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August 29, 2016

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

ABSENT: Rick Griffin, Selectman

SALUTE TO THE FLAG

I. Public Comment Period (4:47)

Senator Nancy Stiles: hopefully, we can get the project on Route 27 moving forward as quickly as possible; \$500,000+ of tax revenue for Hampton; need Alzheimer unit and new jobs a win for the business community, the Town and the patients.

II. Announcements and Community Calendar (6:37)

Selectman Waddell: tomorrow School opens obey speed limits, drive safely and watch out for the children

Chairman Bridle: September 13, 2016 is the Primary election, which is being held at Marston School; elections November 8, 2016 will be at Winnacunnet High School

III. Consent Agenda (7:45)

1. Hampton Cemetery Deed: Marie Dargon
2. Use of Town Property: Wedding Ceremony Time Change Belanger Wedding 09/04
3. Seafood Festival Sidewalk Vendor Licenses: Seaside Market 275 Ocean Blvd, Zac's Barn 275 Ocean Blvd; Mrs. Mitchell's Gifts 285 Ocean Blvd

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

VOTE: 4-0-0

IV. Appointments (8:10)

1. Ben Moore, Tuck Museum
  - a. Donation of Clock Face to Tuck Museum

Mr. Moore: tentatively wet October 23, 2016 to do the turnover process, the items necessary to complete are electrical, landscaping and installation of the clock; expect the clock to be done by the end of September and the rest to be finished in October; will serve refreshments.

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Selectman Waddell MOTIONED to APPROVE the Donation of the Clock Face to the Tuck Museum SECONDED by Selectman Barnes.

VOTE: 4-0-0

September 10, 2016 from 12-2:30 is the Pig Roast on the Tuck Museum grounds \$20 for adults, \$10 for students and children under 8 free.

Chairman Bridle: Experience Hampton has bought 10 tickets for the sailors on the USS Hampton, look forward to them joining us; a number of places to get tickets; great time.

Selectman Waddell: if you have not seen the clock and tower, drive by Centre School, looks nice and will be a great addition.

Mr. Moore: the School has been fantastic as the contractors have taken possession of their front yard, and hope the project does not take much maintenance.

~~2. Perter Ross~~

~~a. 230 Exeter Road Change of Use Abatement~~

3. Village by the Sea – Ken Spatola & Maryanne McDonough (21:10)

a. Request for Pick Up of Recycling

Mr. Spatola: we have owned a Condominium since it was built in 1975; owners in Condo would like to recycle; as it is mandatory to recycle in Town, is that correct

Town Manager Welch: it is only mandatory if we pick up the trash; if it is done privately then you do not have to, you get rid of it with your regular trash.

Mr. Spatola: Right now, we have our trash privately picked up and everything is placed into that trash; we would be happy to have some recycling pick up at our Condominium; we have twelve units, but two separate buildings; one building two units, the other ten in the same complex. Across the street they see recycle bins at a Condominium complex that is larger than ours and say we would like to do the same.

Town Manager Welch: you currently have a regulation that allows the DPW pick up materials at Condominium complexes as long as there are five or less units, so unless you change that we cannot do that; and if you do we would have to start picking up at every Condominium complex that has twelve or less units.

Selectman Barnes: you are saying that there is another Condominium association that is having their trash picked up.

Mr. Spatola: there is a Condominium across the street the owners see; 16 units and they have recycle bins and I guess they have trash pick-up too I am not sure. Ms. McDonough: Sandpiper Bay. Mr. Spatola: on Winnacunnet Road.

Chairman Bridle: we worked hard on this Ordinance a few months ago.

Selectman Waddell: does the Ordinance say trash or recycling? Chairman Bridle: I only referenced solid waste.

Selectman Waddell: if you are encouraging recycling, but we have the Ordinance. Ms. McDonough: we understand that we cannot receive trash pick-up, as it is part of our Condominium docs, but would like to be good citizens of the Town and recycle. Three quarters

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of our occupants are senior citizens and creates an issue with getting them to the recycling center; if we could just get five buckets at least, we could attempt at recycling.

Chairman Bridle: the Ordinance says all solid waste; it does not discriminate against trash or recyclables.

Town Manager Welch: the Board has said we would pick up anything in a Condominium unit with five or less units; you have twelve and if the Board approves twelve then we would have to get carts for every complex in Town that has twelve or less units.

