

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

October 24, 2016

PRESENT: Jim Waddell, Vice-Chairman
Rick Griffin, Selectman
Phil Bean, Selectman – Late (54:00)
Regina Barnes, Selectman
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

ABSENT: Rusty Bridle, Chairman

SALUTE TO THE FLAG

I. Public Comment Period (6:35)

Charlie Preston: ADU proposed zoning, which is an accessory dwelling unit; new State law as of June 1, 2017 the new State law will limit municipality's ability to enact zoning and prohibits or restricts accessory dwelling units or accessory apartments; family component.

II. Announcements and Community Calendar (9:20)

Selectman Griffin: when is the leaf pick up this year? Town Manager Welch: begins October 31, 2016 and ends November 4, 2016

III. Consent Agenda (9:57)

1. Release of Welfare Lien Tax Map 146 Lot 033

Selectman Barnes MOTIONED to MOVE the Release of Welfare Lien Tax Map 146 Lot 033
SECONDED by Selectman Griffin.

VOTE: 3-0-0

IV. Appointments (10:16)

1. Ed, Tinker, Chief Assessor

a. Second Half Property 2016 Tax Warrant – Final

Mr. Tinker: \$25,877,726, this is a result of the value as a result of the 2016 Town wide evaluation; the Town rate is \$16.08, a reduction of 16.1%.

Vice-Chairman Waddell: the Town includes the School. Mr. Tinker: yes.

Selectman Griffin: for the Town is \$16.08 and how much additional is it for the precinct? Mr. Tinker: an additional 74 cents for the precinct, giving you \$16.82.

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Selectman Barnes: to clarify it has dropped considerably from last year over 16%. Mr. Tinker: yes.

Selectman Griffin: on a \$300,000, home how does that change from last year to this year. Mr. Tinker: approximately \$5,700 on a \$300,000 using \$19; \$300,000 @ \$16 would be \$4,800; but because of the revaluation that \$300,000 last year potentially could be \$350,000-\$360,000

Selectman Barnes MOTIONED to APPROVE the Second Half Property 2016 Tax Warrant SECONDED by Selectman Griffin.

VOTE: 3-0-0

2. Mark Gearreald, Town Attorney & Jason Bachand, Town Planner (13:38)
 - a. ADU Proposed Zoning

Mr. Bachand: ADU is an Accessory Dwelling Unit; the Governor signed Senate Bill 146 into law on March 16, 2016, which takes place on June 1, 2017, it will be RSA 674:71 when it takes effect. We have been working with the Planning Board on updating our zoning ordinance to establish ADU regulations; the issue is if the regulations are not in place then anyone can come in and establish an ADU anywhere in the Town just by building permit. It is a concern as it can have a negative impact on neighborhoods and the community as a whole; we need regulations to oversee the establishment of these units. It must be an independent living unit; it must have an interior door between it and the principle dwelling unit; have adequate water supply and sewage proposal. A municipality may control the appearance to maintain the look and feel of any single family home; may require owner occupancy of one of the units; may require demonstration that the unit is the owner's primary dwelling unit; regulate the number of occupants per bedroom; limit number of unregulated individuals in a single unit; establish minimum and maximum ADU sizes. Municipality must not require familial relationship between occupants of the ADU; cannot require to only have one bedroom; cannot require additional lot area or additional dimensional standards; cannot require separate water and septic systems; we cannot require interior door to remain unlocked. In the latest ordinance that was updated last Wednesday; definition of ADU added; language regarding ADU; new section Article 3A under use regulation; conditional use permit; no bedroom be less then by 7'x10'; occupancy requirements being current; no home occupations or businesses being allowed. Detached units only being permitted within a structure that predates the enactment of this article; use existing foundation to meet the footprint of the criteria; no more than 800' in size; sprinkler system requirement; not eligible for condominium conversion; impact fee same; parking requirements; amended Article 7 to remain the same look and feel of the single family home.

Attorney Gearreald: difficult prospect for the Planning Board; Statewide zoning ordinance and does not fit well in Hampton or other Beach communities, that has been recognized by Rockingham Planning Commission; probable in future legislative changes that will come along to recognize and deal with these. This will be posted for a public hearing soon after the Planning Board gets a look at the latest draft.

