

December 5, 2016

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

SALUTE TO THE FLAG

I. Public Comment Period

Norman Silberdick: speaking on behalf of the Rational Taxpayers of NH; last year underspent by \$1,000,000, 2015 underspent by \$575,000; went through budget and came up with surplus of \$1.4 million; not a good budget; taxpayers being taxed on projected budget; not good financial management. Right to know law; hardcopy information going up to 50 cents per page; whereas, Library charges 10 cents. Continue to find growing level of disrespect between the Selectmen and the Budget Committee; needs better cooperation. Money Warrant Articles from DPW equals \$8.3 million, coming from long-term bonds; feels limits need to be set; seems Director is over his head, or he is burned out or something.

Selectman Bean: you get your four minutes, but I am not going to sit here and have a Department Head called burned out and over his head.

Selectman Waddell: I agree 100%

Mr. Silberdick: I apologize, I do not mean to get into attacking individuals; Selectman Griffin was the only one who opposed the marsh pipe article. Concern between dialogue between Chief of Police and Budget Committee about the interaction where there is operational issues being discussed between the Budget Committee and the Police Chief, he has a large salary and given a raise, we just do not see the point in him doing any detail work. Concerned about the school bond issue coming up, the number is rising and looking at potentially \$90,000,000.

II. Announcements and Community Calendar (13:00)

Selectman Barnes: always enjoy first Saturday in December, proud to walk with Selectmen; thank you John Nyhan and Experience Hampton.

Selectman Waddell: thanks to Parks & Recreation Department for the tree lighting; everyone had a great time; parade was great too. I agree with Mr. Silberdick about the Budget Committee and money warrant articles, so I went back and did some research to make sure whether we were timely in given the money articles to the Budget Committee or not, for their discussion. In 2007, money warrant articles were first discussed by the Budget Committee on

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

January 9; and in 2008 it was on January 8; in 2009 was on December 4; in 2010 it was on January 14; in 2011 it was on January 13; in 2012 it was on January 12; in 2013 it was on January 10; in 2014 it was on January 9; in 2015 it was on January 8. We did this research to make sure we were not holding up the Budget Committee on anything and we are getting the articles to them in a timely fashion. Some of the comments being made from the Budget Committee are giving misinformation to the public. The chairperson of the Budget Committee, last Tuesday at 2:16:19 into the meeting stated if the Selectmen are going to stick their hand into the taxpayer pockets. To me that is implying the Selectmen are doing something dishonest and I think it is totally inappropriate for an appointed member of an official Town committee to make comments about other Boards, implying they are doing something dishonest or at least trying to trick the taxpayers; there should be decorum between all Committees. I would like to make a motion that the Selectmen write a letter and send it to the Chair of the Budget Committee.

Selectman Bean: to say?

Selectman Waddell: to say that this statement that the Selectmen are going to stick their hand into the taxpayer pockets is a totally inappropriate statement to be made between Boards; could add a little bit to it.

Selectman Bean: thank Mr. Silberdick for his interest in the Town financial matters and he does carrying a lot of water running the Trust Fund that has performed well over the years; the Chairperson of the Budget Committee was appointed, was not elected by the people of Hampton. During her last tenure as Selectman, I had her email blocked from my account because she continuously violates by copying everybody and she essentially holds a meeting. Town Counsel has briefed all the Boards and Committees about that. I spoke to you Mr. Welch to have her email blocked from my account; I do not want to participate in activities that are illegal by statute in the State of NH and would encourage anyone who is receiving these emails from Madam Woolsey not accept them, because it is a violation of state law. She does not listen to Town Counsel or the Town manager; I just want on the record there is a continuing violation by her of essentially holding meetings online with the Town assets and I want no part of it.

Selectman Waddell MOTIONED to send a letter to the Budget Committee SECONDED by Selectman Bean.

VOTE: 5-0-0

Chairman Bridle: thank everyone for the parade; good weekend; working on downloading the parade on Channel 22.

III. Consent Agenda (19:30)

1. Parade and Public Gathering Licenses: Cycle the Seacoast 05/07/17; United Methodist Church Nativity Scene 12/16/16
2. Amendment to § 805-32. Stop intersections

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

VOTE: 5-0-0

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

IV. Approval of Minutes (19:50)

1. November 14, 2016 to amend

Selectman Waddell MOTIONED to APPROVE the Minutes of November 14, 2016 as amended SECONDED by Selectman Barnes.

