

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

December 12, 2016

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

SALUTE TO THE FLAG

I. Public Comment Period

II. Announcements and Community Calendar

Selectman Barnes: Victoria Inn is having an annual open house tomorrow at the Inn

Chairman Bridle: at Wreaths across America, it was nice to see the middle school kids get out with their flags, families, and the Police and Fire Departments and I think they did an excellent job; there were 10 tractor-trailers full and 10-15 support vehicles.

III. Approval of Minutes

1. November 28 2016

Selectman Barnes MOTIONED to APPROVE the Minutes of November 28, 2016 Public Sessions as submitted SECONDED by Selectman Waddell.

VOTE: 5-0-0

2. December 05, 2016 Non-public Session

Selectman Barnes MOTIONED to APPROVE the Minutes of December 05, 2016 Public Sessions as submitted SECONDED by Selectman Waddell.

VOTE: 5-0-0

IV. Appointments (7:50)

1. Dyana Martin, Director Park and Recreation

a. 5-Corners Playground Equipment/Installation

- i. Purchasing Policy §718-4.B(1) Exceeds \$50,000 - Board's Concurrence
- ii. Purchasing Policy §718-4.B(3) Variance exceed 5% - Waiver

Director Martin: received three bids and hoping to award the bid to the middle bid company, as the lowest bidder did not include freight, put in an inferior swing set and no sign.

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Selectman Barnes MOTIONED to APPROVE the 5-Corners Playground Equipment/Installation Purchasing Policy §718-4.B (1) Exceeds \$50,000 - Board's Concurrence and Purchasing Policy §718-4.B(3) Variance exceed 5% - Waiver SECONDED by Selectman Waddell.

VOTE: 5-0-0

- b. Acceptance of Donations for Tree Lighting
 - i. \$1,000 Service Credit Union
 - ii. \$800 Hampton Area Chamber of Commerce

Director Martin: received donations for the tree lighting

Selectman Waddell MOTIONED to APPROVE the Acceptance of the Donations for Tree Lighting SECONDED by Selectman Barnes.

VOTE: 5-0-0

- 2. Chris Jacobs, Director DPW & Jen Hale, Deputy Director DPW (11:30)
 - a. Bicentennial Seawall Repair

Ms. Hale: reached out to contractors to find out what we should do based on the engineers recommendation to do a temporary repair; stabilization; use revetment stones; temporary repair \$180,000; sand is still eroding; rebar sticking out; have notified all the agencies. Looking into grants and grant assistance, go into design, engineering, permitting and put all together is \$298,000, and then there is the cost of the wall replacement which the engineer's estimates have come in between \$1.8 and \$2.2 million.

Director Jacobs: we are at a turning point, seeing the pictures from two weeks ago and the looks of the wall today, there is a new footing and rebar exposed, bottom of wall exposed; do not think the wall will make it through the winter due to the erosion underneath the wall. There is the immediate concern of the safety of the seawall, the need to put the revetment stone in now and the follow through to make sure that the warrant article is approved in March. Should think about encumbering money and proceeding through with the design contract now, because it is going to take 6-9 months to get this permitted, even with an emergency permit.

Ms. Hale: even to do the revetment we will need an emergency permit.

Town Manager Welch: obviously, the \$180,000 will have to come out of the existing budget; the Board will have to give direction to divert whatever funds are available in the Town appropriation schedule; will need all information for a warrant article; will need to basically build a new seawall; can you get the riprap? Ms. Hale: we have spoken to multiple contractors that have the riprap; 5-8 ton rock; 4 pieces of rock to a flatbed trailer

Director Jacobs: one of the haulers said it was 11 days of hauling stone from their source yard; this stone can also be used/incorporated in the final implementation/design of the seawall.

Town Manager Welch: are you going to need heavy stone/small stone in order to bolster up the foundation of the dam? Director Jacobs: yes, we would need chinking stones; working on removing the concrete is part of the process.

Selectman Bean: it is something we have known about; dangerous; budgets; nobody wants to pay more taxes, but when something endangers our public life, public safety, our way of life, our businesses; important we act on it.

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Selectman Griffin: this is something that needs to be done and looking to go forward.

Selectman Barnes: could this be done soon. Ms. Hale: all three contractors are all able to start now.

Chairman Bridle: do we have the funds? Town Manager Welch: we have to find the funds; stripping out of budget; it is an emergency and cannot have the seawall disappear.

Selectman Waddell: you can see how dangerous it is; have seen the water come over the wall and run down High Street; need the wall.