Selectman Barnes: I wanted to congratulate the Planning Board requiring an owner be there and keeping the original footprint; great job; glad we have a great Planning Board and glad that you are our Town Planner.

Selectman Griffin: you said the people do not have to be related? Mr. Bachand: yes.

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Selectman Griffin: when this is all done will Hampton's law be different from the intent the State had to begin with. Mr. Bachand: we have to work within the parameters that was provided by the State.

Selectman Griffin: but you will be able to make tweaks to it. Mr. Bachand: yes, the legislation down the road may change and that will give us some more flexibility.

Selectman Griffin: Hampton Planning Board has to stick with the intent. Mr. Bachand: yes.

Selectman Griffin: do there have to be further exits added, such as a third floor unit having an exit on the second floor. Mr. Bachand: it does talk about having a common door between the two units; would have to comply with the building code having proper egress and ingress.

Selectman Griffin: what would happen if it were a mixed-use building? Mr. Bachand: the Zoning is designed more to a single family home.

Selectman Griffin: businesses already exist in many single-family homes. Mr. Bachand: we will have to look at that.

Selectman Griffin: as far as insurance companies are concerned, that it is not a commercial building if the commercial space is 25% or less. I would like to know how the State deals with this; have anxious people wanting to know. Mr. Bachand: we will look at that for you. We will post when the public hearing is and copies of the ordinance will be posted on the website.

Selectman Griffin: you do a great job; thank you

3. Kristi Pulliam, Finance Director (33:45)

a. Monthly Financials

Ms. Pulliam: September financials target is 75%; monthly total income was \$505,087; motor vehicles @ \$356,155 over adjusted months target by \$100,580. Interest on taxes @ \$19,465; building permits @ \$20,851; departmental income @ \$54,528; parking lots @ \$27,964; district court fines @ \$18,327; Real Estate trust @ \$128,851 which is for August and September; estimated Revenues are \$7,612,533. Expense summary 72.04% under months target by 2.96% or \$713,786; overall departments at a whole are running under the target. Town clerk 75.37%; MIS 64.6%; legal under target; cemeteries under target; parking administration 104%; police department 74.71%; fire department 71.48%; hydrants 97.03%; DPW 67.53%; mosquito control 91.97%; welfare 69.24%; culture & recreation 66.52%; patriotic purposes 114.73%; warrant article projects are underway and have been expended; 2015 encumbrances 88% have been expended to date. Special Revenue – Fund 24 @ \$163,665; Beach sticker donations @ \$15,180 with \$16,442 being granted in scholarships this year; Cable Committee Fund balance @ \$182,796; Fund 26 @ \$92,510; Fund 27 @ \$314,315; waste water system fees collected \$51,612 balance in account is \$166,274.

Selectman Barnes: we have spent 88% of the 2015 encumbrances; all major departments under 75%. Ms. Pulliam: yes.

Vice-Chairman Waddell: is this report online? Ms. Pulliam: yes.

Vice-Chairman Waddell: can you tell the public what Fund 24 and Fund 25 are? Ms. Pulliam: Fund 24 is the recreation fund and Fund 25 is cable

Vice-Chairman Waddell: how are they funded? Ms. Pulliam: through the programs; no tax dollars; Cable Committee is from the franchise fees; private details are funded through the

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companies we do the details for; EMS Fund through ambulance billing; Waste Water System development charge is assessed by the Public Works Director when dwelling unit increases the use onto the sewer system.

Selectman Griffin: what is the parking now to this point of the year compared to last year?
Ms. Pulliam: slightly over.

4. Bod & Kathy Dockham (45:18)
 - a. Wanda Robertson Drive

Mr. Dockham: the minutes from the 2014 BOS meeting was ok and discussed; Magnolia Way, Harmony Drive and Robertson Way and then highlighted was where it was brought up for Wanda and Bernie Robertson which was voted on. Some of the roads are private, with very similar sounding names, which is part of the problem because of 911 and the clarity to respond to the correct address.

Selectman Griffin: I think Robertson Drive was the first one not named after a veteran. Mr. Dockham: I suggested if we had to change it to B Robertson.

