

Note: Draft minutes are subject to corrections, additions and deletions.

January 04, 2016

PRESENT: Rick Griffin, Chairman
Rusty Bridle, Vice-Chairman
Mary-Louise Woolsey, Selectman
Phil Bean, Selectman
Jim Waddell, Selectman
Frederick Welch, Town Manager
Jamie Sullivan, Assistant Town Manager
Mark Gearreald, Attorney

SALUTE TO THE FLAG

I. Public Comment Period

Mike Pierce: Mike Pierce: amendment to the Town Code Chapter 611, approved in 2007; unassigned fund balance be 5% of Town responsibility in addition to uncollected taxes. From 2007-2014 the unassigned fund balance grew practically every year. This Board and the Town Manager were considering expending \$860,000 of the unassigned fund to pay for warrants; and the unassigned balance cash or cash equivalent were not mentioned during those discussions, or 611. Why was the Town policy missing from the audit is the question of the day.

Kathy Rush: I just moved into Hilliard Avenue; I understand that I have to take my barrels out of my driveway all the way to Winnacunnet Road to have trash pick-up; I am opposed to this; I am paying taxes; I think I should be able to put my barrels at the end of the driveway for pick-up.

Charlie Preston: can we work with recreation or DPW and come up with a new and better system with parking in the Town parking lots until 8am.

Steven Hogan: we have the Federal Government coming down Hilliard Drive, the USPS and Fed Ex. Green & Co. will take care of things in the spring with the final code; it would be very helpful to use to have the trash picked up.

II. Announcements and Community Calendar (21:07)

Selectman Woolsey: go online to the Town website to get a recording from DPW for road conditions and trash pick-up times.

III. Appointments (22:28)

1. Chief Sawyer and Deputy Hobbs, Police Department
 - a. Departmental Update

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Chief Sawyer: staffing level for full time officers is at 34; part time staff is 34; recruitment and retention remain a focus; tragically, we incurred seven overdose deaths; an officer from our department was assigned to a Federal task force to help combat the opioid crisis. Our call for services were up 9%; arrests up 5%; DWI up 17%; drug offences were down by 4%; incidents reported were up 2%; total offences were up 4%; felonies the same; accidents up 11%; motor vehicle stops down .5%; parking tickets up 46%; parking income up 53%.

Selectman Waddell: working with the state on the heroin problem with the drug czar is it there good coordination. Chief Sawyer: the best coordination we have is with the DEA; the task force in which we are members of.

Selectman Waddell: DUI up 17% is that statewide and nationwide also. Chief Sawyer: yes, they are up

Selectman Waddell: is that because of more enforcement or more DWI. Chief Sawyer: it is a combination, dealing with budgetary constraints

Selectman Woolsey: someone working on Narcan nasal spray instead of injection. Chief Sawyer: At this particular point, I have not pursued Narcan in any form; we are fortunate that we have the best fire rescue in the state

Selectman Woolsey: there was a very good presentation on the Chief of Police in Gloucester, MA and how he is handling the opioid problem in his community and it looked creative. Chief Sawyer: yes, but it is not something we can do in NH, the commonwealth has different laws than the state of NH.

Selectman Bean: great job

Chief Sawyer: we are recruiting; go to hamptonpd.com and you can file an application online; the department just completed a change out of its pistol inventory with Glock, we were able to swap out gun for gun at no cost to the taxpayer, kudos to the Lt. and Deputy Chief. Due to the training that we coordinate at the PD through our connections with the FBI, I received a call two months ago to have the Deputy Chief attending the FBI National Academy this summer, so we are in process to get him off to the academy after July 4th; this is a huge honor, it is by invitation only. It is an 11-week program at Quantico.

Deputy Chief Hobbs: the Hampton Crimeline recently donated a medical drop box to us, if you have prescription drugs around the house bring it to us and we will place in the drop box, which is located in the lobby.

IV. Approval of Minutes (48:02)

1. December 14, 2015

Selectman Woolsey MOTIONED to APPROVE the December 14, 2015 Minutes SECONDED by Selectman Waddell.

VOTE: 5-0-0

2. December 21, 2015

Selectman Bean MOTIONED to APPROVE the December 21, 2015 Minutes SECONDED by Selectman Waddell.

