

May 09, 2016

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

SALUTE TO THE FLAG

I. Recognition of Service

Chairman Bridle presented Sandra Nickerson with a Recognition of Service plaque for her years as a member on the Municipal Budget Committee.

II. Public Comment Period (8:17)

Norman Silberdick: representing the Rational Taxpayers of Hampton; would like to make another appointment with the Board to interact with Mr. Gearreald concerning encumbrances as they believe they were improper; award to Howard Systems for the phone system, whereas, year-end was listed as Hampton Technical for \$27,000 which means could not be legally binding obligation. Would like to see this issue resolved, cleaned up and proper accounting and business practices followed; not that we are opposed to any particular item we just do not like the procedure; you are supposed to vote on anything over \$50,000 and that has not happened with a couple of these items.

Kathy Terry: representing the Seabrook Emergency Management Team and Maria Brown, extending an invitation to the Selectmen, Town Manager, the Fire and Police Chief's to attend an event that is happening at the end of May in Seabrook pertaining to prescription drug misuse and abuse. Showing the film If Only by the Mark Wahlberg Youth Foundation and Millennium Health at the Seabrook Community Center at 6pm on May 24, 2016 free meal and free childcare. Anyone interested in tickets please call (603) 770-2939.

Jerry Znoj: has problem with marsh pipes, he does not have problem with money spending if he thinks is truly justified, but he does not in this case. He is of the opinion that there is no sense of emergency or imminent failure until we get more facts.

Richard Reniere: is concerned with the continued flooding of property and the street at the foot of Highland and Brown Avenue's due to the tide-gate not working at an astronomical high tide. Church Street parking lot floods; ditch needs to be cleaned out.

III. Announcements and Community Calendar (24:02)

Chairman Bridle: May 14, 2016 is the food drive of the Postal Office by placing non-perishable items in a bag by your mailbox; received copy of a thank you note expressing thanks to the fire fighters.

IV. Consent Agenda (25:01)

1. 50 Ancient Hwy – Termination of Lease Land Lease
2. 50 Ancient Hwy – New Lease Land Lease
3. Entertainment Licenses & Posted Permits:
 - a. Cloud 9 Bar and Grille 225 Ocean Blvd
 - b. The Goat 20 L Street
 - c. Wally's Pub 144 Ashworth Ave
 - d. Bernie's Beach Bar 73 Ocean Blvd
 - e. North Beach Bar and Grill 931 Ocean Blvd
4. Parade and Public Gathering Licenses:
 - a. NH Towing Association Tow and Trade Show 05-22-16
 - b. Smuttynose 5k Will Run for Beer 06-26-16
5. Raffle Permit:
 - a. Professional Firefighters of Hampton 05-26-16
 - b. Hampton Arts Network
6. Road Closure Request: Pine Road 05-29-16
7. Use of Electronic Signs for Winnacunnet High School Relay for Life June 9th to the-11th

Selectman Waddell MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Barnes.

VOTE: 5-0-0

V. Appointments (26:23)

- ~~1. Norm Silberdick, Rational Taxpayers Cancelled~~
2. Ed Tinker, Chief Assessor
 - a. 2016 First Half Tax Warrant

Mr. Tinker: the first warrant is in the amount of \$27,058,994

Selectman Waddell MOTIONED to approve the 2016 First Half Tax Warrant SECONDED by Selectman Barnes.

VOTE: 5-0-0

- b. HB 1198 Telephone Pole Valuation Legislation

Mr. Tinker: the Senate passed HB 1198; shift in property tax to the residential and commercial taxpayers; have a loss in assessed value of \$827,000 relative to the telephone poles owned by telecommunication companies; mainly FairPoint in Hampton. The first year the potential loss would be close to \$16,000, over 10-year period looking close to \$200,000. The Governor has not signed the bill yet, there is potential that being vetoed.

Attorney Gearreald: we made the point at the Senate committee regarding the unconstitutionality of this bill; basically is not classifying property but classifying taxpayers

for the same property; treating the telecommunications owner of the pole differently from the electric company owner of the pole. This has been something the NH Supreme Court has given its view on before in a negative fashion. I would urge the Board to send a letter to the Governor to insure that point is brought to her attention.