Town Manager Welch: any name you want we will run through 911; public works suggested a list of former Presidents.

Mr. Dockham: a concern is the first house is closing on Friday and they need a mailing address.

Town Manager Welch: nothing comes close to Magnolia.

Selectman Griffin: I think this needs to be discussed by the Board; this should have been handled when you came in the last time. I do not think it is fair to change the policy without having everyone present; come up with a serviceman which is the policy now; I do not like any of your arguments and I am the one that voted against Wanda Robertson Road. I feel bad and totally understand and do not know why you had to come back.

Town Manager Welch: we have two employees that passed away; we also had a Fireman that a street has been named for him; we have McCarron and Swett.

Selectman Griffin: I agree to either one of those.

Town Manager Welch: we have to make a submission; there are several Towns that they have changed the names of several roads.

Selectman Bean arrived.

Mrs. Dockham: I do not know how it works changing all the legal documents.

Town Manager Welch: if the name is already in legal documents some of them would have to be changed; a lawyer would have to tell you.

Selectman Griffin: we have a motion if you want it McCarron. Mrs. Dockham: is it Drive, Street, Way or Road. Selectman Griffin: I think Drive sounds better.

Vice-Chairman Waddell: people want to close, so it is not fair to hold them up.

Selectman Griffin: we need to come up with another list that is prioritized.

Mr. Dockham: as far as the paperwork, I just change it to McCarron Drive. Town Manager Welch: yes.

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Selectman Barnes MOTIONED to APPROVE the change of Wanda Robertson Drive to McCarron Drive SECONDED by Selectman Waddell.

VOTE: 4-0-0

- V. Budget Reviews (57:00) Chris Jacobs, Director; Jennifer Hale, Deputy Director; Theresa McGinnis, Operations Coordinator; Mike Dube, Wastewater Operations

1. Department of Public Works

Highways & Streets

Director Jacobs: administration line regular wages down .79% requested \$1,084,938; part time wages +14.5%. Ms. McGinnis: moved \$5,000 from engineering account to pay for summer interns was moved to wages; step increases in overtime wages

Director Jacobs: career incentives are the same; telephones +5.6% due to tablets; rentals and leases \$750; supplies and expenses +\$8,000; building maintenance \$20,000; diesel fuel -5.6%; federal storm water requirements \$50,000. Repairs & maintenance +1.5%; lawn care same; hired equipment same; removed 40 trees; 6-8 more need removal; trimmed branches 12 trees; new street signs; storm drainage same \$30,000; drainage construction same \$30,000; sidewalks same \$26,000. Snow and ice removal stay the same; \$67,860 for wages; \$30,000 for hired equipment; salt @ \$80,000; and sand @ \$13,877.

Municipal Sanitation

Ms. McGinnis: Municipal Sanitation OT wages increase due to base wages increase, have to work every day of the week, every day of the year.

Director Jacobs: Wastewater Treatment Plant phone increase due to tablets; Asset Management System technology; flow meters under hired equipment +700%.

Mr. Dube: flow meters is a requirement we have to do every year; flow coming into to flow going out.

Ms. Hale: the flow meter line going from \$200 to \$1,600.

Vice-Chairman Waddell: is this something you can buy. Mr. Dube: you could, but due to the amount of time of use, equipment would become outdated or old.

Director Jacobs: gasoline -29%; supply & expenses +8.6%; 375 various pieces of equipment that could breakdown \$88,000; overall 1% increase.

Solid Waste Collection

Director Jacobs: regular wages +.88%; part time +1.29%; OT wages +111% going from \$20,000 to \$40,000.

Ms. McGinnis: rubbish collection on weekends; step increases; based on hours they actually work on weekends in the summertime.

Director Jacobs: 592 hours to collect trash; budget modifications; truth in spending; +14.5% for diesel fuel was \$39,600 recommending \$45,355; more carts, more fuel, more stops; trash up 31 tons; more runs back to transfer station. Landfill operations no change; waste tipping fees +1%; hauling +2.87%.

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Transfer Station

Director Jacobs: wages +1.97%; part-time wages -68%; OT wages +31%.