Mr. Spatola: is there some way to separate the gross trash and recycles into just recycling; you have two separate companies doing it, right? Town Manager Welch: no, we do all of it ourselves. The problem is the number of receptacles that would have to be put out and the time it takes to pick them all up; right now we are at the point of having no highway employees as they are picking up trash; if we add more it would be more difficult, as we would have to pick up additional units. Some Condominiums have a requirement in their Condominium docs that the solid waste has to be taken care of by the Condominium itself and others do not; there are a few in Town, but not many.

Chairman Bridle: that would have happened during the Planning Board stage when they were approved. Town Manager Welch: yes.

Ms. McDonough: so they are grandfathered for these new regulations. Town Manager Welch: yes, there are about 6,000 Condominium units in Town. Ms. McDonough: it is unfortunate because we really want to recycle.

Mr. Spatola: do we have the option of changing our Condominium docs; would that work? Town Manager Welch: you would have to come back to the Planning Board and start the Condominium process all over again.

Selectman Bean: thank you for your concern; there is a law; I encourage you to recycle and I encourage you Ken the young buck in the Condominium association to bring the recycling down to the transfer station.

#### V. Town Manger's Report (12:58)

1. Please complete your obligation by licensing your dog. See the Town Clerk's office to complete this required task.
2. Application to obtain a Seafood Festival Sidewalk Vendor License is now closed. If you did not provide a self-addressed stamped envelope for the return of the license, it can be obtained at the Selectmen's Office in the Town Office.
3. Schools are opening, please be careful of your speed and watch for children crossing our streets.
4. The Town Clock construction is advancing. Please drop by the front of the Centre School to see the progress to date.
5. The Public Work's Paving Contractor is making good progress on the roadways that were slated for repaving during this year. Touch up and clean-up work will continue until the entire project is completed in the near future.
6. Articles for the amending the Zoning Ordinance can be submitted starting in November during a 30-day period. Contact the Planning Department for the exact dates.

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7. Those interested in the submission of warrant articles for the Annual Town Meeting should begin their work. Articles for the Town Warrant can be submitted at any time.
8. Please pay attention to the newly installed no parking signs by the Wok Restaurant.
9. There are two suburban fire sedans and a 1988 fire engine pumper for sale; bid documents available in the Selectmen's Office; bids need to be in by 3PM August 31, 2016.
10. Request from the Fire Department for power road system for Ambulance 1, to lift stretchers into the ambulance; already sustained two injuries. The cost is \$8,706.88 funds are available in the ambulance account; total cost with all add ons is \$22,535.38; single purchase item only available from one vendor.
11. State has increased our Highway Block Grant to \$307,854 from \$299,000.

Selectman Waddell: do we need to make a motion on the stretcher? Town Manager Welch: yes

Selectman Waddell: it would be a wise purchase if people are out on Workman's Comp, and paying overtime for people to fill the positions; and there is only one vendor. Town Manager Welch: yes

Attorney Gearreald: there would be a motion to authorize the ambulance fund and to waive the purchasing policy.

Selectman Bean: I support the motion; but the memo from the Chief does it state there is only one source provider. Town Manager Welch: yes.

Selectman Waddell: I read it this afternoon and I believe it did.

Selectman Bean: it does say in this document; sole source provider, documentation is provided.

Selectman Waddell MOTIONED to authorize the purchase of a Power Road System (stretcher) for ambulance 1 and waiving the purchase policy SECONDED by Selectman Bean.

VOTE: 4-0-0

Chairman Bridle: the company building the new houses on Drakeside Road opened up the road to put into a sewer and two weeks ago, they put a base coat in the trench; tell DPW

Town Manager Welch: they need to put a permanent patch on and next year go back and take the patch out and redo the paving.

Chairman Bridle: put the sale of the Fire Department vehicles on the website.

