

December 22, 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 Comment Period (8:19)

Art Moody, 3 Thomsen Road, spoke about the history of the Town of Hampton and its churches.

Frank Chiaramitaro, 320 Locke Road, Rye, NH, owns 5 Stowcroft & Lots 25 & 26 Westridge Drive in Hampton, spoke about the petition to lay out a road on Lot B for a new subdivision that will be upon the Board at a future date; doesn't think it's appropriate that the Board to even take up and consider the petition, until ownership of Lot B is determined; read from correspondence from his lawyer stating the reasons why the Board should not act under law.

#### II. Announcements and Community Calendar (17:35)

Selectman Woolsey thanked the fellow members of the Board, Town Manager, Assistant Town Manager, and all employees for their courtesy and hard work all year long; thanked individual members of the public for speaking up about concerns with the Town; wish everyone a Merry Christmas and Happy New Year.

Selectman Griffin wished everyone a joyous holiday season and a healthy one for everybody.

Selectman Bridle wished everyone a Merry Christmas or whatever holiday celebrated: have a safe and happy New Year.

Selectman Waddell: Merry Christmas to everybody; happy holidays, have a safe holiday.

Chairman Bean: Merry Christmas and Happy Holidays to the greatest denizens of the greatest community in the greatest state in the greatest country in the world; pleasure to work with the Board and represent the Town; the Board of Selectmen as leaders; have been in discussions with the Hampton Fire Department Supervisory Association Local 3017 and Hampton Fire Firefighters Local 2664 affiliated with the IAFF/AFL-CIO; those discussions have been fruitful; discussed the net results of those tonight; unanimous approval of that tentative agreement; waiting for the exact verbiage to come back; upon receipt of that, it will be signed and approved enthusiastically and unanimously by the Board; appreciate the good work the Fire Department does.

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III. Consent Agenda (20:06)

1. Appointment of Emergency Management Director – Chief Sawyer
2. Appointment to the Recycling Education Committee – Christine Baker
3. Appointment to the Leased Land Commission – Christine Baker

Selectman Woolsey MOVED the Consent Agenda SECONDED by Selectman Waddell.

VOTE: 5-0-0

IV. Approval of Minutes (20:25)

1. December 08, 2014

Page 1: 2<sup>nd</sup> paragraph, 3<sup>rd</sup> line change the date of December 01, 2014 to be December 08.

Page 5: 1<sup>st</sup> paragraph, change “Randy” to “Renny”.

Selectmen Woolsey MOVED to APPROVE the minutes of December 08, 2014 as amended SECONDED by Selectman Waddell.

VOTE: 5-0-0

V. Appointments (21:28)

1. Kristi Pulliam, Finance Director
  - a. Monthly Financials

Ms. Pulliam : eleventh report of 2014 with an expenditure target of 91.67%; month's total income was \$398,000; Motor Vehicles came in at \$215,000; puts Motor Vehicles \$299,000 above budget; other major contributors to the month's total were Building Permits at \$11,000, Franchise Fees at \$64,000, Departmental Income at \$36,000, Interest on Taxes at \$12,000, Real Estate Trust at \$39,000, Parking Lot Revenue at \$3,000, Miscellaneous State Grants at \$4,000, and Land Use Change at \$10,000; did receive the check today for Rooms and Meals Tax for \$722,150.02; the expense summary at the end of November the operating departments without debt services but with open POs were 89.43% of the budget; lower by \$511,000 than the month's 91.67% target; in Finance, the postage and account for registry of deeds are both running over budget; in Management Information System, the four equipment related accounts have a combined budget of \$81,000; through November 78.15% of the budget for those items; Personnel Administration is now within the target; Planning Board is running over budget but when combined with the Office of Planning they are within budget at 79.4%; Municipal Insurance continues to run over budget; Police Department is at 89.3% overall when open POs are included; Fire Department is at 85.3% overall when open POs are included; Highways and Streets is running slightly below target at 87.8% when open POs are included; Municipal Sanitation is now running under budget at 89.8% and that includes the \$30,000 annual PO for chemicals included in that total; Parks and Recreation is within target; Warrant Article the costs for the eighth of the nine months relating to CBAs were booked; as of today, all 2013 encumbrances have been closed; the Beach Sticker donations year to date equals \$18,000 with \$26,000 has been awarded as scholarships; Cable Committee current fund balance is below last year's ending total.

Selectman Woolsey: are we going to assign a fund number to the sewer buy-in charge?  
Town Manager Welch: it goes to the Treasurer.

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Ms. Pulliam: the Treasurer had to open up another account for that similar to Impact Fees; it is \$55,093.

Selectman Woolsey: thinking where we have the Recreation Fund and Cable Fund there.

Ms. Pulliam: would you like to me to add that there? Selectman Woolsey asked: would that be okay Fred? Town Manager Welch answered we can do that.

Selectman Woolsey: have a copy of the Education Tax Warrant; would you explain briefly the impact of that; it is for \$6,769,141? Town Manager Welch: it is collected from the utilities; utilities are billed for education tax from the state; they are not billed through the Town; we do not collect utility taxes for education through the Town; that money is collected by the state; they issue a warrant.