Staff Development

Director Jacobs: training going from \$1,350 to \$2,660.

Ms. McGinnis: have 28 employees that have to have their operator certificate renewed every year @ \$50; every other year weighmasters need renewal; for 2017 14 employees @ \$90 apiece; \$1,200 increase.

Director Jacobs: transfer station repairs and maintenance +250%.

Ms. Hale: the repairs and maintenance stem from the building itself; painting; scale house maintained; certified; retaining wall repair; replace two blocks; need to look at whole wall; \$28,000 to bring in structural engineer to do the right type of testing to find out what is going on; safety improvements.

Director Jacobs: hired equipment for transfer station going from \$100 to \$500; due to potential towing; gasoline +6.7%; diesel fuel +24%; overall Solid Waste Disposal is up 7.3% due to 2% salaries and 2% hauling.

Sewage Disposal

Ms. Hale: spent all the money on the force main repair \$130,000 that was in the sewer line, as we did not get to what was planned, we are falling behind in the CIP; presenting list of project that we know need to get done and the amount we need to increase this line; infrastructure is old.

Director Jacobs: supplies & maintenance stays same \$7,000; Waste Water Treatment Plant maintenance move from \$55,000 to \$60,000. Ms. Hale: for electrical repairs.

Director Jacobs: we need to do everything pursuant to code. The sewer treatment budget is +8%; municipal sanitation +5.13%; grand total is +4%, the grand total number is \$5,170,402.

Selectman Barnes: you are requesting \$5,170,402, which is a little over \$198,000 increase from last year and within that, you have Stated our infrastructure is very old. Director Jacobs: yes, everything is coming due at the same time; Lafayette Road sewer; Church Street force main; repairs to retaining wall transfer station; building maintenance on the outside skin; it is really stressing our ability to maintain what we have

Selectman Barnes: you and the Town Manager have put together a great budget; the increases I see are things we do not have much control over. Director Jacobs: like tonight the ADU and will be great for the community in the rental market, but it means more wastewater, more trash so when we make improvements in the community there are corresponding results that will happen.

Selectman Barnes: administration under highways and streets the federal storm water requirements you are saying probably this time next year will be potentially higher. Ms. Hale: yes, there has been equipment purchased to help deal with the testing that is going to be required under the new permit; part of our storm water collaborative.

Selectman Bean: the department is doing an extraordinary job; we all commend you for your superlative work; the department is 24/7 year-round; remarkable leadership and remarkable

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performance of duty. Could you prepare a position paper for the Board on how our agreements with municipal uses to our system are taxed or burdened as we are; with increases by virtue of the agreements, they have with us State of NH and the Town of Rye. We see these increase, these folks have contracts in place; any suggestions that you might have that the contracts could be modified even discussed during an interim basis with the people that piggyback off our expense, off our infrastructure, off our taxpayer burden. Great job and please extend to all your people.

Selectman Griffin: it is really not that much of an increase considering everything that is going on; I feel if there is more expense picking up the trash, there is more money coming in for that purpose. Things do go up and it is something we have to address and we want to make sure Hampton continue to have the services that they have. You are all doing a good job. You are taking down 40 trees at a cost of \$10,000-\$12,000. I would like to see when they take trees down they should put new trees up.

Director Jacobs: we have had the discussion that the ones taken down in Founders Park, Park Avenue, Locke Road and a few other locations should be replaced and was hoping to put together as one contract and have a couple of more bid on it, encumber the money and get it done in the spring.

Selectman Griffin: yes, many people spoke strongly when they saw the trees were tagged, we need to be planting trees where they are taken out. Director Jacobs: I agree.

Vice-Chairman Waddell: you have done a good job explaining your budget, such as building maintenance; keep falling behind; Federal Storm Water Requirements, nothing we can do about that. Have you budgeted sufficiently if we are smacked with a lot of snow? Director Jacobs: yes, there is sufficient budget remaining

Vice-Chairman Waddell: the telephone budget going up, but will increase the efficiency and productivity and pay for itself hopefully in the end and make it much safer. Director Jacobs: yes.