## VI. Old Business (30:05)

1. Acceptance of Warranty Deeds: Map 66, Lots 1 & 3
2. Acceptance of Conservation Easement Deed: Map 51, Lot 3

Attorney Gearreald: one of the two aspects of the Hampton development; this has to do with the conservation swap; three parcels; Map 66, Lot 1 is proposed to be convey pursuant to the Planning Board approval of February 3, 2016, that is not part of the conservation swap, but part of the litigation of wetlands impact. The other two lots involved Map 66 Lot 3 and Map 51 Lot 3 they were involved due to the fact that there was six years remaining on the conservation easement that covered 298 Exeter Road where the cornerstone parcel was going

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to be built. To try to get around that these other parcels were offered in exchange and because you cannot terminate a conservation easement without modifying a trust, it was necessary to go to the Probate Court. Attorney Klass' office representing asset title and my office prepared documents to be filed with the Probate Court and we have received today copies of the Probate Court order allowing the conservation swap to incur and to terminate the easement and to record the two other documents to be received by the Hampton Conservation Easement. The other aspect of this package is the sewer services agreement and Liberty Lane Sewer Association documents that are under New Business. We have been working for several months to get these documents in place. You are going to hear from Attorney Klass that they are not in place; Senator Stiles, my office, DPW, Assistant Town Manager and Town Manager have all been working furiously to get these documents in place and agreed to and presented to this Board tonight so they could be approved by this Board as sewer commissioners. To enable the Cornerstone Development to go forward in a timely manner we, having been represented to us that unless Cornerstone could get started by September 1, the project could not be done. We have diligently tried to get these documents in place and thought we had an agreement to that affect last Wednesday and Thursday, now we find that we do not. It makes these documents from the Probate Court not something we can go through at this point and we will have to file some motion for reconsideration with the Probate Court to say never mind for now, by the date of September 5, 2016, because it just has not happened despite our best efforts. If the Board would like to authorize the manager to sign these documents as accepted in the event that the other sewer documents can be agreed upon, that are not agreed upon at this time; that could be something that would enable us to go forward before the next Board meeting.

Chairman Bridle: we have done everything we could do to make sure this get done in a timely manner. Attorney Gearreald: absolutely.

Selectman Barnes: do you think it is a good idea that we sign these documents?

Attorney Gearreald: no.

Selectman Barnes: should we even?

Attorney Gearreald: on the documents there is a place for the Board to sign as accepting pursuant to the statute; the first signature would be the conservation commission chair. Your approval would be needed and to authorize Fred to sign those, but only if or when the deal goes through at all.

Selectman Waddell: if the deal can be worked out with the sewer, than these would be fine, there are no objections to these whatsoever do you anticipate negotiation will still go on about the sewer issue.

Attorney Gearreald: I expect it will, yes.

Selectman Waddell: I would be in favor of giving the Town manager the option to sign it.

Selectman Bean: when was this drafted, who drafted it, when it was involved in the process for approval of this project, what agreements and assertions were made by the applicants, what you were lead to believe was going to transpire, and specifically the entities who agreed to sign it. From the Town Manager I will be looking for information in an adverse scenario if this private system fails that everybody wants to develop a project in Town; tax revenue if we have millions of dollars of sewage problems and the planning process.

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Attorney Gearreald: the Planning Board on 2/3/16 approved the Cornerstone at Hampton development. The Cornerstone at Hampton Unit, Alzheimer's Assisted Unit is the first of several new projects that are projected to be served by the same private sewer system that is located through a pipe that goes underneath of Route 101 and involves an entire system west of Route 101. This system is depicted on a schematic that was developed by the engineer for Seacoast Crossroads Realty dated 6/15/16 and depicts a number of parcels that feed into the same exact spot off Langdale Drive, where the Town system begins. This is a system the Town did not develop it dumps many thousands of gallons of sewage into our system, and would continue to do so; one of the conditions by the Planning Board was the creation of a sewer association to serve this project and other parcels in the Liberty Lane area. That would require the approval of the department of Public Works and Town Attorney; along with that was a condition there would be a hold harmless and indemnification agreement as prescribed by the Town, and to be recorded at the Registry of Deeds; relative to the sewer service for this project. Developed approximately 4-5 and worked through thoroughly from a legal standpoint and a practical standpoint. Where all the properties are dumping sewage into one spot in the Towns system, that they would be responsible to indemnify and hold the Town harmless should anything go wrong, it is their system and we are not responsible for that, we did not built it. This was finally released on 7/1/16 approximately the same time this Board addressed the conservation easement situation; received very little comments from attorneys for the developer. The first week in August the view of these documents were turned over to Attorney Klass' firm, and in the last two weeks received intensive comments about that. We have held two meetings with various people from DPW, my office, and Assistant Town Manager's office to try to deal with any objections and to insure that if anything goes wrong with this private system the Town of Hampton itself would not be responsible. That is our goal we did not build the system and should not be responsible for it. Already existing property initially were proposed by the owner itself to be part of an association, but were informed that there were existing people who did not want to be part of it and were taken off, we have had to deal with that situation; all of that lead to negotiations that were concluded last week.