Selectman Woolsey: do you think there will be enough of the \$25,000 in Fire for the lights so we do not have to put that as a special money article? Ms. Pulliam: have been collecting items like that; planning on reviewing those with Fred later this week or beginning of next week; right now we are running close.

Selectman Waddell: I like to look at the picture, are we going to end the year nicely; no big problems? Ms. Pulliam: no snow in the forecast.

b. Fixed Assets Policy (28:50)

Ms. Pulliam : Mike had started a Fixed Asset Policy when he was here; have reviewed it and made a few changes; collected Fixed Asset Policies from several other communities; have run this by our Town Manager and our Auditors; this is one of the pieces of being compliant under GASB 34; need to have a Fixed Asset Policy prior to gathering all the data and getting it to them; with this policy, if the Board chooses to adopt, along with the work the Finance Department has done to collect all of the information and put it into the software, hoping that adverse opinion when the auditors come will be removed; if we get this adopted, we should be in good shape to move forward and be in compliance with GASB 34.

Selectmen Woolsey MOVED to APPROVE and ADOPT the Town of Hampton's Fixed Asset Policy SECONDED by Selectman Waddell.

VOTE: 5-0-0

Ms. Pulliam: gave you a couple things on Friday; the overruns of some of the budget line items; two of them are already over; the fire hydrants and Patriotic purposes are over; there are a couple other line items that are close; doesn't mean that they will run over budget; required that the Board take a vote of any overruns that could occur; believe there would be a motion needed.

Town Manager Welch: there should be a motion taken; Board should understand that this is subject to amendment at the time the books are closed which would be sometime in January.

Chairman Bean: this is for municipal budget line item overruns, is that correct? Town Manager Welch: this is the statute requirement for line item overruns.

Chairman Bean: do you want to brief that so the public knows what we are talking about.

Town Manager Welch: line item number 4130 Executive 99.32% we expect it to run over; line item 4150 Financial Administration 95.1%; line item 4155 Personnel Administration

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96.98%; line item 4196 Municipal Insurance 99.09%; line item 4299 Other Safety Services 103.41%; line item 4583 Patriotic Purposes 110.16%; except by estimate that they will all exceed, with the exception of the last two which have already exceeded, the 100% level by the end of the year.

Selectman Waddell asked just for clarification, if they were to run over, we take the money from? Town Manager Welch: it is the bottom line of the town budget that is required to not go over; we have sufficient funds there to make sure we have no problems at this point.

Chairman Bean: this has been addressed by Town Counsel and in accordance with the New Hampshire Municipal Association and New Hampshire state law.

Selectman Woolsey: for the Budget Committees review would like to see the overruns on the lines; we are responsible for the bottom line of the budget; would like the Budget Committee to see what went over and what stayed under.

Ms. Pulliam: that is why we are making sure everyone is charging things to the proper line items.

Selectman Waddell MOVED to APPROVE the line item overruns SECONDED by Selectman Woolsey.

VOTE: 5-0-0

Ms. Pulliam : presented the analysis of the open POs, along with any warrant articles that can be carried forward; it's a total of \$179,741 in purchase orders as of right now and \$994,719 in regards to warrant articles; warrant articles there was the Waste Water Treatment Study which was a 2013 warrant article 10; Waste Water I & I Study which was a 2013 warrant article 9; Parks & Recreation Infrastructure which was in regards to the garage at Tuck Field that was article 24 from 2012; that one will probably be closed prior to my next appointment in January; some of the purchase orders that are larger; there are two for IT; one for data recovery and one for the sonic wall upgrade; those two together are about \$14-15,000; PD has a couple out there; one for ammo at \$12,720 and one for air conditioner compressor repair for \$6,000; Fire Department has a couple out there; one for vehicle repairs and another for their acorn system that's about \$12,000; DPW has some vehicle repairs, a plowing chemical salts and their totals about \$60,000 plus; that's the highlight of it; this is subject to change.

Chairman Bean: great report and great data.

Ms. Pulliam: do they need to make a motion Fred or just bring it to their attention Fred? Town Manager Welch answered: just bring it to their attention until we close the books.

2. Acting Fire Chief Ayotte (36:59)
  - a. Waiver from Purchasing Policy 718-16 Sole Source Provider – Cardiac Monitors (4)

Acting Fire Chief Ayotte : thanked the generosity of the citizens; the toy bank has had a banner year; going to be helping sixty-five Hampton families; specifically 171 Hampton children; Firefighters Buck Frost and Matt Cray have done the lead roles and they have done a tremendous job; request a waiver from the purchasing policy for the sole source of cardiac monitors; done to three plus one on the engine; had a committee get together and discussed what is wanted; discussed the top three competitors; invited the top three competitors; seek to

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go with is Zoll; it is by far the far superior product and they came in with the lowest price point; if we went to bid we wouldn't get the end of year deal we're getting right now if we are able; they will accept as trade in the monitors we currently have at a price of \$9,600 per monitor; the current company we are using will only give us \$1,000 trade in per monitor; not compromising on quality here.

Selectman Woolsey: is that the device there? Acting Fire Chief Ayotte: it is an AED; that is not what we are looking to purchase; that's an automatic external defibrillator; it basically walks you through the process; the ones we are looking for, have the feature of AED but can go manual; transmit it to the hospital; a lot of the decisions are made in the ambulance.