VOTE: 5-0-0

V. Appointments (20:10)

1. Ed Tinker, Chief Assessor

a. 2016 Tax Collector Abatements

Mr. Tinker: tax collector abatements, these are abatements that are processed through the Tax Collector's office relative to bookkeeping purposes to balance the books, at the time of setting the tax rate. I have two lists; one list is exactly that especially with a revaluation year with value changes. There are a number of parcels that do not get deleted, but should be there are 16 properties on that list totaling \$35,437.47. The second list consists of 17 properties, which are actually refunds; all due to negative bills, based on the revaluation and the change in value between tax bills on the second bill than the first, which required a refund; the total for the 17 properties \$2,258.

Selectman Barnes MOTIONED to APPROVE the 2016 Tax Collector Abatements SECONDED by Selectman Waddell.

VOTE: 5-0-0

VI. Town Manager's Report (22:25)

1. The submission of Zoning Amendment Warrant Articles ends a week from this coming Wednesday and the submission of regular warrant articles continues until January 10th.
2. A contract for crack sealing was awarded to Crack-Sealing, Inc. as the lower of the three bids received at a cost of \$10.89 per gallon of sealant applied.
3. An HVAC Service Agreement was signed with Palmer and Sicard in the amount of \$6,690 for the annual maintenance of the Fire Departments HVAC Systems commencing January 1, 2017. Palmer and Sicard was the second lowest bidder. The agreement was awarded based upon the Company's responsiveness for emergency call-ins and in accordance with the qualifications requirements contained in the Purchasing Policy.
4. Aquarian Water Company has completed and filed their 2016 Wetlands Protection Program Compliance Report. The 1 ¼-inch report is in the Selectmen's Office for those interested in reading the same.
5. Residents should be aware that carts are to be removed from the streets or sidewalks following the Town's collection of waste materials. The lid on full carts must be completely closed with no materials on the top of carts or overflowing out from under the lid. Carts found in that condition will not be picked up and in such cases; the resident must take their wastes to the Transfer Station in accordance with Town Ordinances.

VII. Old Business (25:10)

1. 2017 Warrant Articles

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

Article 26 New DPW Employees

Town Manager Welch: I spoke with the DPW Director today and they wish to withdraw the article.

Chairman Bridle: he realizes there are many money articles and this one did need some work on it; we still need workers at Public Works; we continue to add more to this Town and we continue to ask our Public Works to do more with less.

Selectman Griffin: it was mentioned that since the side armed packers have been bought that even with \$200,000 worth of repairs to the side arms the Town still has saved \$1.2 million, does not include all the workers compensation, and would like to know what the Director thinks about that.

The DPW rescinded this article.

Article 30 Human Service Agencies

Town Manager Welch: 20 Human Service Agencies - \$174,475.

Selectman Waddell: do we get reports from the agencies of how they are spending the money.

Town Manager Welch: we send a letter to them in the fall and require them to file a copy of their annual report, if they do not file a report, their name will be removed from the list.

Selectman Bean: this is essentially an extension of the Welfare Department, which is a small budget and this is a force multiplier, which enables us to keep that budget down; Mr. Welch could you elaborate, as I know there are sessions where the representatives come in a brief the Board, has that gone, or what is the procedure now.

Town Manager Welch: only if we have a problem.

Selectman Bean: I would request for transparency that the agencies send a PDF their annual report and their request for funding and post it to the website.

Selectman Bean MOTIONED for the Human Service Agencies send their annual reports via PDF and post on the website SECONDED by Selectman Barnes.

VOTE: 5-0-0

Selectman Waddell MOTIONED to MOVE the Human Service Agencies Article of \$174,475 to Town Meeting SECONDED by Selectman Griffin.

The Selectmen support this article.

VOTE: 5-0-0

Article 31 Tuck Field Offices and Storage

Chairman Bridle: \$675,000 for purpose of constructing a new structure at Tuck Field; office and activity space; senior citizen activities space; majority vote required.

Director Dyana Martin: these are subsidies we need at some point; looking for in the future.

Selectman Barnes: this year our priorities really need to be focused on infrastructure.

Director Martin: we need more space especially for seniors and need more personnel in our parks department.

Selectman Bean: if we do nothing then nothing happens.

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

Chairman Bridle: it does not move forward if we do nothing; we know space is needed and have talked about senior centers, but have many tough choices to make.

No action taken. Article will not be included.

Article 32 Recreation Infrastructure Special Revenue Fund

Chairman Bridle: \$93,300 for the purchase of bleachers and picnic tables; gator utility vehicle and trailer; replacement of carpeting; reroofing of concession stand and purchase of office furniture; resurface two play areas at tennis courts; restoration of Tuck 1 Field; withdraw from infrastructure special revenue fund; no tax impact; majority vote required.