Mr. Tinker: said approximately 95% of the poles in Hampton are co-owned with Unitil; the poles would be valued with two different methodologies.

Attorney Gearreald: DRA has been under valuing utilities throughout the State and has been called to task in some major tax cases in front of the Board of Tax and Land Appeals.

Selectman Bean: would like to thank Senator Stiles for her nay vote, and Senator Phelps; you spoke about the constitutionality; there are constitutional issues about equal protection. Our values increase while this corporation will enjoy accelerated depreciation. This will have to be made up by Hampton residents, both on the School and Town side. We urge the Governor to veto this. Thank Mr. Welch for his letter dated May 5, 2016 sent to the Governor.

Selectman Waddell: the problem is Mr. Tinker reached out to all other Towns and only had one response, if this goes to court who is going to pay for it, the Towns or the State.

Attorney Gearreald: it depends on the context in which the case arises; there are several different places where that could arise. One is in the defense of how we tax FairPoint, which could be at the Board of Tax and Land Appeals or at the Superior Court. Another could be if Towns banded together and filed a declaratory judgement action, it would not necessarily be against the State.

Selectman Waddell: in affect we could end up paying the court costs? Attorney Gearreald: I would not put it that way; you would end up paying my time; each side pays its own attorney; court costs are merely the filing fees.

Selectman Waddell: I am talking about hiring a specialist and we have to go out and get an energy attorney, etc. Attorney Gearreald: this is not a case where it is so difficult to do that, we are not really talking the valuation itself. We are talking in terms of the constitutionality; the blatant difference in rating the same property

Selectman Waddell: why did other Towns not join in on this?

Selectman Bean: at the annual Assessor's meeting, Mr. Tinker will help galvanize and lead as Hampton often does this effort to develop the platforms with the Towns in the State.

Mr. Tinker: if we try to get these other assessors and communities to look at these bills early on, maybe we can get numbers and get a better response.

Selectman Waddell: when I was up there for the rooms and meals tax, it is only always Portsmouth and Hampton up there; we are on the right track but need other people come with us.

3. Chris Jacobs, DPW Director and Jen Hale, DPW Deputy Director (46:17)
 - a. Departmental Update

Director Jacobs: first quarter activities still have \$13,000 remaining for sand, \$54,000 for salt and \$21,000 for OT labor. Church Street Force Main was repaired on March 19, 2016 and to date we have spent \$128,860, but have also spent another \$6,799 in testing and outside labor. Capital Improvements Plan was submitted in May and Jen submitted some other revisions

today, we also submitted our collections and maintenance operation plan; the storm water management plan was submitted. We are very active in tree removal this year, 3 already have been removed on Little River Road, 1 on Acadia, 1 intersection of Winnacunnet and Lafayette Road; we have plans for 5 more at Founders Park; 2 dead at Locke Road park; 2 at Towle Farm Road and 2 scheduled for trimming. In the first 4 months we disposed of 1634 tons of refuse, an increase over 2015; overall 7.8% above; sludge is also up. The department will be very active in the second quarter, continue to test the creek, working with Smuttynose Brewery, express thanks to the voters for their support to replace the plow truck, the bids are out and due on May 19, 2016. Currently putting together the sidewalk replacement bids, household hazardous waste collection day is June 4, 2016 with the Towns of Newcastle and Hampton Falls. Preparing bid for paving and intend to have it done prior to school opening; the roads being reviewed are Landing Road, Old Stage Road, Driftwood Road, Cedarview Lane, Forest Drive, Maplewood Drive and Watson Lane; also, crack sealing bid. The engineering contract for Mill Pond Dam is being reviewed by Legal.

Selectman Barnes: still concerned about the pipe and glad that you are monitoring it will do best to relay all the information to the public, so they understand what the situation is.

Selectman Bean: great job, keep up the good work.