Selectman Woolsey: so this is strictly for the Fire Department's use? Acting Fire Chief Ayotte: correct; going to put three in the ambulances and one on the paramedic engine.

Selectman Woolsey: conceivably, are we going to need more in the future? Acting Fire Chief Ayotte: currently we have the need for five; feel very comfortable that we can cover the cost for four; in the future think it would be prudent to replace two pieces of very old equipment purchased twenty years ago; we'll get through until we are able to purchase again.

Selectman Bridle: looks like some of these life packs are thirteen years old? Acting Fire Chief Ayotte: almost fifteen, yes.

Selectman Bridle: I remember when they were purchased; they were top of the line; know of the Zoll product and it is a very fine product; think they have done their due diligence and think we should move forward.

Selectman Waddell: impressed with the packet you put together; think it is important for the public to realize how many times you have used this; 3,080 times.

Acting Fire Chief Ayotte: cardiac monitors believe I went back to 2011 for those numbers; one in three patients gets a cardiac monitor; not everyone gets a defibrillator; Firefighter Nate Denio did so much work behind the scenes in getting this accomplished; we're a little over one hundred years' experience in EMS with this committee of six members; everyone in the room said this is the best product.

Selectman Waddell: you are getting a much better deal with the trade-in; with that, you are saving money and you are getting the best product.

Acting Fire Chief Ayotte : there is another component; Zoll did two other things that no other competitor did; they are going to give us an extensive training component to this; totally different technology; based on military; different than what we are used to; said if there is a problem at all they will give us a loaner device.

Chairman Bean: this will be funded through the Emergency Medical Services Special Revenue Account and will have no impact to the Fire Department municipal budget; is that correct? Acting Fire Chief Ayotte answered: that is correct.

Selectmen Woolsey MOVED to APPROVE the Waiver from Purchasing Policy 718-16 Sole Source Provider for the Cardiac Monitors (4) SECONDED by Selectman Bridle.

VOTE: 5-0-0

3. Stephen Ells (43:51)
  - a. Richardson Real Estate Investments, LLC "376 Winnacunnet Road Subdivision"

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i. Request for Acceptance of Sewer Easement located on Lot #5

Attorney Gearreald : this appointment is to consider several aspects to the subdivision approved in October by the Planning Board; there are certain facets to the matter that can only be approved by the Selectmen; one has to do with the acceptance of a sewer easement deed; the second has to do with street lights; the third has to do with fire hydrants; the last two items involve an expenditure of public funds if accepted and this Board is the Board to come for that; more efficient way to go about it would be for this Board to be approached and get its assent to all of these items before the Planning Board acts; the Town Manager has approached the Planning Board about doing all of this; hopefully this is the last time we go through this particular procedure in this fashion.

Mr. Ells : appearing on behalf of Susan Scott who is the current owner of 376 Winnacunnet Road; also have Richard Green of Richardson Real Estate Investments, LLC the developer and Henry Boyd from Millennium Engineering who did the engineering and survey work for the project; project is the Scott home at 376 Winnacunnet Road; it's gone through the Professional Review Committee, Conservation Committee, and Planning Board; received conditional approval for a ten lot subdivision; one condition is the granting of a sewer easement to the Town; developer is willing to do so; has provided a proposed deed to the Town; the Board of Selectman is the only body that can accept a grant of land; easement will run from the cul-de-sac that will be constructed to the north end of the proposed subdivision in the northerly direction and will tie in to the long existing sewer main which crosses the Scott property in an east-west direction; Chris Jacobs of DPW has ask that the Town be provided not only with the sewer easement, the Town would also like an access easement, so his men and equipment could access the large existing sewer transmission line to the rear of the property; to do this the developer will have to use some fairly stable materials once they bury the new sewer easement pipe, developer willing to do that and has agreed to construct the easement in that manner; has also agreed to include as a covenant to the deed to lot 5, which will be affected by the easement, that the homeowner will be required to mow this twenty foot wide easement and to not plant trees or bushes or place or construct any structure within the bounds of the easement; those are all perfectly reasonable conditions; Mark, Chris, and I have exchanged draft deeds; we're pretty close to the final form of what that deed will look like; when considering the motion, you may want to consider conditions; if there is ever any damage to this area in the future, willing to put in the homeowner's association documents that the homeowner's association will take care of the restoration in its original manner; this was a condition imposed by the Planning Board; happy to meet the conditions that the DPW has asked us to meet.

Town Manager Welch believes that Counsel, Public Works, and he are all in agreement; suggestion would be to tentatively approve the easement; the documents that need to be completed and drafted, be completed and sent to the Board for signature and formal approval by vote of the Board.

Selectman Woolsey: is this a current map; the cul-de-sac looks close? Mr. Boyd answered that it is still close but it has been moved; the right of way was up to the property line; new documents are based upon the revised plans, which have shifted it away.

Town Manager Welch: the cul-de-sac was moved away and the Planning Board instructed that heavy plantings be made along the property line to screen that area.

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Selectman Woolsey: this road slopes down from Winnacunnet and into the backland behind Bradstreet Road; we are going to end up with a neighborhood that exists already, specifically Sanborn Road, where you have one lot wide with a road on each side; is that correct? Mr. Boyd answered yes.