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VOTE: 5-0-0

1. Request to pick up Trash and Recycling on Hilliard Drive with fulfillment of conditions.

Town Manager Welch: the Town recommends to Selectmen subject to four conditions; picking up trash and recycling on Hilliard Drive from this point forward. We recommend that the developer continue to maintain the roadway, the infrastructure pursuant to the Planning Board approval, and the developer continues to clear snow and treats with sand/salt as necessary pursuant to the Planning Board approval. This permission to collect the containers does not obligate the Town for any other service or implied acceptance of the road or any associated improvements and the illegal sign Colby Place has to be removed from the subdivision, because it is in violation of the Town ordinance.

Ms. Rush: wants the name of the street to be Hillard and leave the Colby Place sign.

Selectman Bridle: As long as the four conditions for the trash pick-up are upheld, the road is named Hilliard after a veteran. The Colby sign needs to come down, as there is a Colby Road and is confusing.

Selectman Woolsey: have we approved this to be a public road; we do not pick up trash on private roads; is there a covenant involved. Town Manager Welch: Of course, we do; trash is a public health situation; this is an approved road by statute zoned for public use, no covenant.

Selectman Bean: as long as the four conditions are upheld.

Ms. Rush: is there an appeal process on the sign.

Chairman Griffin: it is a 911 thing, this is why they have laws and we cannot by pass the laws.

Selectman Bean MOTIONED to APPROVE the request to pick up Trash and Recycling on Hilliard Drive with fulfillment of conditions SECONDED by Selectman Waddell.

VOTE: 5-0-0

V. Town Manager's Report (48:36)

1. The auction of 27 Pearl Street is scheduled for January 29, 2016 at 3:00PM on the property subject to the requirements of statute and weather.
2. The last day to file warrant articles for the Annual Town Meeting is January 12, 2016 at 5PM in the Selectmen's Office.
3. Those property owners or others eligible to file for exemptions or abatements must do so by March 1, 2016. Please come to the Assessor's Office to obtain the necessary forms including the forms for exemption from the Beach Precinct Tax.
4. Residents are reminded that trash and recycling carts must be removed from streets and sidewalks to prevent damage from plows and to facilitate snow plowing and removal.
5. Please note that during declared snow emergencies you may park overnight in Town parking lots at Ashworth Avenue and Island Path until 8AM.
6. There are 33 House bills and 8 Senate bills.
7. We have a number of special requests from the Budget Committee submitted to us today and with your permission, we will handle those as soon as we are able, as we have to close the books to get most of the information requested, as it is available, we will send it out.

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Town Manager Welch: we received the 2015 compilation from 2009-2015 for the annual summary of refuse/recycling collection done by the Town, which is very important. There is a Budget Committee meeting tomorrow night and they will be discussing nine warrant articles submitted by the Town as well as MIS presentation and review. There is a Budget Committee public hearing on January 14, 2016 at 7PM at the Hampton Academy building.

VI. Old Business (52:47)

1. Warrant Articles

Town Manager Welch: we have two petition warrant articles, both dealing with deed restrictions. We also have a proposed warrant article for solar at the landfill, also a proposed warrant article for the school district to transfer property, a proposed warrant article to remove the Heritage Funds from entrustment for placement into the general fund, as the Heritage Commission no longer exists. You have discussed previously discontinuing part of old Park Avenue, as not yet approved.

Selectman Bridle: when is the last date that people can put warrant articles in and whom do they pass those into. Town Manager Welch: January 12, 2016; the Selectmen's Office.

Selectman Woolsey: Sewer Bond, can we capitalize the words Wash-down Facility; can we backtrack and amend the Article 16 that was passed two years ago, to include engineering study design and monies. Town Manager Welch: yes.

Discussion on Article 19 High Street Culvert. The amount of \$147,750 is split into two amounts and will come from two revenue sources, \$73,750 will come from the Unassigned General Fund Balance, and \$73,750 will be raised from taxes.

2. Status Report on the Trustees of the Trust Funds (1:13:36)

Attorney Gearreald: the Selectmen had me send letters to the Trustees of the Trust Fund urging them to follow up as to the recommendations of the Attorney General's Office; the Trustees were slated not to meet until their quarterly meeting January 19, 2016. I have had correspondence with Mr. Silberdick where he indicated there might be a meeting of the Trustees; however, there was not a quorum from the trustees, who wanted to meet before their scheduled meeting. A letter has gone out to the Selectmen copying Max Sullivan and the Attorney General's Office on December 29, 2015 from Mr. Silberdick. Which he represents is our response to the Selectmen's letter and to the Attorney General's letter that appears to present a problem under the Right to Know Law because there has not been a meeting. Nevertheless, there appears to be a letter that represents an action by the Trustees; although they have not met, were voted publically to make this their response.