Selectman Bean: so you are telling me that on February 3, 2016 there was a meeting between the applicant, the granting body and the Town Planner that there would be a hold harmless indemnification agreement.

Attorney Gearreald: yes.

Selectman Bean: regarding the applicant and associated with property owners that are using and producing effluent in a private system that we know nothing about. We negotiated in good faith and now the meeting of the minds we were informed that this was a no go, when?

Attorney Gearreald: technically last Friday.

Selectman Bean: this is serious business and does not pass muster, there was a negotiation, a meeting of the minds, an agreement and we come to the 11<sup>th</sup> hour there is a sewer system that is an orphan and nobody wants it. Cornerstone must be fair they own several elderly facilities. This does not pass muster, I do not support it and the Board should not vote on it.

Town Manager Welch: there are a number of individual elements in this area that we are talking about; Thursday night we were informed there were some questions about the indemnification agreement and where it could be properly insured. No one knows how the system is built, how it is put together; pumping stations need work; our biggest fear is the fact

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this particular system is now 30 years old and has not been cleaned every year, has not been photo inspect, made out of clay pipe. Have been notified the sole connection to our system is ours; have not found any records stating that. The line does not comply with State or Federal Law, both sewer and water on the same pipe, in violation of current state statute. The owner has indicated that they want us to be fully responsible; the information I have seen indicates that it is not ours and would recommend against taking it under any conditions.

Selectman Bean: I would like to see a detailed communication of exactly when the email or telephone calls went through. I would like a detailed examination of communications, just how far down at the 11<sup>th</sup> hour where people are backing away from the cornerstone of the agreement with the Planning Board.

Town Manager Welch: the Planning Board agreements also involved the Board of Sewer Commissioners and the Board of Selectmen, which are the Board of Sewer Commissioners and without your consent on these documents, this facility cannot be connected. Until we had information on Thursday night that they believed this pipe going across Route 101 belongs to the Town, they did not want to have any responsibility for it. We started investigating the pipe; there is no reason that pipe should be there in its current condition. I asked the Public Works today and asked if the pipe running underneath Route 101 is it sufficient to take on the stress with all the buildings being put out there; and the answer was they do not believe so; the pipe would need to be replaced at some point in time. I think that maybe one of the motives involved saying this belongs to the Town; the information we found says it does not belong to us. We have looked at the State's records and water department's records; if they do not want to do the facility that is their option. If this is not done by September 1<sup>st</sup> the option goes away; his authorization for funding dries up and is gone. I believe counsel should be authorized to notify the Probate Court and should be asked to hold this off; in the meantime, we will get you every piece of record that we have been given of information that has come from everybody associated with this.

Selectman Bean: there was a meeting of the minds in February, and now other people's deadlines are not the responsibility of the citizens and taxpayers of Hampton; what I am interested in when we realized the applicants were walking away from the agreement. I do not support moving this project.

Selectman Barnes: I am not in favor of support this; Mark needs to file a motion for reconsideration as far as the conservation easement goes; if it is meant to be and they decide to agree what they said they were going to; we cannot risk this to the Town and not take on a pipe that is not ours.

Selectman Waddell: I would like to hear from all sides before we make a decision.

Chairman Bridle: I agree, we need to hear from all sides; I was looking at we have to file by September 5<sup>th</sup>, but that is Labor Day, so do we have to file by September 2<sup>nd</sup>.

Attorney Gearreald: the court could continue that on until September 6<sup>th</sup> due to the holiday; I however, would not take a chance and would want to inform the court by the status of this by some plea being filed by Friday.