Selectman Woolsey: astonished we are allowing that.

Chairman Bean: Counsel and these parties have come prepared; are there questions on requests for the sewer easement.

Selectman Woolsey: with lot 5, who is going to police and make sure the owner of lot 5 is living up to the requirements; who would want to buy a property where they would have to do that? Mr. Ells: Mark has suggested that we place as a condition that in the event that the homeowner fails to fulfill the covenants that the Town would have the right to do it.

Selectman Woolsey: how comfortable as an engineer are you that we are not going to have spillover washing over into Bradstreet and Hedman? Mr. Boyd: did not know we were here on an engineering discussion.

Chairman Bean: would like to speak to agenda items and not get into Planning Board issues.

Selectman Bridle: anytime that we can do it without a lift station, it makes sense.

Mr. Boyd: Chris was very good with his time; sat on the PRC to design this that was satisfactory to the department.

Selectman Waddell: if the Planning Board, Chris and DPW, and the Town Manager are on board, then I am on board.

Town Attorney Gearreald: in case there were any questions, Chris is here to answer them about the details of the easement and what changes have actually been made since the memo. I would ask the Board to make the following motion.

To ACCEPT the sewer easement offered by the developer herein involved under RSA 149i:2 on the conditions that the developer: 1) grade the sewer easement in accordance with the latest grating plan dated December 10, 2014, 2) comply with the terms set forth in Chris Jacobs memorandum dated December 19, 2014 with the exception there would be no gate required to be installed, that there would be three inches of loam and grass seed on top of the six inches to nine inches of gravel which if damaged the Homeowner's Association would pay to restore and reseed, 3) to include language requested by Chris Jacobs within the sewer easement deed and the warranty deed for lot five as appropriate, and 4) position the new sewer line as far away from the house as possible while still allowing for all maintenance work to the line to occur within the twenty foot width.

Selectman Woolsey: do we already have an existing easement that is going across a Sanborn Road property? Mr. Jacobs: yes; we currently have the Scott property cross country easement; it eventually goes over towards Hedman that we currently maintain; this sewer easement request is really the way it should be done; it's important to walk all the easements on a yearly basis for the purpose of making sure the manholes are secure; walk it every year and probably every three years maintain it.

Town Attorney Gearreald: Henry just reminded me that we do not have the deed for that back easement.

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Mr. Boyd: there is; I believe one that has been drafted. Mr. Ells stated not by me. Mr. Boyd: it needs to be drafted; that was one of Chris' points and the Planning Board decision; it was part of the Planning Board condition that an easement be drafted.

Town Attorney Gearreald: so this can be done so we do not have to come back before the Board; it can be added that the back easement that shows on the plan would also be the subject of a deed.

Chairman Bean: we would incorporate that into your motion? Attorney Gearreald: yes please.

Chairman Bean: we will amend that motion; could we get an amended motion from Griffin and Bridle second.

Amend the motion to incorporate the addition of the back sewer easement. Selectmen Griffin MOVED to ACCEPT the sewer easement offered by the developer herein involved under RSA 149-I:2 on the conditions that the developer: 1) grade the sewer easement in accordance with the latest grating plan dated December 10, 2014, 2) comply with the terms set forth in Chris Jacobs memorandum dated December 19, 2014 with the exception there would be no gate required to be installed, that there would be three inches of loam and grass seed on top of the six inches to nine inches of gravel which if damaged the Homeowner's Association would pay to restore and reseed, 3) to include language requested by Chris Jacobs within the sewer easement deed and the warranty deed for lot five as appropriate, and 4) position the new sewer line as far away from the house as possible while still allowing for all maintenance work to the line to occur within the twenty foot width and 5) the back easement that shows on the plan would also be the subject of a deed SECONDED by Selectman Bridle.

VOTE: 4-0-1(Woolsey)

ii. Other matters relating to a decision by the Board of Selectmen (1:03:17)

Mr. Ells stated he expected to discuss the financial responsibility of streetlights and for the hydrant that will be required for this subdivision; not quite sure what is meant by a decision by the Board.

Town Manager Welch : he notified the Planning Board some time ago that when they have subdivisions that involve street lights or hydrants that they need to come to the Selectmen because those all require appropriations from the general taxation of the Town; the Selectmen should be approving those and incorporating those in the necessary budget and expenses of the community; the Planning Board has refused to do that; we've asked then that the developers come to the Town and ask to do that; believe in this particular case it's been addressed but never voted on; the hydrant is essential; don't have a problem with the hydrant location; do have a problem with the street lights because this is an underground distribution system; have not seen how the underground distribution system is structured to power those lights; if it's powered on a separate circuit off the head transformer of the road, then if that should fail, this line is too light to penetrant to find the failure; it would require us to dig up the entire street in order to find the failure; as far as I know none of the underground systems have been backed with conduit so you can't back pull it; if the Town is responsible for the circuit as well as the light pole; can spend upwards of \$100,000 to replace one of these systems in a single subdivision, depending on how it's structured; don't want the Town to be

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obligated to do that; would like the Town to be obligated for the street lights in a way; but don't want them to be obligated to repair the wiring; they are integral to each other; don't know how to accomplish that; a couple other subdivisions in Town the Planning Board has required the sub-dividers or owners of the property be required to put post lights out at the end of their driveways or sidewalks or front walks; that may be the relief mechanism here; it's a known fact that these systems will fail; that's why I'm opposed to underground systems for street lighting; know the subdivision needs to be underground because the Planning Board requires it.