Selectman Bridle: after people saw it in the newspaper, I have received a number of questions. If the letter Mr. Silberdick sent, December 29, 2015 represents a communication authorized by the trustees as a body, than the authorization was derived from violation of a Right to Know Law outside of a dually noticed public meeting. The Trustees have not met since October 19, 2015; per the minutes did not contain any discussion of authorizing, nor was a vote to authorize Chairman Silberdick to deal with any issues relating to Mackensen and Co. and the SEC. Since the Boards letter of 12/14/15 we have received five emails from Mr. Silberdick and nowhere has it stated the Trustees will meet before 1/19/16 and I believe this is a violation of 91A. In Mr. Silberdick's own words and not that of the Board of Trustees as he has made them appear,

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I ask the Board request our attorney to take appropriate action including any emails from them or amongst them dealing with the Town's Trust Fund.

Selectman Bean: Rusty raises some very interesting points.

Selectman Waddell: the Board of Trustees is an elected Board, and then we had questions and now there is a letter saying it represents the Trustees of the Trust; when was the meeting and how did that take place; was it done by emails.

Attorney Gearreald: The six-page letter that Mr. Silberdick wrote took a lot of work, and if it represents their response, then I would suspect there were email communications about that. I have counseled the Trustees of the Trust Fund as I have other Boards that there should not be communications among members of substantive matters outside of a public meeting. I would suggest that I follow up on the Board's motion is to write on the Board's behalf to request any emails that were passed back and forth that resulted in the generation of approval of that letter of December 29, 2015 from Mr. Silberdick.

Chairman Griffin: so this is a motion authorizing you to write a letter asking that question.
Attorney Gearreald: yes.

Selectman Woolsey: talking about requesting copies of emails between the trustees; just emails from David Mays or other parties. Attorney Gearreald: that would be included just as the Selectmen asked the same question back in October when we learned of the SEC order.

Selectman Waddell MOTIONED for Attorney Gearreald to follow up in retrieving communications between the Board of Trustees of the Trust Fund pertaining to December 29, 2015 letter from Mr. Silberdick SECONDED by Selectman Bridle.

VOTE: 3-0-2 (Griffin, Woolsey)

3. Status Report on the Installation of Solar Array at the Landfill (1:21:30)

Attorney Gearreald: the Board had a presentation on November 19, 2015 from the Energy Committee and Solar City, which was accompanied by a number of written documents and a purchase power agreement and a contract for a performance guarantee agreement. There were many questions raised, on many aspects, including the environmental conditions, wind and snow, also security and maintenance concerns. The Board authorized that we seek outside assistance to evaluate these various problems, and the board was supplied a report by CMA Engineers, Craig Musselman dated December 18, 2015. It analyzes each of the various types of issues that can be involved. Outside counsel has been retained to assist concerning analyzation of the various agreements involved to see how well they match up with the proposal sought by the Energy Committee, because there are a number of discrepancies; there was no cost to the Town. A warrant article that passed was to seek a proposal this year, asked that the Board seek information, not necessarily that you enter into it; more of an article that asked you to study it.

Director Jacobs: I attended the presentation from Solar City and another group we also heard. I expressed to both of them that the department would be strained to continue maintenance in the area of the solar array; last year it took 40 man-hours of someone mowing that landfill; we have to do twice a year to apply with the state's rules. I expressed to both groups that I do not have the manpower to do it, plus the risk to do that. If there is some way to do it greener and

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better, I think it is good to do it, let us make sure the savings are there, and what is best for the taxpayers.

Attorney Gearreald: the projected savings in the presentation made by the energy committee for the first year was \$34,555; if indeed we had to have our employees do the maintenance that would evaporate and be exceeded.

Director Jacobs: I would spend that in a week.

Attorney Gearreald: the question is do you want to proceed, and how fast. There is not the same need for speed that there was initially because the energy tax credits offered by the Federal Government that was due to expire at the end of 2016 have been carried beyond that. The second aspect is there is a cap on the net metering available with Unitil that has already been used up; the state legislature would need to pass additional allocation that perhaps would not occur until June 2016. We would need a Town Meeting vote to enter into an agreement.

Selectman Waddell: solar energy is great, but there are too many questions; I want to proceed very slowly and we know exactly what it would cost us.