Selectman Griffin: do you have any plans to plant more trees? Director Jacobs: I suggested to Ms. Martin as too many people wanted to donate benches, maybe we could divert those people to donating trees, especially to replace the ones taken down at the parks.

Selectman Griffin: in two weeks wants to hear about replacing the sidewalks, he agrees with Mr. Znoj about replacing the pipes on the marsh and looks forward to that discussion.

Chairman Bridle: I disagree with Mr. Znoj as we have two engineers on our staff, who have years working with sewer treatment plants and lines; Mr. Znoj does not have any experience working with sewer treatment plant, so we are looking to you for your expertise; obviously some of the trees should be replaced.

b. Church Street Sewer Force Main Update

Ms. Hale: put together a matrix as response to the State; can put on the website. This is 4500' of pipe, cannot camera entire line; just doing the investigation is quite an undertaking; would have to clean then break the pipes to look at complete line; just doing the investigation would be over \$250,000; plus paying \$120,000 just for the video. Not sure how they thought they were going to maintain these pipes, as today's technology cannot maintain them.

Selectman Bean: what happens if the event that occurred this winter was on July 4, 2016 with a burst pipe? Director Jacobs: I call Fred first; we would shut down the failed line; place someone in the Church Street pump station 24/7 to monitor the flow. The problem would be the flow in the Beach area could not continue to come into pump station at normal rate because if the wet well fills up, it is going to come out of manholes down on Ashworth first.

Selectman Bean: what is going to come out of manholes? Director Jacobs: raw effluent; we could bring over a tractor-trailer rig and fill with wastewater and run around the corner to dump into the plant; it would take 80 of the trucks.

Selectman Griffin: this is going to be decided by the State, so they are the ones we should be asking; these are all hypothetical; I hate to hear all this stuff, threatening and making it sound

like it is all at the Beach; this would be a problem no matter where it is; these hypothetical scare tactics I find nauseating.

Selectman Bean: I am just asking if these phenomena did occur.

Selectman Griffin: we need the State here; to sit here and say we are going to close the Beach is ridiculous.

Chairman Bridle: that is your opinion; they will be making many of the decisions; we do have to have a plan? Director Jacobs: we would have an emergency meeting with this Board to grant authority to enter into a contract for an emergency by-pass pumping for the amount of money it would take. The authority to shut down the Beach is a health issue, so it does not rest with my jurisdiction it rests with the code enforcement officer or whoever the health officer is.

Chairman Bridle: do you have a plan? Director Jacobs: we have contacts.

Selectman Griffin: I find it impossible that the people who put those pipes in there did not have a second plan on what to do; it may not have been a plan that is valid today, which is why they put the second pipe in. I am not saying I know anything and I do not want to make these decisions.

Chairman Bridle: I just want to make sure you have a plan. Director Jacobs: the State has asked the same thing, they want to make sure we have operational procedures in place and we do.

Selectman Griffin: they have not told us to do anything; everything they have told us to do we did and that is what our plan is.

Ms. Hale: this is a step by step to show what needs to be done for these types of replacements, the money that it would cost, the fact that you slip line or you burst; directionally drilling which pays by the foot and it is more expensive then to put it in the land route. From an engineer's perspective, having them in the marsh is a problem, but I also know what we have dealt with and it is not easy.

Director Jacobs: we sent this onto the State; the State asked what the Board was going to do and their response will be based upon whatever your response is; it comes back to what you would like to do as a Board. I would like to proceed forward with the design and engineer contract that we could determine a factual price to bring forward to the voters.

Selectman Bean: in or out of the marsh? Director Jacobs: Out of the marsh, Fred asked if we are planning for expansion, given the rate of expansion at the Beach, we need to move forward, we have agreed to ask for the potential to put in up to three pipes to give us future capacity, but right now the number we presented were two 18" pipes.

Town Manager Welch: we need a course of action if the Board wishes; what I have seen from the State is panic; they do not know what to do. The only two things we can do is to go with a special meeting or an annual meeting, we need to wait until March regardless of what happens. They would like to see us replace those main's and get them out of the marsh; no one knows how long those pipes are going to last. The only way to 100% insure that you have some control over what is going on is to move them out of the marsh, which is an expensive proposition. Leaving them in the marsh means you have no options, you cannot maintain, clean, inspect or figure out what is under them. The best option you have is to replace the pipes; when you replace them is a different issue.