Mr. Boyd : regulations require that street lights be designed into any new roadways; they are shown on the plan originally because that's what is required; the PRC asked us to remove the street lights because the Town wasn't really interested in them; the Planning Board said we don't care what the PRC said; Planning Board wants the street lights; so they were added back in; now the Board of Selectmen and the Town Manager don't want the street lights; the developer never wanted the street lights; would favor more attractive lamps to illuminate the driveways; which wouldn't be the Town's responsibility to repair them or pay the electricity.

Town Manager Welch : understands what happened with the PRC and the Planning Board; the Planning Board can't require the Town to appropriate money; that's where the real bind comes later on; even though we have asked that Board not to include that, they have the right to put them on; when the road comes for acceptance, the Selectmen have three choices; accept the road as it is, accept the road without street lighting, or not to accept the road; there is an alternate to it that the Homeowner's Association could take responsibility for the street light system; it's not very economical for them; post lamps are fine as long as they illuminate properly and are maintained properly.

Mr. Boyd: would the Board support a waiver request if we went back to the Planning Board and asked to remove them? Town Manager Welch: it is not a request for a waiver; the Planning Board does not control this function; the Selectmen control three things; the Selectmen control the acceptance of the road, the appropriation of funds, and the approval of the construction.

Mr. Boyd: if it is within their regulations and required as part of the design, the only relief we have is to seek and be granted a waiver for removal.

Town Manager Welch: if you are not granted the waiver, the Town will be moving to accept the street without the lights.

Chairman Bean asked Attorney Gearreald to come forward.

Town Attorney Gearreald: the Planning Board acted by denying the waiver that was presented to them without knowing exactly what the Selectmen would do; if the Selectmen vote to not to accept the street lights, when we accept the road it would exclude the street lights like in other circumstances; the developer, with that in hand, would go to the Planning Board and ask the site plan be amended to not include the street lights.

Selectman Griffin: would like to go on record and say that I explained this to the Planning Board and it did not matter.

Chairman Bean: are you on board with this Mr. Ells? Mr. Ells answered: that would certainly give us an answer and some ammunition; all we are trying to do is get this record this and get it approved.

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Town Attorney Gearreald: that the actual plan that would be recorded does not show either the streetlights or the hydrant; the recording of the plan would not be held up by that point.

Selectman Woolsey: how you would direct the lights with it being a single lot separation; if it is a single post at the end of the driveway, how do you know people are going to put them on? Chairman Bean: those are rhetorical; we have legal opinion here, and asked the Town Attorney for a motion.

Town Attorney Gearreald: the motion would be to not accept the street lighting and therefore if it were to be part of the development it would be the responsibility of the Homeowner's Association unless the Planning Board amends the site plan.

Selectman Bridle: do we need to include the hydrant in there too? Town Attorney Gearreald: the hydrant as I understand it is something you are going to be accepting on the Town Manager's recommendation.

Town Manager Welch: would recommend you do that because the Homeowner's Association is going to pay four times what we would pay for the hydrant.

Town Attorney Gearreald explained the installation charge is paid by the developer; what we are talking about is the ongoing \$1,835.16 per hydrant that our taxpayers pay to Aquarion.

Selectman Griffin MOVED to not accept the street lighting and therefore if it were to be part of the development it would be the responsibility of the Homeowner's Association unless the Planning Board amends the site plan SECONDED by Selectman Bridle.

VOTE: 4-0-1 (Woolsey)

Selectman Griffin: if that cost is for every hydrant in Town per year? Town Attorney Gearreald answered: correct. Town Manager Welch: the cost is about \$500,000. Town Attorney Gearreald explained it is not based on water capacity; it is based on the availability of water; set by the Public Utilities Commission.

Town Attorney Gearreald would recommend a separate motion to accept the ongoing expense of the hydrant? Town Manager Welch answered: yes, he would.

Selectman Bridle MOVED to ACCEPT the ongoing expense of the hydrant once it is installed SECONDED by Selectman Waddell.

VOTE: 4-0-1 (Woolsey)

Mr. Ells: there has been a suggestion that note four on the existing plan may require some amendment; we don't think it needs to be amended; it's clear the Town has a right but not a duty; Note 4 reads "the Homeowner's Association shall be responsible for maintaining the drainage areas located on lots 5, 6, and 7, however the Town of Hampton shall have the right to access, inspect, and repair these areas as necessary"; there was a suggestion somewhere that might give someone somehow the idea that the Town had a duty; would like to float it here as to whether or not that it's a concern of the Town.

Town Manager Welch: we have maintained other drainage systems, particularly ponds that we didn't wish to maintain those; we have no appropriation to do those or the equipment to do it; we have to issue a contract and have a contractor come and do that work; unfair to the tax payer; asked that note not be allowed to be placed into the requirements on a subdivision; the Homeowner's Association or the owner of the private property be required to maintain it;

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with that said, and if they did not, we want the right to inspect periodically so if they do not and something happens we can always force them to fix it.