Director Martin: missing one piece.

Chairman Bridle: please add \$6,440 for new registration equipment at recreation office; bringing total to \$99,740.

Selectman Waddell MOTIONED to MOVE the Recreation Infrastructure Special Revenue Fund Article of \$99,740 to Town Meeting SECONDED by Selectman Barnes.

The Selectmen support this article.

VOTE: 5-0-0

Article 33 Part-time position to full time position in Recreation

Chairman Bridle: \$50,737 to change parks Foreman position to a permanent year round position; if passes the amount of \$27,664 appropriated in the operating budget as a part time position will not be spent

Director Martin: \$23,000 difference from what is already in the budget to make it a full time salary plus benefits

Selectman Waddell: I agree 100% with the necessity, but am worried about this year

Selectman Bean: I do not support additional employees; we have many other contractors that help. We have heavy neglected, overlooked and bypassed fiscal challenges associated with must do infrastructure in this Town by people like Mr. Silberdick's group that has never addressed the infrastructure requirements, and it has come back to haunt us and now it is time to pay the bill; nobody wants to pay more taxes.

Selectman Barnes: I agree with Selectman Bean and Selectman Waddell.

Chairman Bridle: we had a sub-committee made up for wage and hourly prices and will help us out; maybe we need to get a few more part timers in the summer to help you out. It appears that we cannot support this article. We know you do an excellent job with what you have and what you do.

The Selectmen do not support this article. No action taken. Article will not be included.

Article 34 Police Forfeiture Special Revenue Fund

Chairman Bridle: \$90,000 to carry out all the lawful functions allowed under Federal, State and Local Criminal Justice Forfeiture Program, and authorize the withdrawal from the Special Revenue Fund; majority required.

Selectman Bean MOTIONED to MOVE the Police Forfeiture Special Revenue Fund Article of \$90,000 to Town Meeting SECONDED by Selectman Waddell.

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

The Selectmen support this article.

VOTE: 5-0-0

Article 35 Police Traffic Control Devices

Chairman Bridle: \$68,000 to purchase traffic control devices; 4 pole mounted radar devices; 3 variable message boards; 4 temporary removable speed bumps.

Selectman Waddell: these things work, but am questioning if this is the year to do it, I would like to see other issues passed and I am going to be against this.

Selectman Griffin: the same goes for me.

Selectman Bean: I suggesting gauging the Board's tenor that we take no action.

Selectman Barnes: I agree.

Chairman Bridle: we have had a number of neighborhood complaints this year.

No action taken. Article will not be included.

Selectman Waddell: ask people to go and watch the Budget Committee meeting, the statement made about the Children's Room in the Library by one of the Budget Committee members was beyond inappropriate, something about suicide.

Article 37 Conservation Land Acquisition Fund

Chairman Bridle: \$20,000 to be placed in the Hampton Conservation Land Acquisition Fund; majority vote.

Selectman Griffin: what is total in the fund now? Town Manager Welch: this has passed three years in a row, so would have to be at least \$60,000

Selectman Waddell: I am going to vote against this, as we have so many big issues.

Selectman Bean: is there any land in Hampton left to be purchased; when was the last purchase by the Conservation.

Town Manager Welch: 4-5 years, they have easements required.

Selectman Griffin MOTIONED to MOVE the Conservation Land Acquisition Fund of \$20,000 to Town Meeting SECONDED by Selectman Barnes.

The Selectmen support this article.

VOTE: 3-2-0

Article 38 Electronic Storage of Town Records

Chairman Bridle: \$50,000 to begin the process to convert stored paper documents to electronic format; come from undesignated fund balance; no amounts raised from taxation

Selectman Waddell MOTIONED to MOVE the Electronic Storage of Town Records Article of \$50,000 to Town Meeting SECONDED by Selectman Barnes.

The Selectmen support this article.

VOTE: 5-0-0

Selectman Waddell: Mr. Silberdick was talking about sound financial planning, but I think it was more for ten years was ignoring of basic structural infrastructure and we are now paying the bill, it is easy to keep a flat tax rate if you do not address the problems. Lafayette Road we have known about since the 1980s; Church Street the pipes under the marsh cannot be ignored; these things have been put off, but you need to make a decision; are you going to address them

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

or put them off a little longer. There is a lot of misinformation out there, people are not trying to raise anybody's taxes; people are trying to deal with the basic infrastructure problems that we have in Town, that were ignored. It was not sound financial planning it was ignoring problems.