Selectman Woolsey: I would never enter into an agreement to buy this, leasing is okay; if they own the equipment it should be their responsibility to replace whatever is needed.

Town Manager Welch: it would have to be in the agreement; their original proposal said at the end of the 20 years the Town would own the system, and I have no desire to see the Town own a system that may be obsolete at that point. If we do not take, it is there a decommissioning charge to have them take it down.

Selectman Woolsey: I believe it would be connected to the wastewater treatment plant and the transfer station and all of our other Town buildings. Town Manager Welch: no, there is to be a hook-up somehow, but have not seen any schematic to see that.

Selectman Bean: I have read this completely and building on top of the land cap is very dangerous; we need a topographic survey; development of sinkholes; mowing and maintenance is minor compared to what is in this report; security is an issue; the permit application is problematic; engineering inspection huge responsibility. It is a no-go; unforeseen groundwork is excluded. Counselor and Director did great work to get this information to us. The engineering data and impact of this blows me away. Vehicles on top of the landfill, on top of the liner; we have done everything to secure our landfill in accordance with EPA, etc. I will never vote for this.

Chairman Griffin: it sounds like we have a consensus to move slowly.

Attorney Gearreald: we should pull the warrant article.

Chairman Griffin: we are going to move slowly.

VII. New Business (1:50:25)

1. Discussion and or Ratification of Tentative CBA's

Assistant Town Manager Sullivan: update you on the status on our negotiations with our unions, we have been negotiating five contracts; we have come to agreement with three unions, two groups; here tonight to present one of them; we have come to terms with the two Police Unions and the Teamsters. Unfortunately tonight due to the vacation of the Attorney with the

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Police association, we are not prepared to give you the written agreement. We are pleased to present the agreement of the Teamsters Local 633; we have reached agreement with them and it is before you in writing. I ask the Board to take a vote to ratify the agreement; the Teamsters have already ratified this unanimously.

Selectman Bridle: would you let the public know what this group entails, who they are.

Assistant Town Manager Sullivan: they are: clerical workers and people here at the Town Office; Public Works Foreman and several of the Public Works people; Police Department Dispatchers; Animal Control Officer; janitor; people in the Finance Department; full and part time positions covered; secretaries; Assessing Assistants; Deputy Town Clerks; senior bookkeeper; people in the Recreation Department; Finance; Tax Collector; Police Department and the Town hall; Building Inspection and Public Works. It is a lot, it is a wide group of folks.

Selectman Waddell MOTIONED to APPROVE the CBA for the Teamsters SECONDED by Selectman Woolsey.

VOTE: 5-0-0

2. Default Budget (1:59:00)

Ms. Pulliam: asking for your approval on three line item changes; one is to the liability and general insurance. We have received one quote so far for property liability and workers compensation and we are expecting at least one more this week; based on this quote we have put in the projected increase; we have increased it from the Town Manager amount of \$295,627 to \$430,550, which is a \$134,923 increase. Worker's Compensation the Town Manager amount is \$537,062 and the adjusted amount is \$577,829 for an increase of \$40,767. I broke it down a little further for you; in 2015, the budgeted amount was \$836,488 and you add together the increases tonight it is \$1,008,379 which is an increase of \$215,341. We expect to change this number once we have a more firm concrete number. Another line change is the Public Works which is hired equipment summer, the amount budgeted was \$5,000 and the Town entered into a contract for beach raking for \$15,200, so we are proposing to increase the line to \$20,200.

Selectman Waddell: is the Liability insurance going up that much. Ms. Pulliam: yes, we took the quote we received and inflated it by 25%; we are hoping to have numbers by the deliberative; we could not get the default out until we have numbers in there.

Selectman Bridle: we are limited in our choices for getting insurance.

Selectman Woolsey: our representative to the Budget Committee needs to make a motion, as we cannot change figures on the budget since it is already in the hands of the Budget Committee.

Selectman Bean: this is problematic and demands serious attention the PLT has gone away, there is less choice on the market, this will continue to be a problem going forward. Director Pulliam would you please send this sheet and copy the Board and send to the Chairman of the Budget Committee, and have a discussion with her and let her know this is coming down.

Selectman Woolsey MOTIONED to APPROVE the adjustment in the three areas: Liability and General Insurance, Workers Compensation and DP Hired Equipment Summer SECONDED by Selectman Waddell.