Mr. Boyd: that was our point; last conversation was to leave the note as it was but to remove the word repair.

Town Manager Welch: exactly, removal of that word would absolve us from any question about whether or not we had an obligation to repair it.

Town Attorney Gearreald: that one of the requirements that the Planning Board had was that Counsel and DPW get the language of the drainage easement, which is separate from the sewer easement and approve its language; actually, the Town is not being given an easement in an easement deed; this note is all that addresses that.

Town Manager Welch: it is a catch twenty-two; would not want to spend six months in court trying to figure out whether we have to or do not have to; having the word "repair" gives the impression that the Town has the obligation to repair; the Town does not have the money, equipment, or manpower to do it.

Town Attorney Gearreald: Maybe on paper, if we were going to have the right to access and inspect we might want at least a limited deed for that purpose.

Town Manager Welch: some right to pass and repass for inspection purposes; think that is essential; can always go and get an administrative search warrant; not sure, the courts are going to be very happy with that idea.

Town Attorney Gearreald: if that could be done in a reservation to the deed to the individual lots on which the drainage easement is located? Mr. Ells answered: perhaps we could reserve to the Town the right to and then use the language; perhaps we could do it that way. Town Attorney Gearreald: access and inspect. Town Manager Welch: as simply as possible.

Chairman Bean asked Mr. Ells: do you need a couple of minutes to do a sidebar? Mr. Ells: I really don't think so; what we are trying to do is move the ball forward here; had this issue floating around; probably could handle it that way; developer is going to do a deed to the Homeowner's Association of a drainage easement over lots 5, 6, and 7 where this drainage structure will be located; that deed can reserve certain rights so we could reserve an access easement in favor of the Town to access and inspect, but not maintain or repair.

Chairman Bean: it seems like a simple issue; how is this going forward to reach fruition.

Town Attorney Gearreald: if Attorney Ells will amend the description of what the Homeowner's Association gets and puts something in the deeds to lots 5, 6, and 7 that reserves an ability on the part of the Town to access and inspect the drainage easement to see if the Homeowner's Association doing its job, think that would be sufficient.

Mr. Ells: think if I reserve the grant of the easement to maintain the drainage easement, if I reserve in that deed, do not think I need to go to the next level of going to lots 5, 6, and 7; they are all part of the whole; that would be the simplest way to do it.

Town Attorney Gearreald: will it be in the Homeowner's Association documents? Mr. Ells: yes, in the deed to the Homeowner's Association; the drainage easement to the Homeowner's Association; maybe throw in a paragraph in the Homeowner's Association bylaws.

Chairman Bean: we need a motion so that can be granted.

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Selectman Griffin MOVED that the ability of the Town to access and inspect the drainage easement for compliance with maintenance requirements to be put in as a reservation to the deed of the Homeowner's Association from the developer SECONDED by Selectman Waddell.

VOTE: 4-0-1 (Woolsey)

#### VI. Town Manager's Report (1:24:10)

1. I have forwarded to the Board some information regarding fees for the Fire Department. We will need to draft a warrant article to amend the Fire Code Ordinance to bring the Ordinance into line with the statutes so that the fee in the ordinance can be amended by the Selectmen in accordance with prior Town Meeting vote.

Town Manager Welch added: there is a fee requirement in regards to creation and inspection of sprinkler systems and stand pipes; that fee is \$40; it's an ancient fee; needs to be brought up to what it actually costs to do that function; should take it out of the ordinance and put in the statute; that way it can be done on a regular basis and kept current as time goes on.

2. The Selectmen's Office has received a petitioned warrant article for a \$5000 appropriation that will assist in bring the Vietnam Veterans Memorial Wall to Hampton Beach.

Town Manager Welch explained that the last day to submit petition warrant articles is January 13, 2015 at 5:00pm in the Selectmen's Office here in Town Hall.

3. The Town Hall will be closed from Noon to 1:30 PM on Tuesday, December 23 so that the employees can have their annual Christmas Party.
4. Tonight will be the last scheduled meeting of the year for the Board of Selectmen. The next regular schedule meeting of the Board will be January 5, 2015.
5. I extend my best wishes to the Board and our citizens for a very Merry Christmas and a Happy New Year.

Selectman Woolsey: there are impediments on sidewalks in Town that could potentially impede plowing; would like the Board annual report picture to be a joint one again this year if that's okay with everyone; want to confirm that the CRS that Jennifer Gilbert has addressed will be satisfied by article one.

Town Manager Welch: we must adopt article one or we cannot adopt that program; the responsibility of that is between the Planning Board and Conservation Commission; believe they are actively acting on it.

Selectman Woolsey: article one is critical to the community.

Town Manager Welch: if the amendments of article one are not passed, then there will be no flood insurance for anybody in Town because it will not comply with the statutory requirements.

Selectman Woolsey: would like to see the most recent Trustees of the Trust Funds audit with the letter of findings and recommendations as part of the annual report; are we mentioning anything about the two state aid grants that the two State Representatives are presenting in Concord? Town Manager Welch: we are not actively on the list of people to be cut for those particular aids; they are going to be rescinding the authority to pay some of those grants; they

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are due by appropriations; there are some questions about how much will come out of those grants.