Director Jacobs: the \$180,000 can secure the wall for this winter.

Selectman Waddell MOTIONED to find \$180,000 in the budget to do repairs for the revetment SECONDED by Selectman Barnes.

VOTE: 5-0-0

b. Vote to accept donation of a used Polymer Blending System – WWTP

Director Jacobs: earlier this year we accepted a sludge pump, so this Polymer Blending System would come from the same plant; the only cost to us would be our employees to install.

Selectman Waddell MOTIONED to APPROVE the Acceptance of the Donation of the used Polymer Blending System for the WWTP SECONDED by Selectman Barnes.

VOTE: 5-0-0

3. Chief Sawyer, Police Department (38:50)

a. 2016-021 Police Emergency Vehicle Equipment Purchasing Policy Waiver §718-4.B(2) [Less than three bids] to Adamson Industries

Chief Sawyer: sent out three letters; one failed to respond, the second one sent in a no response letter; recommending Adamson Industries to outfit vehicles for \$22,350.

Selectman Waddell: what does that include; where are they located? Chief Sawyer: radios, electronic components, light bar, paint and decaling; located in Haverhill, MA.

Selectman Bean MOTIONED to APPROVE the 2016-021 Police Emergency Vehicle Equipment Purchasing Policy Waiver §718-4.B (2) [Less than three bids] to Adamson Industries SECONDED by Selectman Griffin.

VOTE: 5-0-0

b. Acceptance of NH Dept. of Safety Law Enforcement Opioid Abuse Reduction Initiative Grant Funding for Interdiction Patrols

Chief Sawyer: this grant is multi-jurisdictional between Hampton, Portsmouth and Greenland Police Departments; targeting areas of major corridors in the State - Route 95, Route 1A, Route 1, Route 33 and Route 101; just under \$59,000 shared by the communities; includes uniform and unmarked patrol.

Selectman Griffin MOTIONED to APPROVE the Acceptance of NH Dept. of Safety Law Enforcement Opioid Abuse Reduction Initiative Grant Funding for Interdiction Patrols SECONDED by Selectman Barnes.

VOTE: 5-0-0

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4. Kristi Pulliam, Finance Director (33:10)
a. Gasoline and Diesel Budget Items

Director Pulliam: continued to monitor the prices and gallons used; adjust numbers; in the current 2017 budget have adjusted the price; adjust gallon price for unleaded and diesel. The average price per gallon for unleaded was \$1.63 and for diesel was \$1.76; we added 12 cents per gallon for both equaling \$1.75 per gallon for unleaded and \$1.88 per gallon for diesel. The savings is 20 cents less per gallon for unleaded and 47 cents less per gallon for diesel then what is in the current budget right now; savings of \$40,069. Hoping to make adjustment for each department; monitor gallons.

Selectman Barnes: great job.

Selectman Waddell: great.

Selectman Barnes MOTIONED to APPROVE the gasoline/diesel rates and adjust line items on budget SECONDED by Selectman Waddell.

VOTE: 5-0-0

V. Town Manager's Report (41:25)

1. Opportunities to submit petitioned warrant articles for amendments to the Zoning Ordinance expire at 5PM this coming Wednesday. Petitions are to be delivered to the Selectmen's Office.
2. Warrant Article concerning subjects not involving Zoning can be submitted until 5 PM January 10, 2017. Petitioned articles are to be delivered to the Selectmen's Office.
3. It has been brought to our attention that individuals who have portable basketball hoops in the streets at various locations in the community. Please remove them back on to your property where our plow and wings will not damage them during snow plowing operations.
4. Please remove your trash and recycling carts off of the street and sidewalks after the carts are emptied.
5. Please remember that there is no parking on any street in Hampton between the hours of 1AM and 7AM from now through April 15th.
6. Any vehicles in the Ashworth Avenue or Island Path Parking Lots should be removed as these parking lots are closed.

Selectman Griffin: did you find out about the people on 9th Street that have their carts full time up to the road. Town Manager Welch: we have handed that over to Public Works for correction, as they should not be there.

Selectman Griffin: are they removing them? Town Manager Welch: we think they are going to remove them; do not want to issue a citation; have a number of other locations that we have similar problems.

VI. Old Business (44:23)

1. 2017 Warrant Articles

Town Manager Welch: Refuse Collection Trucks, Transport Semi-Trailers and Other Equipment has been withdrawn, it was for more than \$1,000,000; going to go back and restudy

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and come back with some information next year. We had another article #22, which dealt with Public Works Equipment; the Director was asked to review this article.