Selectman Griffin: I was on many of those Boards and I do not think we ignored anything that was important that came up; the marsh was never mentioned; Route 1 people did know about; one thing also happened during that time was seven years of recession and they could not afford to have their taxes go up. The biggest thing that suffered at that time, collective bargaining issues were not approved time after time; there was never anything ignored when I was on this Board that had to happen, ever.

Selectman Waddell: I will change my wording from ignored to neglected; taking a look at the school bond 1970 was the last renovation, they are teaching in a 19th century building for 21st century education; our Parks and Recreation Department could have been helped along the way; ignore was too strong of a word and I apologize.

Selectman Griffin: you have to remember the Fire Departments were built and those things were given top priority. I sat here and fought many of the battle and five of the years I look back upon and the taxes only went up 2%.

Selectman Bean: our Finance Director who is a stellar performer and her compliance to GASBY was one of the most significant financial tools and we were told it was too expensive to produce that compliance and a red flag at our audit, it identifies depreciation; Kristi got that done and for nothing. When Mr. Silberdick comes in here and I appreciate his attention to the budget, but I do not always agree with Mr. Silberdick; when he raises his issues. I have full confidence in our department heads.

Selectman Griffin: when an emergency does happen, as the paddle went at the Wastewater Treatment Center, how much did that end up costing? Town Manager Welch: we ended up spending almost \$100,000; and spent some of our existing cash in the budget to solve that problem and then came in with a bond of almost \$1,000,000 to solve and correct the problems that were wrong.

Selectman Griffin: that all passed? Town Manager Welch: yes.

Selectman Griffin: I just want to remind people that when an emergency does happen we are able to act. Town Manager Welch: we will act, because we have to.

Selectman Waddell: if you keep up your maintenance and keep checking, you do not have to act in emergencies.

Attorney Gearreald: NH Supreme Court passed a decision that Selectmen can give recommendations on non-money Warrant Articles.

Article 10 Modify Elderly Exemptions

Chairman Bridle: shall we modify the elderly exemptions for property tax based on assessed value for qualified taxpayers.

Selectman Griffin: I am against this. It should be a petitioned article.

Selectman Waddell: I am for this; there are many elderly people on fixed income with expensive properties that cannot afford the taxes.

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

Selectman Barnes: this would be a nice way to help the elderly, who are no longer working.

Selectman Bean MOTIONED to MOVE the Modify Elderly Exemptions Article to Town Meeting SECONDED by Selectman Waddell.

The Selectmen support this article. VOTE: 4-1-0

Article 39 Amend Solid Waste Ordinance

Town Manager Welch: there are times we have to shut the station down, but cannot as it is in the ordinance; we felt we should cover the Selectmen if anything needs to be temporarily shut down, or a day needs to be avoided. The Selectmen can talk about it at a meeting, and the Selectmen can approve or disapprove and the people in Town can know what is going on in advance.

Selectman Waddell MOTIONED to MOVE the Amend Solid Waste Ordinance Article to Town Meeting SECONDED by Selectman Barnes.

The Selectmen support this article. VOTE: 4-1-0

Article 40 Fencing Height Changes on Formerly Leased Land

Chairman Bridle: grant the Board of Selectmen the authority to modify or release the deed restrictions imposed by the Town under the Leased Land sales program.

Town Manager Welch: right now the leased land purchase requirements that are there as conveyance on the property require that a fence cannot be more than 3' in height; we have a number of people who have swimming pools and by State Law they have to have a fence that is 4' high. The Selectmen can have the authority to hold a public hearing to grant it.

Selectman Griffin MOTIONED to MOVE the Fencing Height Changes on Formerly Leased Land Article to Town Meeting SECONDED by Selectman Waddell.

The Selectmen support this article. VOTE: 5-0-0

Article 41 Amend Fire Codes

Attorney Gearreald: can we hold off on this article, as it would take an explanation by the Fire Chief to appreciate what is being done.

Chairman Bridle: we will hold off until next week.

Article 42 Accept Streets

Chairman Bridle: to accept streets as Class 5 highways: have been maintained by the Town for many years – Dumas Avenue, Cliff Avenue, Ocean Drive, Woodstock Street, Plymouth Street, Campton Street, Thornton Street, Portsmouth Avenue, Pearl Street, Gill Street, Redman Street, Viking Street, Thorwald Avenue, Towle Avenue, Newman Street, Mason Street, Acadia Avenue, Emerald Avenue, Sapphire Avenue, Crest Street, Ash Street, Spruce Street, Surf Street, Overlook Street, Lamprey Terrace, Boston Avenue, 1st-19th Street, Acorn Road and Smith Avenue.