Selectman Bridle: do we need a motion for those warrant articles? Town Manager Welch answered: they are private petition articles; they must go on by statute.

## VII. New Business (1:31:15)

### 1. Collective Bargaining Ratification

Chairman Bean: would like to thank the Assistant Town Manager Jamie Sullivan for the extraordinary job he did bring that tentative agreement to fruition; he did an extraordinary job along with Town Counsel under Mr. Welch's leadership.

Selectman Waddell: the Town saved a lot of money by not having outside counsel. Town Manager Welch: yes, about \$17,000.

Chairman Bean: would you elaborate on that and how that function happened.

Town Manager Welch explained that this Board made a conscious decision that they would assign a member of the Board along with the Assistant Town Manager and with the assistance of Town Counsel and myself, to negotiate the contract and the agreement with the two Fire Department units; that was done in three meetings; they are subject to final wording which the Board needs to see; they will take a ratification vote which will happen at the next meeting January 5th.

Selectmen Woolsey MOVED to APPROVE the Collective Bargaining Ratification SECONDED by Selectman Waddell.

VOTE: 5-0-0

### 2. Acceptance of Quitclaim Deed for Salt Marsh Land – Tax Map 201, Lot 3 and to abate the taxes paid in 2014 (1:33:30)

Selectmen Woolsey MOVED to Accept the Quitclaim Deed for Salt Marsh Land – Tax Map 201, Lot 3 and to abate the taxes paid in 2014 SECONDED by Selectman Waddell.

VOTE: 5-0-0

### 3. 2015 JOP DRED (1:33:45)

Town Manager Welch: met with the State; the last JOP was signed after the closing of the beach in September; identified a major problem in the JOP that was with the collection and subsequent removal of lobster traps; agreed with the State that that entire section was to be removed from the JOP; they would put a dumpster at the Town facility and they would put the lobster traps in there and when it was full they would remove it; they never did that; asked them to remove the lobster traps that are there and they are in the process of doing that; asked them to simply remove this from the JOP; only change they agreed to in the JOP.

Selectman Woolsey: want to see in this document mandatory recycling; State of New Hampshire is going to have to police its beach; cannot accept comingled waste anymore; want to see what is required for the residents, be required for the State; why doesn't the State put the dumpsters on their own property; shouldn't have to take up space in our facility; big thing this year is recycling and waste; if they are going to be bringing it into our transfer

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station, and I object to that in principle, they better be segregating the recyclables from the waste.

Selectman Griffin: besides the issues you mentioned do you have any problem with the JOP?  
Town Manager Welch answered: no.

Selectman Griffin: neither do I; I am for how it is written.

Town Manager Welch: think we need to give it a test; we extensively amended it last year; we have been less than cordial with DRED on getting some of these things administered; one of the reasons the dumpsters are allowed is because they were placing them under resident's windows; resident were being buried by sea gulls; they were allowed to bring them down there with strict stipulations; if they violate them, they are gone; if it doesn't work, it will be short lived because we won't allow them on the property.

Selectman Griffin: I agree with Fred; I am for as it is written.

Selectman Bridle: does this address any of the rakings of Hampton Town owned beaches?  
Town Manager Welch: the portion we own on the State beach, they do rake that and maintain it; we do the other side of the river and we don't rely on their vendor; we have received no complaints with the new vendor at Sun Valley.

Selectman Bridle: as far as the recycling goes, we can talk to them and see about better signage down there and encourage them.

Town Manager Welch: the State recycling right now is at 18-19%; not that far below our own; problem they have is people leave trash on the beach; they refuse to give citations out; until they do that it's not going to change; that material we don't accept; it needs to leave our property.

Selectman Bridle: so it is not costing us? Town Manager Welch : there is mixed recycling that go into the trash barrels down at the beach; the only way to effect that is to put somebody there at the barrels; they won't do that and they won't go through the barrels; not allowed to by law; think it is fine the way you presented it.

Selectman Waddell: as long as you are happy with this, I am happy; agree that we have to push the State towards more recycling; if it's new this year, we need to see how it works and try to work cooperatively with the State to get them to work with us.

Town Manager Welch: they have a requirement to have an effective recycling program; we were very forceful in telling them they need to implement the recycling program; they have been trying to perfect it and move it forward.

Selectman Waddell: difficult when you have people at the beach you do not have control over.

Chairman Bean: they are ten points off our recycling rate in the Town.

Selectmen Griffin MOVED to APPROVE the 2015 JOP DRED SECONDED by Selectman Waddell.

Selectman Woolsey: how come other communities keep the beaches clean; how do they do that? Town Manager Welch answered: the same way we are keeping Sun Valley clean.

Chairman Bean: Mary-Louise you make some good points on the recycling.

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VOTE: 4-1-0 (Woolsey)

4. Parking Issues 1<sup>st</sup> through 19<sup>th</sup> Streets (1:45:49)
5. Parking Issues Boar's Head and Plaice Cove

Town Manager Welch: Mrs. Woolsey asked me to place these on the agenda; intention is to almost go street by street and have a meeting with the people and find out what the problems are there; one problem is individual who are urinating on private property, want to have some input from the residents on whether the parking should be resident parking only on one side because of the narrowness; then bring recommendations back to the Board.