Vice-Chairman Waddell: overtime is stuff we do not have a lot of control over, due to contractual and services we are providing. Director Jacobs: in the past for budgetary reasons, we have avoided adding new staff; we choose another path, which is overtime, we are already paying the health and retirement benefits; less of an increase paying overtime then to add 5-15 people. Ms. McGinnis: some of the services we provide on the weekends, in order to have coverage you have to have overtime because of the contracts; the services we provide drive the overtime costs.

Vice-Chairman Waddell: people have to realize that your department services every person in Town; I agree with what Selectman Bean said; we should look at outside people that are using us, see if we can redo contracts; thank you, appreciate what you do.

Finance Director (1:47:09)

Ms. Pulliam: parking lots last year as of 12/31/15 took in \$585,377; this year as of 9/30/16 is \$557,802; we are under by \$27,000, but there are a few more concerts, so we can come out close to being level. We received the health insurance rates and they went up 6.7% so I have adjusted the health insurance line item in our municipal part of the budget. It will be an increase from what I had projected I had done a 5% increase, we are looking for another \$52,531 and it is \$61,895 more than what was budgeted for 2015. The Library budget will

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need another \$397 for the increase in the insurance. The Finance Department needs additional wages in the budget of \$12,365. We have actual gallons in the diesel budget; will need some lines increased and some decreased; we had set unleaded fuel @ \$1.95; diesel @ \$2.35. The tax rate is \$16.08; broken down into municipal, county, local education and the State education; \$6.41 for the Town; county .98; local education \$6.53; State education \$2.16; precinct is .74. The average value of a single family home is without waterfront is \$377,800 single family with waterfront is \$404,200; single family without land \$394,900.

Selectman Griffin: so when you say that you mean it is larger than a 50' x 100' lot. Ms. Pulliam: yes.

Selectman Griffin MOTIONED to APPROVE the Library Budget of \$856,588 SECONDED by Selectman Barnes.

VOTE: 4-0-0

Selectman Griffin: what was the tax rate last year? Ms. Pulliam: \$19.16 and down to \$16.08

Selectman Griffin: do you have any idea what is going to happen with the School. Ms. Pulliam: the School is included.

VI. Town Manager's Report (1:56:25)

1. The Department of Public Works will begin the collection of leaves on October 31st and ending on November 4th.
2. Sidewalk repairs on High Street are completed. Street repairs are ongoing on Ann's Lane.
3. Zoning Amendments petitions may be submitted starting November 14th till December 14th. Regular petitioned articles other than Zoning may be submitted at any time up until January 10, 2017.
4. The Town continues to work with our engineers on the development of plans for the replacement of the Church Street sewer force main and should be ready for presentation at the coming Town Meeting.
5. By memo, I have requested the Selectmen to review street lighting agreements with the State for Route 1A.

Selectman Griffin: could you give us more information about the streetlights? Town Manager Welch: the Town has a number of agreements it has signed dealing with streetlights with the State; we have a contractual obligation with the State on the 1981 reconstruction of Route 1A, it was a 10-year agreement and automatically renews every March. There also are a number of other agreements with the State and virtually includes all of Route 1A, they are 10 year increments and when they expire they are automatically renewed for an additional 10 years. We are about to start the process of working with the State on the reconstruction of Route 1A and certainly that should come into play discussions on those items when it occurs; so you will know what is what specifically as far as the agreements are concerned.

Selectman Bean: thank you great report; can you expand on our request for the director with municipal platforms and contracts with the Town and a review on that; the lighting raises another issue. Anybody that has contracts with the Town, if we could get a synopsis of that for the Board's review to make sure these are equitable, both to the people that are sharing our services and our infrastructure and certainly to the Hampton Taxpayers; would include

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lighting; sewer contracts; any firm to include the State using our recycling and refuse plant. If we could get a list of those, as time permits that would be great; thank you for your diligent work in discovering that and working on that with your department heads.

Vice-Chairman Waddell: when you say regular petitioned articles other than zoning, may be submitted; what is a regular petitioned article

Town Manager Welch: anything that a citizen wants the Town to do, legally of course; they need to do a petitioned article, need 25 signatures of 25 registered voters. I always caution folks because when we get the articles in here a number are not certified, as being legally registered voters, so we suggest to get 35-40 signatures; format for it in the Town report. You can submit any of the things that deal with appropriations or special projects they wish the Town to undertake, to study, anything. As long as the Town meeting passes, that will be accomplished the following year, but it needs to go on the warrant. Only the deliberative session or Town meeting can change that warrant article.