Selectman Barnes: the State is scared, as this is not the only place this is happening; water infrastructure all over this country is rotting. Having waste pipes 7' under the marsh does not make sense, but just let them sit there and just make sure we stay lucky for an inevitable amount of time does not sound too smart to me, the State wants us to make a decision on this one.

Selectman Waddell: great job, good presentation; I do not think it is scare tactics to talk about situations because they really could happen. I think this is all realistic, I agree putting this in the marsh was stupid, but we need to do something to correct it to maintain quality water and maintain the marsh and the wetlands.

Selectman Griffin: I am not even against this; I am against the scare tactics that is what I have heard here recently. I disagree with what you said that the State said this or that, but they just said the State said nothing. I would like to hear them say this is the number one priority here in Hampton, are other pipes more of an issue. I just think it is totally wrong saying these inflammatory things; I would like to hear more on the possibility of three pipes; I am not against this at all, I am just against the way it has been presented. We should be looking at ways to save the Town money.

Selectman Bean: do you have a cost for a study that could be made as a motion tonight in terms of a cost for an option of the effluent pipes to run along Route 101.

Director Jacobs: we have a design contract permitting the right to bid, but did not bring it with me tonight; I want to say \$219,000, which takes us all the way through construction. I would like to stay with the same engineering team that did the pump station.

Selectman Bean: I would be interested in satisfying in giving that caveat our compliance with the bidding process; I have not heard any scare tactics tonight, I have heard people talking factually about engineering. I would be interested with communication with the State pursuing along those lines; bring this up with the proposal; address this issue.

Selectman Waddell: I do not care what the State says, it is our responsibility to maintain the marsh and the ocean and water in Hampton; it is the Board of Selectmen's responsibility, we need to take our own action.

Town Manager Welch: the State is not going to force you to do anything as long as the Board makes a decision. If the Board makes a decision to do nothing that is a decision and they will back that to a certain degree, they will issue warnings and so forth if something happens. They are not in the business of running the wastewater treatment plant, the Board of selectmen and the Town is; only if something disastrous happens, if we have another break then they will step in and order you to do something; they only said to fix it and to come up with a plan. I think you need to make a decision; we need to find out what it is going to cost to replace both lines; the one on Lafayette Road and the Route 101.

Selectman Griffin MOTIONED to obtain bid specifications/costs to replace the sewer lines running across the marsh and replace the line on Lafayette Road SECONDED by Selectman Waddell.

VOTE: 5-0-0

c. Household Hazardous Waste Day Update

Director Jacobs: planned for June 4, 2016 we have a contract signed, have high confidence in the company as used for years; base contract \$500 to get them to come and \$38 per car; typically have 170-180 cars, depending upon the weather

Selectman Barnes MOTIONED to APPROVE the Waivers of Purchasing Policy SECONDED by Selectman Waddell.

VOTE: 5-0-0

d. JOP with DRED

Director Jacobs: no substantial changes except they wanted coded bags, but already had ordered them.

Town Manager Welch: specified how they use the driveway access to Bicentennial Park

Selectman Waddell MOTIONED to APPROVE the JOP with DRED with the suggested changes SECONDED by Selectman Barnes.

VOTE: 5-0-0

e. Approval of Sewer Disconnection and Connection Permits and Procedures

Ms. Hale: if you are going to disconnect you come get a disconnect permit \$50 fee; when wanting to connect fill out form \$300 fee; have SOP.

Selectman Waddell MOTIONED to APPROVE the Sewer Disconnection and Connection Permits and Procedures SECONDED by Selectman Bean.

VOTE: 5-0-0

f. Waivers of Purchasing Policy §718-4 Sub-section B (2) & §718-16

i. High Street Signal Repair (Single source, less than three quotes)

Ms. Hale: when we did the drainage project there was one loop not working, upon further investigation six loops do not work, the loops are expensive; wants to use camera system for a total price of \$17,880; do have money.