Selectman Woolsey: feels for the residents; would like to get feedback from the residents; like to setup some serious type of regulations; have some real enforcement; need to have something in place before the season starts.

Selectman Griffin: other Boards have work over and over on this; do not think it is that easy; not necessarily in favor of these things; you cannot control it.

Selectman Bridle: hopefully there is something that can be done with the parking down there; need to remember those are public roads; talk with the residents down there and see if there is a problem and what the problem is.

Selectman Waddell: do believe there are some safety concerns; need to look at it with the residents; it's not a simple issue.

Chairman Bean: we will schedule a public hearing as we approach spring for both parking issues.

6. Appointment of Selectmen Representative to the Conservation Commission (1:53:30)

Chairman Bean: the Conservation Commission has been energetic; involved in land us; involved with Planning Board; have reasserted a warrant article; we have no representative to that commission.

Selectman Woolsey would like to volunteer.

Selectman Griffin: Do not see the need for it.

Selectman Bridle: they do a lot of good work; not opposed to a member being on that.

Selectman Waddell: not opposed to a member being on that.

Chairman Bean: will second that volunteerism from Selectman Woolsey.

Chairman Bean MOVED to APPROVE Selectman Woolsey as the Selectmen Representative to the Conservation Commission SECONDED by Selectman Bridle.

VOTE: 4-0-1(Woolsey)

### VIII. Old Business (1:54:40)

1. Draft Warrant Articles
  - a. Updated Warrant

Town Manager Welch: Selectman Waddell found something dealing with the Trustees; believe the Board has instructed us to take that off; believe that was the statute that was passed this year that allows them to charge the capital reserve fund for their brokerage fees.

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Selectman Waddell: With article thirty-four, didn't that include in there the borrowing at zero percent? Town Manager Welch: no that was stripped out.

b. High Street/Lafayette Road Drainage Article (1:56:50)

Town Manager Welch: total cost for that article is \$449,156 of which \$149,156 is offsetting revenue from the Federal Government; they have already committed that to us; this takes the drainage at approximate Dearborn down High Street to the corner of Lafayette Road down past Marelli's and across to the drainage easement that runs through the depot and out and down to the marsh; that area is subject to flooding.

Selectman Woolsey: do you have any confidence in this figure? Town Manager Welch: this sum is based on the last bidding we did; the engineers estimate came in at half of this price; the problem is there is no place for them to place the stuff when they dig it; they have to haul it away; have no idea what the individual contractors are going to come back for with a figure.

Selectman Woolsey: Do not want to see this on the warrant.

Selectman Bridle : need to go with the best figures we have; if we have \$149,000 that's going to be picked up by the Federal Government, foolish not to put it on the warrant; foolish to do nothing; like to see it on the warrant.

Selectman Waddell: if there were something major to take place; how bad is the road; how bad is the drainage? Town Manager Welch: the road is in good condition; do not think you are going to have a collapse there; there is too much water there for the system.

Selectman Waddell: In the past year, have there been damages to the properties? Town Manager Welch: there have been varying damages to the properties that have occurred.

Selectman Waddell: are there any other chances to get Federal Emergency Management Money? Town Manager Welch: actually no; the money will expire in February; if we put the warrant article in and it goes to town meeting and it is not voted, they will hold the money until town meeting; if it is voted, the money will be committed; if it is not voted, the money will disappear and cannot come back.

Selectman Waddell: it is up to the people to vote on this; it is a serious situation.

Selectman Woolsey: if this goes on the warrant like this and it passes, without the grant, we won't have the money to do it anyway; think it is undervalued; it is a big, tough project.

Town Manager Welch: if the bids come in more than the appropriation, then we cannot do it; we notify them and the money will disappear.

Selectman Bridle: then that is what we will do; can only go with the best figures we have and been given.

Chairman Bean asked for all those in favor of the High Street/Lafayette Road Drainage in the amount of \$449,156 with an offset from a Government grant of \$149,156 from the State of New Hampshire. The Selectman support this, with Selectman Woolsey opposed.

c. Amended Fire Prevention Ordinance Article (2:04:07)

Town Manager Welch explained that this fee deals with the Town code; says there will be a permit fee of \$40 per structure; relates to sprinkler and stand pipe systems inspections and

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review; need to eliminate that; suggestion would be to substitute therefore the words permit fee shall be in accordance with fees set by the Board of Selectmen following a public hearing in accordance to the provisions of RSA 41:91-A as previously accepted by the town meeting.

Selectman Woolsey MOVED to APPROVE the Amended Fire Prevention Ordinance Article SECONDED by Selectman Bridle.

VOTE: 5-0-0

IX. Closing Comments (2:05:21)

Selectman Woolsey: when is our next review of the Town warrant articles?

Town Manager Welch: January 5, 2015; and have instructed the Administrative Assistant to continue to have the warrant articles on every agenda until the close of the day on the 13<sup>th</sup>.

X. Adjournment (2:06:08)

Selectman Griffin MOVED to ADJOURN the public meeting at 9:00PM SECONDED by Selectman Bridle.

VOTE: 5-0-0

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Chairman