Attorney Klass: I concur there has been a tremendous amount of work, my office was retained on August 4<sup>th</sup>; we represent asset title and Seacoast Realty; I do not represent the applicant who is Cornerstone and also a hotel in that area. We represent some of the owners of property

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and that property would be part of the association. I do not believe there was a meeting of the minds with respect to the Planning Board approval, that approval was a conditional approval granted to Cornerstone. One of the conditions #9 shall be as prescribed by the Town shall be provided relative to the sewer service for this project. The hold harmless document that was provided that is now the hold harmless indemnification document for the entire private system. One of the concerns of my client right now there is no indemnification out there and the Town is requesting full indemnification as to the whole system as part of these permits. One concern is this document is binding on the owners, and I believe the intent was to bind the association; everybody has been working in good faith; several conference calls and meetings. There is existing infrastructure and uses out there, so is hard to bring on these new uses in a fair and equitable way that protect both the prior owners, prior users and the Town. On Tuesday, we met and I specifically stated that these were incumbent upon the owners review and approval and I was meeting with them on Thursday. We met on Thursday and they had some concerns; I sent an email at 5:56PM on Thursday to Mark and cc to several other folks and I identified the three concerns. The sewer documents are separate then the condition of the Cornerstone permit; there was no misrepresentation by me. The indemnification/joint liability is one of the concerns; the origins that go under Route 101 the engineers are trying to figure out the origin and history; my client's vague recollection is the Town required that to be put in; we just do not know about that; the parties have been trying to figure this out.

Selectman Bean: this whole harmless and indemnification agreement was produced July 1, 2016; it specifically talks about the Liberty Lane sewer association; and then we get down to August 25<sup>th</sup> after hours, but this agreement is very clear; the whole association was involved with this. Attorney Gearreald drafted this document and it was a meeting of the minds, so I would respectfully interject that.

Attorney Klass: my clients never signed off on this; there was no meeting of the minds; the two main issues here are the 101 span and the indemnity.

Attorney Gearreald: we had gone back and forth on a number of versions we assumed the positions you were taking and the changes you wanted made were authorized changes. Therefore, we would not be in the situation on a Thursday evening we would suddenly hear that the client was not happy; that is a big jolt; and it has been to all of us who worked very hard on this. We were fully expecting and put this on the agenda tonight for Board approval, in anticipation we would not heard what we heard on a Thursday as the agenda is set on a Wednesday.

Attorney Klass: I think everybody wanted there to be a deal, I worked my butt off for two weeks on this and Mark did too, and there just was not a deal; we were getting in the form for final approvals; it is what it is; there is business considerations that are separate from legal considerations. In the current form, my client is not willing to sign the documents.

Attorney Gearreald: in the content of the email reflects some fundamental problems with acceptance of the evaluation of the system; questioning whether or not the Town is responsible for that pipe that went under the sewer system, that is a big item, this is not a small concern.

Attorney Klass: that came out during a call to the client; the folks with history are few and far between; no documentation on the State or Town level; the client's vague recollection that because this was 101; no one has found any easement rights.

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Town Manager Welch: this has been in the hands of your clients since July and this is the first time we have heard of a problem, business people do not do that; if there was a problem it should have been coughed up on July, not now, not the beginning of September. When the person this was all being done for are going to lose their business, lose their building, and lose financing, that is just the wrong sloppy way to do this. In my opinion this was incompetently handled somewhere, and it was not on the Town side because we have been pushing to get this done, because we want this facility built. There is no reason why this could not have been completed in July and here we are a couple of days from the end of the entire process when tis poor guy is going to lose his building and it is not finished yet because someone has thrown a class 1 monkey wrench into the works. These issues should have been brought up months ago, just not effective, it is a poor relationship; it is going to take divine intervention. Basically, the owners wants us to take responsibility that was done by somebody else and he wants taxpayers to pay the bill, my advice is do not do it.

Selectman Waddell: I agree with what you are saying, but also agree if there is a way to make it work with them taking responsibility; there can still be some negotiations until the last minute. If there is still an option to get there somehow; ok somebody was sloppy; I do not think it is right, we work through until the very end; we do not accept anything we do not want to accept.

Selectman Bean: I would characterize your assertions negatively; we are positively reinforcing the Town of Hampton.

Chairman Bridle: we are here August 29, when is the last minute.

Town Manager Welch: the last minute is August 31 at 2:00; that is the day, the Cornerstone facility has their hearing before the Planning Board pre-construction meeting; if they cannot get that pre-construction meeting done there is no building.

Chairman Bridle: and this is our last meeting between now and then.

Town Manager Welch: we scheduled it because we anticipated after working with everybody, that we would here tonight to sign the documents. Therefore, we scheduled it so they would not lose their funding on September 1<sup>st</sup>, so if this is not put together by the 31<sup>st</sup> that facility will not be built; and affects all the other facilities that have been approved in theory.