Director Jacobs: I redrafted Article 22 last week, now written to include one ¾-ton truck with plow, two 35 pound gross vehicle weight dump truck, also included sand spreader and one solid waste yard truck; amount increased by \$60,000.

Selectman Barnes: purchasing four vehicles? Director Jacobs: yes, the original CIP were three.

Selectman Barnes: the fourth one? Director Jacobs: the yard horse.

Selectman Waddell: the total figure? Director Jacobs: \$434,000.

Selectman Waddell: is this a wish list? Director Jacobs: no, it is a safety issue.

Selectman Barnes MOTIONED to ACCEPT Article 22 as written for \$434,000 and MOVE to Town Meeting SECONDED by Selectman Waddell.

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

Article 13 – Lafayette Road Sewer

Attorney Gearreald: Article 12 amended Lafayette Road sewer.

Ms. Hale: Article 12 was more of a review of the wording; the last sentence was removed.

Selectman Waddell MOTIONED to ACCEPT the amended Article 12 SECONDED by Selectman Bean.

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

Article 11 – Church Street Force Main

Attorney Gearreald: Article 11 Church Street Pump station, the amount is \$4,242,000; the impetus for doing this is the pipe rupture encountered in February 2016.

Director Jacobs: we have no issues with the additional clarification wording proposed by counsel.

Town Manager Welch: you are going to try to get this out to public bid. Director Jacobs: yes, later this month into first week of January the plans would be submitted to Concord and be bid with the advertisement waiting final approval from DES, etc.

Town Manager Welch: is that the same for Lafayette Road? Director Jacobs: no, we have not started the design process.

Town Manager Welch: if the bids are successful, you may have a different figure, so the bid maybe revised again.

Selectman Griffin: we are under no obligation from DES for doing this; I think we are over-reacting; looking at other options, against this.

Selectman Waddell: this has been discussed in length. Ms. Hale: have an aerial view.

Selectman Barnes MOTIONED to ACCEPT the new wording and the price of \$4,242,000 on Article 11 SECONDED by Selectman Waddell.

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

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Chairman Bridle: you replaced a lift at the garage. Director Jacobs: yes, we went from a 9-ton lift to a 16 ton.

Article 27 – Engine Pumper Fire Truck

Chief Ayotte: continue to have a reserve engine at the beach; currently have 4 fire engines; have issue with frame on Engine 2, part of frame fell off, was only visible when placed on lift. Replacing frame not a good option as 14 years old; \$679,000 for new truck; looked at lease purchase and cost would be the same over 5 years. Exploring purchase of used truck, due to salt issues make sure not from this area. Need to have reserve piece as it is being used quite a bit.

Chairman Bridle: what is the status of Engine 2? Chief Ayotte: I have taken it out of service; had it evaluated; safety issue.

Selectman Griffin: did Engine 2 pass inspection? Chief Ayotte: yes, in March it did; going forward they will not pass it without replacing the frame rail; will take 18 months to receive new vehicle.

Chairman Bridle: that is why I spoke about a stopgap vehicle. Chief Ayotte: need to make sure we get the proper piece.

Selectman Bean: I am not going to support this; have not heard the capabilities of mutual aid; mutual aid is time established; re-examine our maintenance procedures.

Selectman Griffin: I will not support this either.

Chairman Bridle: In defense on maintenance, we have asked for a washbasin to get these vehicles clean; harsh environment; yes, mutual aid works well; need a backup vehicle at each station.

Selectman Barnes: could you summarize the engines? Chief Ayotte: Engine 4 is the new one 2016, Engine 1 is a 2010 Pierce; Engine 3 is a 2002 and Engine 2 is a 2001. We do a lot of maintenance; pump testing takes a week.

Selectman Waddell: the risk point of view waiting for mutual aid. Chief Ayotte: we are the first response, and mutual aid usually comes on a second alarm and takes 7-10 minutes for their arrival depending upon the community it comes from, it is travel time.

Selectman Waddell: I am going to support this.

Chairman Bridle: our rating is 3/3Y is a very high stature, keeps insurance rates relatively low.

Town Manager Welch: take the \$150,000 from the undesignated fund balance if the Town meeting approves, not trying to increase appropriations; take from surplus, no impact to the tax rate.

Selectman Bean: we have established that rating in doing so when with a vehicle that was essentially being driven when it should have been dead lined and the maintenance was discovered by a third party and I have severe reservations about the competence level in the maintenance of that fleet; not supporting this.