Chairman Bridle: there are nine loops in that light and typically, we replace 2-3 per year, by going to camera it is not in the ground being damaged by frost heaves; it is not taking pictures it is just like a motion detector. There are two companies in the area; one did not get back to us.

Selectman Griffin: maybe we should have a different purchasing policy.

Town Manager Welch: we do have people who do not want to bid for the Town, would the Board want us to bring in proposed amendments that may address this issue.

Selectman Griffin: let's discuss this tonight under Old Business.

Selectman Barnes MOTIONED to APPROVE the Waivers of Purchasing Policy §718-4 Sub-section B (2) & §718-16 for the High Street Signal Repair SECONDED by Selectman Bean.

VOTE: 5-0-0

g. Waivers of Purchasing Policy §718-4 Sub-section B (2)

i. Sewer Lateral Video Camera (Less than three quotes)

Director Jacobs: this is a video camera the sewer drain division uses; this is for parts to this particular camera that allows us to turn the eye; the reason there is less than three quotes is because you have to match the equipment that you have, as some vendors do not make their parts interchangeable

Selectman Waddell: how much is it. Town Manager Welch: \$4,013

Selectman Waddell MOTIONED to APPROVE the Waivers of Purchasing Policy §718-4 Sub-section B (2) Sewer Lateral Video Camera SECONDED by Selectman Barnes.

VOTE: 5-0-0

ii. Aggregates (Less than three bids)

Director Jacobs: we advertised and went out to bid and received two bidders.

Chairman Bridle: how many did we send? Ms. Hale: we not only send, we also advertise publically and post on our website with bid forms available; we try to have it out there 3-4 weeks.

Chairman Bridle: So long as we can show we did everything, we can to get people to bid. Town Manager Welch: we accepted bids on the 28th and this particular bid was sent back on the 14th. Chairman Bridle: it has been out there at least a month.

Selectman Waddell MOTIONED to APPROVE the Waivers of Purchasing Policy §718-4 Sub-section B (2) Aggregates SECONDED by Selectman Bean.

VOTE: 5-0-0

4. Jameson Ayotte, Fire Chief and Deputy Chief Kennedy (2:03:46)

a. Departmental Update

Chief Ayotte: thank you to the community for their fund raising and support of Kyle Jameson. We received the new pumper on April 28, 2016; scheduled training to all the groups; a new ambulance should be delivered next week. Completed the work in upgrading the radio; ordered six sets of new turnout gear; expect delivery of new air refilling station. In March, Bill Ford resigned his position as fire alarm operator; we have filled this position. Have seen an increased called to service with 696 fire calls; ambulance calls 784 patient contacts; we have three fatalities because of overdoses so far this year. Hampton Fire Rescue will be receiving Stroke Service of Year Award, which is the second year in a row; Firefighter Paramedic Jeremy Tinson and Firefighter Advanced EMT Brian Ackerly are receiving the providers of the year award; they have done a great job. Fire prevention increased with 143 inspections, 60 permits collected \$6,878.55 in fees.

Selectman Barnes: great report, congratulations on your new engine.

Selectman Waddell: great report, congratulations on the awards; congratulations on everything you have done for Kyle, great effort.

Selectman Bean: thank you for the great work.

Selectman Griffin: thank you for report, great job; obviously there is a problem with substance abuse; are you familiar with what Mrs. Terry was talking about? Chief Ayotte: we need more treatment centers; Narcan is not a panacea, it does not cure the problem, only alleviates the current situation.

Selectman Griffin: where is the closest treatment center? Chief Ayotte: Manchester; it is very intensive treatment; physical and psychological issues.

Chairman Bridle: everyone is doing an excellent job; should come back to us with an estimate or cost to maintain nine firefighters per shift due to the increase in call volume.