Attorney Klass: the driving factor here is the financing component; could the pre-construction meeting be continued? Town Manager Welch: they have to commit by September 1<sup>st</sup>

Attorney Klass: this is complex; the probate piece we have dealt with; if we can work on the sewer documents and get those resolved; that is all we can do right; I do not want to stop the conversation.

Town Manager Welch: we have until August 31st at 2:00; the problem is unless the folks who are on the other side are going to say this our pipe we installed it, it was not the Town we know that, had somebody install it and we are going to take responsibility. If you are not going to do that the recommendation from DPW, my office and from counsel is that this is a dead deal, because it just is not going to move forward.

Attorney Klass: is there a way for this Board this evening to make recommendations on the documents, contingencies and then if we can work to resolve those between now and the next meeting; contingent approvals.

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Town Manager Welch: we do not meet again for two weeks that would be way past the deadline.

Attorney Klass: can you delegate the authority to with certain conditions met by this Board.

Selectman Bean: somebody has left this ball on the court unattended for 60 days, and we are not going to jeopardize this Town and start doing contingencies and put words on the record where people can come back at us with it. It is the 12<sup>th</sup> hour; provide the risk management documentation by the sewer system, come up with a document that you will agree to. The Town Manager has said no, the Town Counsel has said no, I have said no; Regina said no, DPW would probably say no.

Selectman Barnes: I would love to negotiate this and get it to be what they want, and what we want; the facility would be great; the documents were put together for the protection of the Town

Selectman Waddell: we are going to hold our position; if he goes back to his people and they accept it, why stop it.

Selectman Bean: there is a deadline, would be happy to have an emergency meeting.

Selectman Waddell: the last I heard was no.

Town Manager Welch: you heard no with the current documents.

Director Jacobs: we have been working with Cornerstone and Asset Title who owns the Wheelabrator complex; ever since the first meeting that we had with the Cornerstone people and meeting with OPG Construction representing the hotel developer. In both instances, I stated to them as we were entering new territory and we were going to need to draw up agreements. This is a private system that I have no control over, no responsibility to as a Town but the EPA holds me responsible if there is an overflow, a discharge or a failure of one of the lines. The other reason for asking for these documents that Mark has pushed very hard to get them into a final form, long before Mike Klass came into the process; we got through it and worked out these things. I like the way the legal documents are prepared as a whole, except for 2 points: #1 we feel and my information shows that the line that runs under 101 is part of their service connection. You realize that service line that comes from your house to our service main is yours until it gets to the edge of the street as far as repairing it; it is still yours all the way to the main, at that point, you have to deal with us. Prior to that, you can repair the work on your own property. We have always contended that it is the real deal, the documents have been specifically to hold harmless, that talk about the collection system through the sewer manhole and including under Route 101, it is not our system. We pointed out that the deficiencies and they said great and they agreed to take those on; I asked for 10% funding to be put into the agreement; met with Ovid two weeks ago and he said they had a problem coming up with 10% value. My point is we have been working with them and going back and forth; but from early July, we had not heard back from anybody. Thursday afternoon the word came down and they had a problem with ownership or responsibility for that sewer line underneath Route 101. The problem he has with it was it was installed with vitrified clay pipe; they put a 36" pipe into the ground, put the sewer in filled it around with sand and in the same pipe put the water line; we do not do that; the state rules do not allow that at all; 10' is the minimum. When we cross one over the other going opposite directions most of the time we encase the water line in concrete, so there is no potential of effluent to mix with the drinking water. What

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I found at the State was as far back as July 12, 1977 it showed those water and sewer lines in the same location for the Wheelabrator Project and repeatedly all the way up through, it shows that their sewer lines. In 1986, this Town underwent the Exeter Road relief sewer where we put in a sewer in the woods parallel to Exeter Road but way downhill to pick up everybody, Driftwood, Maplewood, Langdale all the way down; that plan did not go under Route 101, it went about 30' towards their sewer, picked up their line; done, end of story. At one time, there was a pump station at the end of Langdale to service their project and that is what this Exeter Road relief sewer replaced. This is their service line under Route 101; at some point, it is going to need to be replaced and minor modification to the agreement that they take responsibility for everything on their side.

Attorney Klass: the second point was responsibility of the whole system; can you tell me more about your thoughts.

Director Jacobs: the main line that goes from Liberty building; as other people attach to Lots 2 & 3 on either side, that it then becomes part of the association.