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VOTE: 5-0-0

Ms. Pulliam: the default budget has the changes for the property liability and workers compensation, along with adjustments the Board made to the gasoline and diesel account; the difference between the 2016 Board of Selectmen vs 2015 is \$381,066; the 2016 Budget vs the 2016 Default is less by \$358,870. The default budget we put forward is \$26,528,092.

Selectman Woolsey MOTIONED to APPROVE the Default Budget SECONDED by Selectman Bridle.

VOTE: 5-0-0

3. Amendment to Town Code Chapter 611 Funds

Town Manager Welch: following the discussions with the auditor, and discussions dealing with the former unreserved fund balance, they changed the name to the unassigned fund balance. There has been a basic change in the auditing format of municipal auditing; from now on we are not going to see the arrears in taxes except the municipal portion, so we need to change because some of the verbiage is incorrect now. We need to change the code for Chapter 611 dealing with the unassigned fund balance to bring it into conformance with what the Auditors have told us. In doing that we are going to change everywhere it reads unreserved designed fund balance to be the unassigned fund balance, and we are going to realign the unassigned fund balance definition so the balance of the unassigned fund shall once accumulated at all times be no less than the balance of unpaid property taxes due the Town to be collected by the tax collector as shown by the Auditors on the last completed audit, plus 5% of the net adjusted appropriation of the taxes, be raise from the Town for municipal purposes, exclusive of school, county and precinct taxes, as recommended by the NH Department of Revenue Administration and calculated at the general accounting standards. We also would amend section 611:4 to include the words unassigned and we would amend 611:61.b of article 2 to remove the words administrator and substitute the word manager.

Selectman Waddell: we are changing words, and going along with what the Auditors have recommended and what DRA says is the unassigned balance. Town Manager Welch: we are incorporating in here what the Auditors have done with the audit.

Selectman Waddell: we are not changing the amount. Town Manager Welch: no, when the Auditors changed and the auditing system changed so that we no longer have as a part of our accrued balance of unpaid taxes, the schools, the county, and the precinct, that in fact changes the amount of money we have computed into this which is roughly \$1,000,000, which before was roughly \$2,000,000.

Selectman Waddell: so in effect if you had the other in there the school, county and precinct that is not our money really; we collect it, but it goes to somebody else. Town Manager Welch: that is why the Auditors have changed the audit report to represent only the Town portion.

Selectman Woolsey: I am not comfortable voting on this until we see a calculation.

Selectman Bean MOTIONED to APPROVE the Amendment to Town Code Chapter 611 Funds SECONDED by Selectman Waddell.

VOTE: 4-1(Woolsey)-0

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4. Ambulance Charge offs – Uncollectable Accounts thru 12-31-2012

Town Manager Welch: By statute, we cannot collect any charges that are more than 3 years old. We bill around \$1,000,000 a year; we current have a number of unpaid accounts. In 2010 \$99,374.98; 2011 \$172,301.20; 2012 \$194,570.13, and those would be charged off, as they are legally uncollectible by law. The Board further orders that at the end of each month beginning January 31, 2016, any accounts that are represented in illegally uncollectable sums from ambulance billings that are more than 3 years old shall be charged off on a monthly basis with a report to the Board of Selectmen. The sums charged off each month in accordance with law, this order will stay in effect until rescinded by the Board of Selectmen. We take money out every month from money collected to take care of uncollectible accounts; and we have sufficient funds to charge off all the sums I have mentioned to you, plus more. We should keep this current; the Auditors would like us to do that, and we have been battling this for a number of years. We have modified our collection procedures so we are collecting more money. The total amount to be charged off is \$466,246.31.

Chairman Griffin: I looked at the list and many of them have passed away.

Selectman Bean MOTIONED to APPROVE the Ambulance Charge offs – Uncollectable Accounts thru 12-31-2012 SECONDED by Selectman Bridle.

VOTE: 5-0-0

Selectman Woolsey: we need to move to exclude the ice rescue equipment in the motion that was made in the minutes

Selectman Woolsey MOTIONED the 12/21/16 agreement to take money from the 2015 budget to pay for the Fire Department articles exclude the ice rescue equipment of \$8,000 SECONDED by Selectman Waddell.

VOTE: 5-0-0

VIII. Closing Comments

IX. Adjournment

Selectman Waddell MOTIONED to adjourn the meeting at 9:24PM SECONDED by Selectman Bean.

VOTE: 5-0-0

Chairman