VII. Old Business (2:02:23)

Selectman Griffin: remember the tree we planted from UNH at Ruth Stimson Park. Town Manager Welch: I believe Recreation planted that.

Selectman Griffin: is it still there. Town Manager Welch: as far as I know yes.

Selectman Griffin: so it is growing? Town Manager Welch: it is a difficult environment for a tree down there because of the salt.

Selectman Griffin: I heard there is a tree down there that people pulling the branches off so it would not grow and somebody has moved that tree; is it the same tree. Town Manager Welch: I believe it is not the same tree, but will check.

Selectman Griffin: at some point, they were talking about putting more trees on Ashworth Avenue, but I think in the event that we do those things, people possibly do not want trees there as they want a better view, we need to look at how to re-enforce that if people just start killing trees that might be planted.

Vice-Chairman Waddell: I live down there and see no evidence of that taking place; any trees that are planted down at the ocean should be native to the ocean environment.

Town Manager Welch: if a person does damage a municipally owned tree, there are severe penalties of the law.

Selectman Griffin: at one time, there were many willow trees at the Beach. Town Manager Welch: willow trees can be a problem

VIII. New Business (2:05:00)

1. Acceptance of Salt Marsh Parcels Map 998, Lots 319 & 320

Attorney Gearreald: it is a donation that is being made of 7.5 acres of salt marsh; two different parcels one is 3½ acres in Hampton; the other 4 acres partly in Hampton and partly in Hampton Falls. It is something that has been proposed to be given to the Conservation Commission, they have already voted to accept the gift subject to your approval. The fact that part is in Hampton Falls it does not pose a problem by statute; it would not be taxable if it were under municipal ownership even if it is not the same municipality.

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Selectman Barnes MOTIONED to APPROVE the Acceptance of Salt Marsh Parcels Map 998, Lots 319 & 320 SECONDED by Selectman Griffin.

VOTE: 4-0-0

2. Review and Approve Contract for Discounted Electric Services (2:06:36)

Town Manager Welch: our current contract expires next month and have been diligently working with individual who is our representative and has been working closely with us the last three years; we have a current contract, which over that three-year period has saved the taxpayers \$77,000 in electrical fees and would like to continue to save that money. The prices we have received are even less than they were three years ago, but in order to continue the program we need the Board's approval. This saves a significant amount of money particularly at the Wastewater Treatment Plant; this is an open scaled contract and we can freeze that if we reach a low point at some point in time during the two years and it will not raise the cost during that entire period. We are starting at ½ cent less than we are paying now, but we need the Board's approval to move forward in the coming two years using the same vendor as we had before.

Vice-Chairman Waddell: is this something that has to go out to bid. Town Manager Welch: we have already gone to three different vendors and this is the low vendor

Selectman Bean MOVED to engage Titan Energy on a 24-month variable-rate float with ISO New England wholesale market for the purchase of Electricity and to permit the Town Manager on behalf of the Town to sign the contract SECONDED by Selectman Barnes.

VOTE: 4-0-0

IX. Closing Comments (2:09:33)

Selectman Bean: thank Mr. Chairman for your esteemed leadership tonight; we really appreciate you stepping in tonight

Selectman Griffin: I was not suggesting anyone from your condominium did that. Vice-Chairman Waddell: I know you were not.

Selectman Bean: Mr. Welch outstanding work on the energy contract; thank you for your leadership.

X. Adjournment (2:10:20)

At the conclusion of the Selectmen's Public Session at 9:17 p.m., and without adjourning upon motion duly made by Selectman Griffin, seconded by Selectmen Barnes, the Board voted unanimously by Roll Call vote to go into a Non-Public Session under RSA 91:A:3,II(c)&(e).

The Public Session adjourned at 9:10 p.m. upon motion made by Selectman Waddell, seconded by Selectmen Barnes, voted unanimously in favor.

Respectfully submitted,

Chairman