Attorney Klass: as it stands, it would not be part of the association, but as soon as somebody else is in on that then they become part of the association.

Director Jacobs: yes.

Attorney Klass: the new users, not the existing users.

Director Jacobs: yes.

Chairman Bridle: but we are not responsible for that?

Director Jacobs: correct, there is currently a sewer association that Asset Title put together, it only covers some of the lots; they created new lots this year as part of a Condominium conversion, those new lots are not covered by the old agreement. This new agreement does cover them, but what we are saying is, that old line is covered by the old agreement, as other people are going to tap into it, the new agreement should encompass that. They finally recognize the liability; I did offer if they wanted to give us \$2,000,000 we would take over the whole system.

Selectman Bean: the status of the negotiations now is that the Hampton taxpayers in the face of a calamity would pony up that money.

Director Jacobs: right, tomorrow morning we are going to pop the manhole and make sure that the water line and the sewer line are not already broken.

Attorney Klass: the Board is saying no on the Route 101 span, can the Board clarify the hold harmless indemnification document if it is intended to attach to all the owners in a joint manner in addition to the association, because my intent was if something would happen to the system, the Town would call on the association. The Town would have assurances of the bond/capital reserve to demonstrate that it have the liquidity to be a viable entity.

Selectman Bean: associations can go bankrupt and maneuver out of things.

Attorney Gearreald: the security of this has been something that the Public Works Director has been aware; they have not been willing to have the money be put into the association right away, but have been offering a bond that we have not seen.

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Attorney Klass: does the Town have a sample bond, I would be happy to take it to my clients.

Attorney Gearreald: we have construction bonds; but the onus is on the part of your client through Attorney Lamontagne that a bond be shown and we have been waiting to see it.

Attorney Klass: we have feelers out to insurance companies; liability riders were discussed as was the bond.

Attorney Gearreald: can Cornerstone project go forward awaiting these kinds of details, that is the problem; we have been rushing to get these documents done so it can be started September 1, 2016. You can see the frustration, as we even had a Senator come who says we want to be business friendly; the details were not our to generate, the bond is coming from your end.

Town Manager Welch: you need to go back to your principals and tell them what the Board said; what you are telling us in your email is that you are dubious about whether or not you can even acquire insurance.

Attorney Klass: there is an insurance requirement and nobody looked into it?

Town Manager Welch: you have had this since July 1, and it should have been looked into then and we would have an answer now.

Attorney Klass: I am happy to go chat with my people and want to do whatever I can to facilitate it and there was a comment about a special meeting

Selectman Bean: we are all disappointed and surprised when the news of your email came on Friday, because we have been supportive of this and it is a great project; our priority is protecting the rights of citizens; Federal regulations and State regulations and we are not going to eat those.

Chairman Bridle: we can call a special meeting with 24 hours notice.

Selectman Waddell: you know our position, so if he comes back and says they will meet every condition; non-negotiating.

Attorney Klass: there are some minor edits such as the Lot on exhibit A are we able to discuss those?

Attorney Gearreald: I would expect so.

Chairman Bridle: if you can get back to us tomorrow by 3:00, we can initiate an emergency special meeting for Wednesday, July 7, 2016.

Attorney Klass: I appreciate your time and courtesy; thank you.

## VII. New Business (1:42:10)

1. Sewer Services Agreement
  - a. Liberty Lane Sewer Association/Cornerstone Development

Discussed above.

2. NHMA 2017-2018 Legislative Policy
  - a. Conference & Floor Policies

Chairman Bridle: we have 7 proposals.

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

1. To see if the NHMA will support the legislation to allow Municipality Library budgets to appear on a separate warrant article in a Town meeting SB2.

Town Manager Welch: if the legislation passed, it would take the Library budget out of the Town budget and put on a warrant article.

Town Manager Welch: the Library Trustees are considered to be other Board of Selectmen; they are outside the control of the Board of Selectmen; have own resources, have own treasurer, pay own bills, hire own employees, pay them, negotiate with them, they can do just about everything the Board of Selectmen can do.

Selectman Bean: I support maintaining the status quo.

Selectman Waddell: I support giving our delegate the opportunity to listen and discuss and talk to the Library Director

Chairman Bridle: I am not opposed to it nor know if I support it; the way it works right now it is ok.