Chief Ayotte: I would like to see an ambulance down at the beach.

b. Fire Prevention Officer Paine NFPA Scholarship

Chief Ayotte: he called the State of NH Department of Safety with some ideas and they were so impressed they nominated him for a scholarship to the NFPA in Las Vegas; this is an all-expense paid trip, asking for acceptance of the scholarship

Selectman Waddell MOTIONED to APPROVE the acceptance of the NFPA Scholarship SECONDED by Selectman Bean.

VOTE: 5-0-0

5. Jamie Sullivan, Assistant Town Manager (2:25:23)

a. Worker's Compensation and Property & Liability Program Proposals

Mr. Sullivan: In the past, our provider for these services has been the Property Liability Trust, but they have been forced out of the provider business, so we have had to seek out another provider for those services. We are now left with one other risk pool provider in the State, which is Primex; we also went out to seek out other bids and quotes from insurance. We compared the prices of Davis & Towle and Primex and after an analysis is to recommend we go with Primex. I would like to recognize the Finance Department, Kristi and her staff for their outstanding assistance.

Selectman Bean: very limited market for securing coverage.

Selectman Griffin: great job just like almost everything you do.

Selectman Barnes: I agree, sounds great.

Selectman Waddell: good, I agree 100%.

Selectman Griffin MOTIONED to APPROVE the Worker's Compensation and Property & Liability Program with Primex SECONDED by Selectman Bean.

VOTE: 5-0-0

VI. Approval of Minutes (2:35:18)

1. April 25, 2016

Selectman Waddell MOTIONED to APPROVE the Minutes of April 25, 2016 SECONDED by Selectman Barnes.

VOTE: 4-0-1 (Bridle)

VII. Town Manager's Report (2:35:40)

1. All 2015 dog licenses have expired. Please see the Town Clerk to re-register your dog in order to avoid penalties and other fees that will be added in accordance with State laws.

2. A bid was awarded to The Dirt Doctor for the grinding and removal of brush, logs, wood and wood chips as the lowest bid of three bidders.
3. A bid was awarded to Howard Systems, LLC, as the lowest of 5 bidders for the replacement of the Fire Departments telephone systems.
4. I have nearly completed the Long Range Capital Expenditures Report for the year 2017. It should be issued this coming week for Board review.

Town Manager Welch: we had encumbered funds last year to replace the phone system in the Fire Department, we found a problem with the bids, and we voided the encumbrance, went out to bid, and saved \$10,000 over the figures we were given in December. The original amount that you encumbered has been put to reserve and this was awarded out of departmental expenses.

Town Manager Welch: there will be paving done at 939 Ocean Boulevard and a number of cars will need to move off the property for a few nights and they would like to park on Town property; the Police Chief said there was plenty of space.

Selectman Waddell MOTIONED to APPROVE the use of the Town Parking Lot for a few nights to residents of 939 Ocean Boulevard SECONDED by Selectman Barnes.

VOTE: 5-0-0

Town Manager Welch: we received the new Fire Engine and recommend the Board advertises for sale the old engine.

Selectman Waddell MOTIONED to APPROVE advertising for sale the old fire engine SECONDED by Selectman Griffin.

VOTE: 5-0-0

VIII. Old Business (2:42:39)

1. HB 1198 Telephone Pole Valuation Legislation – Discussed under V. Appointments 2.b
2. Vote of the US1/NH101 Interchange Realignment and Intermodal Transit Center

Town Manager Welch: based upon the discussion the Board had, we drafted a motion; I think the subject matter should be left open.

Selectman Waddell: I think going forward with this is a good idea, the bus a bad idea; the RPC addressed that by taking the bus totally out of the equation, to continue along with this and to look at the land to connect the rail trail.

Selectman Griffin: that is part of what this process is about what we need ten years from now; we have decided we do not want the bus station there; this is a working plan, but what does need to be there needs to be decided ten years from now.

Selectman Barnes: I agree with Rick; look at in ten years from now.

Selectman Bean: the citizens came forward at the public hearing and specifically responded to the plan from the RPC to address that particular plan, which had very negative responses.

Selectman Waddell: the public came in and said they did not want a bus station, but they did want a road plan, they agreed with the RPC on the interchange; that plan needs to keep going forward.