Chairman Bridle: we used to have a Fire Department mechanic years ago, but this Town decided a number of years ago to do away with that position and have public works do it, but that did not work as they became overwhelmed, then we had a part time mechanic which went

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by the wayside. We used to have this position, but have done away with it, shame on us, as these trucks are very expensive and highly technical.

Selectman Bean: my support for a part time mechanic would be much more vigorous than my support for a used truck.

Chairman Bridle: the way to go now is to galvanize the frame, which is what you did on the last truck. Article 27 - to purchase a used fire engine pumper, raise and appropriate the sum of \$150,000 to fund said purchase, to come from the unassigned fund balance, no amount to be raised by taxation.

Selectman Waddell MOTIONED to MOVE Article 27 Purchase a Used Fire Engine Pumper for \$150,000 to Town Meeting SECONDED by Selectman Barnes.

The Selectmen support this article.

VOTE: 3-2-0

Article 38 – Amend Fire Codes

Attorney Gearreald: this was pulled last week and has been slightly amended

Chief Ayotte: fee schedule changed; language was cleaned up; some referenced materials we no longer use or systems no longer employed; brought forward current code language; added application process; request to put on a Cat 30 key and change to code signal and brought back to national code.

Selectman Waddell MOTIONED to ACCEPT Article 38 Amend Fire Codes to Town Meeting SECONDED by Selectman Griffin.

The Selectmen support this article.

VOTE: 5-0-0

Town Manager Welch: the Recreation Department has been submitting warrant articles to do major work at Tuck Field. After we pay our bills from the reserve account for the recreation department and after we pay the bills for next year's appropriations if they are made, we still have between \$85,000-\$90,000 left in the account, not including next year's contribution of 20% from the parking lots. I suggest for your thought we take and form a capital reserve fund and take \$50,000 of these extra funds, put them in specifically for the purpose of doing the work the recreation department would like to do at Tuck Field; bring it up to standards.

Selectman Griffin: sounds interesting, would like to hear what everyone else has to say.

Selectman Bean: we just said no to a fire truck, we have other things going on, I think it is well intentioned and would like to look at it next year.

Selectman Barnes: I think it is not time to move \$50,000 out of the fund.

Selectman Waddell: I would like to look it over.

Chairman Bridle: I would like to look it over; at some point, we have to start looking at that in the future; we can look at it for next year.

Selectman Griffin: I like the idea of establishing a fund, but think next year would be better.

Attorney Gearreald: is there a street we wanted to take out of the Street acceptance Article?

Town Manager Welch: yes, we have to take out Surf Street as it is part of a development, it is a private road; it will come out of the original article.

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Selectman Griffin MOTIONED to AMEND Article 39 removing Surf Street SECONDED by Selectman Barnes.

VOTE: 5-0-0

VII. New Business (1:43:05)

1. Tentative Collective Bargaining Agreements

Mr. Sullivan: we have reached tentative agreements with all four of the unions; include the Teamsters, Public Works Employees Union, Firefighters and Fire Supervisors. They are all three year deals, includes language with regard to the Cadillac Tax; change in the prescription medical plan, all agreed.

Teamsters – Local 633

Mr. Sullivan: this group includes people at the Town Office, Dispatchers and civilian employees at the Police Department and some from Public Works. Updates to the recognition clause; adjustments to disciplinary procedures; new agreement for the people in the Public Works who work through storms; incentive for opting out of health insurance; Cadillac tax. First year wages are 3%, added a step at one year; made adjustment for positions that were below peer group; maximum will be no more than 8%; years 2 and 3 is 2%. Creating new operations coordinator in Building Department and discontinue secretary position; added clause to recruit qualified people.

Selectman Waddell: for the Town, one of our most important things was to protect ourselves for future insurance. Mr. Sullivan: yes, negotiated Cadillac Tax and insurance issues/prescription claims.

Selectman Waddell: we moved with them on raises and they moved with us on insurance. Mr. Sullivan: correct, we expect to see savings on the prescription change.

Selectman Griffin: what about the 8%. Mr. Sullivan: there were only six positions that had a salary adjustment.

Selectman Bean: Attorney Gearreald, how much did outside counsel cost in negotiations in the past? Attorney Gearreald: \$35,000 was budgeted each year until 2016.

Selectman Bean: we have saved that amount this year; you two have done an extraordinary job; I fully support these contracts.

Chairman Bridle: it was also because of you Mr. Bean; being a part of the negotiating team, I appreciate that.

Selectman Waddell MOTIONED to MOVE to ratify the Teamsters Local 633 Tentative Collective Bargaining Agreement and authorize Chairman Bridle to sign the Agreement on behalf of the Board SECONDED by Selectman Bean.