Selectman Bean: I think the Library is an integral part of this Town and they feel part of the team and do not separate parts of the Town and it deserves to be included right there with every other department, it is equally important; I support just the way it is and do not support any other options.

Town Manager Welch: She is a department head and is treated that way.

The Selectmen do not support this legislation.

2. To see if the NHMA will support legislation to municipalities to borrow funds from either their special revenue funds or capital reserve funds for the purpose of financing municipal bidding construction and warrant articles approved by the voters.

Town Manager Welch: it is a terrible idea; it gives you the opportunity to go in and strip accounts that have been created by the voters without their vote; do not think it is right; they are there for specific purposes.

The Selectmen do not support this legislation.

3. City of Portsmouth to see if the NHMA will support legislation that amends RSA 674 – Assessor Dwelling Units (ADU).

The Selectmen support this legislation.

4. Legislation to allow municipalities to adopt additional surcharges under the meals and rooms tax on hotel occupancy within the Municipality would deposit funds to be collected by the department revenue administration and paid to the Municipality into the capital reserve fund, revolving fund, or other special revenue funds to help defer additional costs of municipalities due to tourism.

Selectman Waddell: it would be up the municipalities, we would have the option of doing it or not doing it; we could have that discussion and would help us in paying and public safety

The Selectmen support this legislation.

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5. To see if the NHMA would support the legislation as defined short-term rentals as a home business and permit municipalities to regulate and inspect the businesses for life safety issues.

The Selectmen support this legislation.

6. To see if the NHMA will support the policy that requires the NHDOT to adopt, develop and implement the type of program for noise abatements on existing highways. We have a housing development that is going next to Route 95 and they knew 95 was there when they built it; then you would require the State or Town to build a noise barrier because they built a house next to the highway.

Town Manager Welch: should be the responsibility of the developer to do that.

Chairman Bridle: it is one thing if they put a highway through a development and then come through and put the barriers up; but if you build next to a highway knowing that it is there, then why should you expect once you build there and have the Municipality or the State pick up the cost.

The Selectmen do not support this legislation.

7. To see if the NHMA will support legislation to reduce local property taxes by #1 - fully funding the NH education trust fund as defined in RSA 198:38; #2 – significantly reduce the amount of \$363,000,000 of being raised by the state property tax defined in RSA 76:3 with any reduction to be replaced from other state revenues.

Town Manager Welch: they have already reduced it as we lost over \$2,000,000 in property valuation, with what they did with the telephone poles. Will carry over to electric companies; unfair taxation; probably in 10 years will lose an average of \$10,000,000 per year in taxes that go to support the education system; if you do the electric could be more than \$20,000,000 or \$30,000.

Selectman Waddell: I support the idea.

Chairman Bridle: but not the method they have come up with.

Selectman Bean: as presented, I do not support.

Selectman Waddell: I agree with Selectman Bean.

Chairman Bridle: will sign this allowing Regina to represent the Hampton Board of Selectmen.

Town Manager Welch: will process it tomorrow morning.

3. Primex Insurance (1:56:44)
  - a. Contribution Assurance Program FY 2018 & FY 2019

Town Manager Welch: Primex has offered to extend the complete coverage we have now for the next 2 years for a total of 3 years and will not exceed 9% in their rate increase in each one of the years. The only reservation I have about this is that there are a couple of insurance companies that are currently trying to set up a program similar to Primex and would like to see what they will charge, as there will be competition again. I suggest we wait.

Selectman Bean: put on the agenda prior to the next meeting as I have many questions; we can invite Primex in

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

4. Street Name Change (1:58:26)  
a. Wanda Robertson Road

Town Manager Welch: it is currently Robertson Road and 911 wants Wanda put on it as it is too close to Roberts Road

Selectman Bean MOTIONED to APPROVE the Street Name Change to Wanda Robertson Road SECONDED by Selectman Barnes.

VOTE: 3-0-0

VIII. Closing Comments (1:58:46)

Selectman Bean: perhaps I misspoke about Senator Stiles comments earlier and did not mean to impugn her constituent service and stand corrected if I misrepresented what she had to say and it was a big issue and we resolved it well. Thank Senator Stiles for her comments tonight, her tenure as elected representative and taking the time to come out.

IX. Adjournment

Selectman Bean MOTIONED to adjourn the public meeting at 08:55 PM SECONDED by Selectman Barnes.

VOTE: 3-0-0

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Chairman