Selectman Bean MOTIONED to MOVE the Accept Streets Article to Town Meeting SECONDED by Selectman Barnes.

The Selectmen support this article. VOTE: 5-0-0

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

Article 43 99 Year Lease – 10 Ancient Highway

Chairman Bridle: on behalf of the Town to issue a 99 Year Lease the owners of the property at 10 Ancient Highway, having been discovered that a small portion of the dwelling is on Town property.

Selectman Griffin MOTIONED to MOVE the 99-Year Lease – 10 Ancient Highway to Town Meeting SECONDED by Selectman Waddell.

The Selectmen support this article. VOTE: 5-0-0

Article 44 Transfer of Land to SAU 90

Chairman Bridle: convey to Hampton School District all the Towns right, title and interest in the Arnold Property and the Martel Property; contingent upon a successful passage of the currently proposed bond issue for the renovations of Hampton Academy.

Selectman Waddell MOTIONED to MOVE the Transfer of Land to SAU 90 Article to Town Meeting SECONDED by Selectman Barnes.

The Selectmen support this article. VOTE: 5-0-0

Article 45 Disposal of Animal Wastes

Chairman Bridle: amend the code of ordinance to regulate the handling and disposal of animal waste; \$1,000 fine

Selectman Bean MOTIONED to MOVE the Disposal of Animal Wastes to Town Meeting SECONDED by Selectman Barnes.

The Selectmen support this article. VOTE: 5-0-0

VIII. New Business (1:22:12)

1. 2017 BoS Meeting Schedule

Selectman Bean MOTIONED to APPROVE the 2017 BoS Meeting Schedule SECONDED by Selectman Barnes.

VOTE: 5-0-0

2. Street Light at 23/33 Boar's Head Terrace – Private light

Town Manager Welch: this light has never been approved by the Town, was a private light, but somehow was converted to public light; confirm that it should be there and we continue paying for it, or take it down

Selectman Griffin: how many lights are there? Town Manager Welch: one.

Selectman Griffin: the standard of the Planning Board is to have one light at the end of any street; it is a long street and circles around.

Selectman Waddell: what is the cost per year? Town Manager Welch: about \$150.

Selectman Griffin MOTIONED to APPROVE paying for the Street Light at 23/33 Boar's Head Terrace SECONDED by Selectman Bean.

VOTE: 5-0-0

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

IX. Closing Comments (1:24:25)

X. Adjournment

At approximately 8:30 PM, a MOTION was made by Selectman Waddell to go into a non-public session under RSA 91-A:3,II,(a),(c) SECONDED by Selectman Barnes to recess the public session and to go into a non-public session under RSA 91-A:3, II (a) (c) [Public Employee Compensation and Reputation]. A roll call vote was taken with all in favor (5-0).

Also Present

Town Manager Frederick Welch
Assistant Town Manager Jamie Sullivan
Town Attorney Mark Gearreald

1. Update of Authorized Officials List for NHMA

The Board discussed the status of the list of employees and elected officials entitled seek and receive legal advice and opinions from the New Hampshire Municipal Association Legal Advisory Service. On motion made by Selectman Griffin, seconded by Selectman Barnes, the list will be reduced to the first five who were authorized to seek and receive legal advice and opinions in the May 25, 2016, letter, which include the Town Manager, Assistant Town Manager, Town Attorney, Town Clerk, and Town Tax Collector. The remaining individuals who are Chairmen of various of Boards will need to come to the Board of Selectmen before approaching that service for advice. This motion passed unanimously (5- 0).

2. Fire Chief Compensation.

The Manager sought input from the Board as to a proposal to authorize holiday pay for this year only to the Fire Chief pursuant to the Manager's authority under RSA 37:6, II. The Board expressed its consensus in favor of doing this on a one time basis, with the holiday pay to be paid immediately, but with the future compensation of the Fire Chief to be revisited by the Selectmen's subcommittee studying wages.

The Non Public Session was adjourned to a non-meeting under RSA 91-A:2, I to discuss collective bargaining strategy on motion of Selectmen Waddell, seconded by Selectman Barnes, voted unanimously (5-0) by Roll Call.

At the conclusion of the non-meeting, the public meeting was rejoined. The minutes of the non-public session were not sealed. At about 8:50 PM on motion of Selectman Waddell, seconded by Selectman Barnes, the Board unanimously to adjourn its public session.

Chairman