Chairman Bridle: people were hesitant about the roundabouts; this needs to continue to be addressed, we support to continue to make that area safer.

Chairman Griffin: I say let them bring another plan.

Selectman Bean MOTIONED to Move that the Town of Hampton Board of Selectmen vote to deny the acceptance of the Transit Center Facility that is suggested to be located at the interchange of US 1 and NH Route 101 in Hampton. The Board of Selectmen's recommendation is the proposed facility be located directly adjacent to Interstate 95 at Exit 2 in NH SECONDED by Selectman Waddell.

VOTE: 4-1 (Griffin)-0

Selectman Waddell MOTIONED to Move that we support RPC to go forth with their study SECONDED by Selectman Griffin.

Town Manager Welch: the motion that was prepared dealt with continuing the study with the interchange, there are certain things there now that a dangerous and listed six of them.

1. Erect stop signs in place of the yield signs on both sides of the intersection of the westbound off ramp from NH 101 to the entrance of US 1
2. Erect stop signs in place of the yield signs on both sides of the intersection of the eastbound off ramp from NH 101 to the entrance of US 1
3. Recommended the State DOT remove the current railroad bridges and replace with truck culverts that will lower the roadway and improve site distances for southbound traffic on Route 1
4. If traffic runout is not stopped by the installation of stop signs it is recommended that traffic lights be installed
5. Investigate the installation of an acceleration lane for traffic moving to enter US 101 westbound by straightening out on the ramp and widening the bridge over Drakeside Road for a new on-ramp
6. Additional trees on the northbound side of Route 101 should be removed to improve site distances for traffic entering Route 101 westbound; investigate removing the passing lane for northbound traffic on US Route 1 on the south side of Route 101 by restricting the striping to a single lane until after its intersection with Tri-Rental by providing a center turn lane for that facility

Chairman Bridle: there is some cost to these six items, but it is safety related. Town Manager Welch: we currently have about 25 accidents a year there.

Selectman Waddell: this recommends this plan continue. Town Manager Welch: yes, and they take action on the emergency items.

Selectman Griffin: what about the other things that might happen there, that is why the wording transit center; we do not want the buses picking up and taking people to Boston.

Chairman Bridle: we used exactly the wording they have as transit center that is why we said no to that so we said no to what they asked for; it says Transit Center Feasibility Study, so we answered the question they asked.

Selectman Griffin: so other uses for the property are not being left open, from what I can see.

Chairman Bridle: we have been silent on it.

Selectman Bean: we have already voted on it.

Selectman Griffin: I know and it looks to me like there will be a big argument about this in the future; it does not mention what could be.

Chairman Bridle: our motion we made before addressed exactly how they worded it, that is what we want to do is word it exactly how they did. Other things that could go in there is still there as we were silent on that.

Selectman Griffin: now you are talking about a motion that strictly has to do with the road; their study through the years have been a lot more other items.

Selectman Waddell: we have not excluded that; we said continue with this and we need emergency things taking place before the ten-year.

Town Manager Welch: we did it this way Rick because we did not want to exclude anything.

Selectman Griffin: I hope that it is and I want the record to reflect that.

Chairman Bridle: the consensus with this Board we all realize there are other things that can go on there and we do not want to stifle that.

Selectman Barnes: we do not want buses which is the first motion is for, the second is we are not going to completely shut down the project because who knows what is going to happen; leave it open, but we need something done with the intersection now and not wait 10-15 years

Selectman Waddell amends his MOTION to continue the RPC realignment study to support that and to send our recommendations along with it SECONDED by Selectman Bean.

VOTE: 5-0-0

Selectman Griffin: Mr. Silberdick seems to come every week about the purchasing policy, I do not know all the members of the Rational Taxpayers of Hampton, but I do know there are three ex-selectmen who came up with the purchasing policy; we need to take a look at the purchasing policy.

Selectman Waddell: that group should not enter into that conversation, if we need to look at our purchasing policy.

