substantial because it is replacement; that's what it requires now that it has totally failed; the work that is required is substantially more than originally.

Chairman Bean stated: seeing no motion.

Selectman Woolsey asked: so the lack of a motion means this will not go on the warrant?

Assistant Town Manager Sullivan answered: it will not move forward.

Selectman Bridle stated: If it is not a Selectmen's article, it could be a petition article.

d. Grist Mill/Mill Pond Dam Update – No discussion

Additional Old Business

Chairman Bean asked: any discussion from the Board or additional warrant article comment; Selectman Waddell wanted to push back any more talk on the Trustees.

Selectman Woolsey asked: what on Earth is happening with the school channel? Selectman Bridle answered: some of the equipment they were looking for just got back to this office; it's supposedly going to be worked on; it should be up anytime.

Chairman Bean stated: want to come right back to this but is that a warrant article issue? Selectman Woolsey stated: no; let's talk about three warrant articles; need to get the article together about joining the community rating system has to go on the March warrant; going to be locked in firm in 2015.

Town Manager Welch stated: supposed to come from the Planning Board; it's a warrant article that would amend the existing zoning ordinance for flood control; believe the Planning Board is supposed to draft that warrant article.

Selectman Woolsey asked: could we pinch the planner? Town Manager Welch answered that we could ask.

Selectman Woolsey stated: am not prepared to try and write this; we need this.

Chairman Bean stated: may I make a suggestion; we are speaking flood; can we bring this up next week and kind of move the ball forward on a proposal; Rick is the liaison.

Selectman Woolsey stated: whatever they need to comply with that rating; get us into the community rating plan so we can try and mitigate some of the effects.

Selectman Griffin stated: I've mentioned it to the planner before; believe he is looking at it.

Selectman Woolsey stated: the Counsel's memos on zoning articles; need to put Selectmen's zoning articles in this year; losing the fight one building permit at a time in this town; cannot continue to tell the public that we have an aquifer protection district; what responsibility we are going to have with all these projects coming in; want to work with Attorney Gearreald to start adapting and rework the regulations for the aquifer protection zones.

Chairman Bean stated: raise good issues; water is very important; what carries as what is warrant language, and a motion, and board action; warrant language is prepared and comes to the board and there is a motion and then it carries or it doesn't.

Selectman Griffin asked: are you suggesting that there should be more than 400 feet?

Selectman Woolsey answered: if you are in the aquifer and the water is flowing toward the well source for drinking water for this town you don't allow building.

Selectman Griffin stated: at the Planning Board we were told it was 400 feet all over the United States; no one has more than 400 feet; this is like the taxi thing; if we have more than 400 feet; it's more than other places in the whole United States; got my information from there.

Selectman Woolsey stated: also explained to you there should be test wells.

Chairman Bean stated: any Selectman can work with the Town Manager or Town Attorney to develop the language; make the motion; the motion carries or not; liaison to different boards; it is always important to keep them informed.

Selectman Woolsey stated: we need probably two articles to adapt some of the areas of zoning to prevent building and contamination.

Selectman Waddell asked: are we talking about the Trustees of the Trust? Chairman Bean stated: we pushed back; we're still working it; wanted to hear your comments.

Selectman Waddell stated: looked into it and researched it; a lot of people felt it's an extremely complicated issue; was set up to be an incoming producing trust; in 2003 they passed the legislation that allowed us to borrow from it at the rates; there are no IRS issues or any accounting type issues; would be afraid it would become a sludge fund; it would open up that you could borrow to easily; if you're taking money away from, then the interest isn't being generated; you're paying zero interest but you have the principle that isn't generating income; still an issue that needs to be looked at very closely; go back to what the trust was originally setup for; what is supposed to do; would not be in favor of it right now.

Chairman Bean stated: my point on that is that there is a provision right now for taxpayers in town to use their own money; we do get \$600,000 and some change from that; we have been the beneficiaries of an extraordinary stock market surge; stock markets can collapse as well and they have under some most recent watches; if you have x in the stock market and you lose 40%, you have lost your 40%; have looked at the portfolios and nothing is immune from this; if we have infrastructure needs and we talk about Exeter Road and we talk about water conservation and we talk about energy; \$600,000 a year just doesn't begin to do it; the provision is already in place for taxpayers to use this trust fund money; we just have to pay more than we should because it's our money; this is a simple fix with the legislature; we have talked with Senator Stiles; I won't bring that forward; if another Board member does, I'd fully support it; think it's an idea perhaps whose time will evolve; as we all become more comfortable with it, maybe not this year but next year; think it's a good idea; if we have \$19,000,000 in the bank and \$3 or \$4 million in the undesignated fund balance rather than increasing taxes and going without and driving on unsafe roads maybe we can use some of our money.

Selectman Waddell stated: on the improvement for the town offices, have we applied to REGI for any money? Town Manager Welch stated: no, we haven't; have to have approval for the work first; if it did move forward we would attempt to get some money.

VII. Closing Comments (1:22:31)

Chairman Bean stated before we adjourn there is a need to go into a non-public; could you lead us into that the correct way; do we do it before we adjourn or after we adjourn? Town

Manager Welch stated if you are going into a non-public session, you need to move into the non-public session before you adjourn.

Selectman Woolsey MOVED to go into a non-public session under RSA 91-A:3 II dealing with a personnel matter SECONDED by Selectman Bridle.

VOTE: 5-0-0

VIII. Adjournment (1:23:24)

Selectman Waddell MOVED to ADJOURN the public meeting at 8:29PM SECONDED by Selectman Griffin.

VOTE: 5-0-0

Chairman