Selectman Waddell MOTIONED to instruct the Town Manager to draw up recommendations on the purchasing policy SECONDED by Selectman Bean.

VOTE: 5-0-0

Selectman Griffin: obviously, there is a problem when there are four waivers in a row

IX. New Business (3:02:50)

1. Correction to Code § 769-57. Noise and hours of operation subsection C.

Town Manager Welch: we keep getting calls as people do not understand the ordinance; section C would read normal hours of operation would read 7am-7pm Monday-Friday and between 9am-5pm on any weekend or any holiday except with the expressed written permission of the director.

Selectman Waddell MOTIONED to approve the correction to Code § 769-57. Noise and hours of operation subsection C SECONDED by Selectman Barnes.

VOTE: 5-0-0

2. ERZ Application - Car Barn ERX Designation

Town Manager Welch: we had a designation for the industrial zone on Tide Mill Road; this is a State program and is funded by the State of NH, no tax dollars applied by the Town, no loss of tax dollars to the Town. This program is based upon the ability of owners of property within a particular district as designed by the Selectmen and approved by the State, to receive remuneration from the State of NH for enlarging facilities and hiring new employees.

Selectman Waddell MOTIONED to approve ERZ Application - Car Barn ERX Designation SECONDED by Selectman Barnes.

VOTE: 5-0-0

3. ERZ Application - Liberty Lane ERX Designation

Selectman Waddell MOTIONED to approve ERZ Application - Liberty Lane ERX Designation SECONDED by Selectman Barnes.

VOTE: 5-0-0

4. ERZ Application – Merrill Industrial Designation

Selectman Waddell MOTIONED to approve ERZ Application - Merrill Industrial ERX Designation SECONDED by Selectman Barnes.

VOTE: 5-0-0

X. Closing Comments

Attorney Gearreald: before the Board adjourns I ask that there be a motion to go into a nonpublic session under RSA 91A:3,II,c and RSA 91A:3,II,e reputation and pending claims or litigation; a motion which would require a roll call vote.

XI. Adjournment

Selectman Waddell MOVED to enter into nonpublic session under RSA 91A:3,II,c and RSA 91A:3,II,e and asked for roll call at 10:02 PM SECONDED by Selectman Bean.

VOTE BY ROLL CALL: 5-0-0

Upon motion duly made and seconded at about 10:08 PM, at the conclusion of the public meeting, the Board voted unanimously by roll call vote to go into a non-public session under RSA 91-A:3, II, (c) and (e). The motion passed unanimously.

Town Attorney Gearreald explained the potential enforcement situation involving two “back lots” to the rear of 102 Kings Highway, in light of the discovery these two “back lots” were not combined as called for in a Planning Board approved plan but instead had been conveyed separately to different parties, thereby rendering one of the two back parcels landlocked.

The buyer of the one of the two back lots had encountered a title issue and had inquired about getting a “No action” letter from the Town.

This situation had been put before the Planning Board at its meeting on Wednesday, May 4, 2016 and that Board voted not to support a “No Action” letter, but instead voted to recommend that an enforcement action be undertaken to correct the backlot situation either through requiring conformance with the conditions set forth on recorded Plan D-16897 or through a new plan to be presented to the Board that would combine what was formerly Lot 4 with the Schaake lot that immediately abuts it to the east, basically through amending the subdivision plan approved on August 26, 1987.

The following Motion was made by Selectman Waddell, second by Selectman Bean:

I move to correct the landlocked back lot situation at 102 Kings Highway either through requiring conformance with the conditions set forth on recorded Plan D-16897 or through requiring a new plan to be presented to the Board that would combine what was formerly Lot 4 with the Schaake lot that immediately abuts it to the east, basically through an amendment to the subdivision plan approved on August 26, 1987; otherwise, to pursue injunctive relief against the use of the two lots in violation of the subdivision approval under RSA 676:15 and penalties of \$1,000 for each of the two lots sold in violation of RSA 676:16.

The Motion passed unanimously.

There was no motion to seal these minutes.

The non-public session adjourned at 10:15 PM and the public session was not rejoined.

Chairman