VOTE: 5-0-0

Public Works Employees Union – Local 1984

Mr. Sullivan: Cadillac Tax and insurance is included in contract; 3-3-3 over its current set up; road scholar program/training/education benefits; same insurance, same opt out issues, same

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excise tax as discussed with Teamsters. There was a change with leave administration 1-hour increments; bereavement leave adjustments; stipends for boots increased by \$150.

Selectman Waddell MOTIONED to MOVE to ratify the Public Works and Employees SEIU Local 1984 Tentative Collective Bargaining Agreement and authorize Chairman Bridle to sign the Agreement on behalf of the Board SECONDED by Selectman Barnes.

VOTE: 5-0-0

Firefighters Local 2664

Mr. Sullivan: opt out provision-same; health insurance and migrating plans-same, Cadillac Tax language-same; take advantage of 457 deferred compensation plan; 3-3-3 over the three years; stipends for various milestones in training; fire alarm operators advanced training; professional standard/best practices.

Selectman Bean: boat incentives, if discontinued? Mr. Sullivan: yes, if the boat program were discontinued then the incentives would go away as well.

Selectman Waddell MOTIONED to MOVE to ratify the Firefighters Local 2664 Tentative Collective Bargaining Agreement and authorize Chairman Bridle to sign the Agreement on behalf of the Board SECONDED by Selectman Barnes.

VOTE: 5-0-0

Firefighters Supervisors Local 3017

Mr. Sullivan: global issues remain the same; opt out agreement, changes in medication, additional contribution, pool for reimbursement, Cadillac Tax. The two differences were issues on the education benefits there are none in the supervisor's contract so we put in language for a \$300, \$500 or \$1,000 one-time payment annually for having 30 credit hours, an Associate's degree or a Bachelor's degree; longevity pay for milestones; 3-3-3 over three years.

Selectman Waddell MOTIONED to ratify the Hampton Fire Department Supervisors Association Local 3017 Tentative Collective Bargaining Agreement and authorize Chairman Bridle to sign the Agreement and authorize Chairman Bridle to sign the Agreement on behalf of the Board SECONDED by Selectman Barnes.

VOTE: 5-0-0

Article 17 – Professional Firefighters of Hampton IAFF Local 2664

Shall the Town of Hampton vote to approve the cost items included in a three-year collective bargaining agreement reached between the Hampton Board of Selectman and Professional Firefighters of Hampton IAFF Local 2664, which calls for the following increases in salaries and benefits at the current staffing level:

| | | |
|------|-----------------------|-----------------|
| 2017 | \$ 92,801 (39 weeks) | over 2016 level |
| 2018 | \$ 130,502 (52 weeks) | over 2017 level |
| 2019 | \$ 125,006 (52 weeks) | over 2018 level |
| 2020 | \$ 30,587 (13 weeks) | over 2019 level |

And further to raise and appropriate the sum of \$92,801 to fund the cost items related to The Professional Firefighters Local 2664 salaries and benefits for 2017. Such sum represents the

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additional salaries and benefits (over the 2016 budget level) for the first of the three years that are contained in a collective bargaining agreement between the Town of Hampton, by its Board of Selectmen, and Professional Firefighters of Hampton IAFF Local 2664, pursuant to RSA 273-A. The compounded, cumulative cost impact over the three contract years of the agreement is estimated to be \$782,076 (Majority vote required)

Selectman Bean MOTIONED to MOVE Article 17 Firefighters Local 2664 to Town Meeting SECONDED by Selectman Barnes.

The Selectmen support this article.

VOTE: 5-0-0

Article 18 – Hampton Fire Department Supervisory Association Local 3017

Shall the Town of Hampton vote to approve the cost items included in a three-year collective bargaining agreement reached between the Hampton Board of Selectman and the Hampton Fire Department Supervisory Association Local 3017, which calls for the following increases in salaries and benefits at the current staffing level:

| | |
|------|--------------------------------------|
| 2017 | \$ 51,703 (39 weeks) over 2016 level |
| 2018 | \$ 76,991 (52 weeks) over 2017 level |
| 2019 | \$ 71,686 (52 weeks) over 2018 level |
| 2020 | \$ 17,987 (13 weeks) over 2019 level |

And further to raise and appropriate the sum of \$51,703 to fund the cost items related to the Hampton Fire Department Supervisory Association Local 3017 salaries and benefits for 2017. Such sum represents the additional salaries and benefits (over the 2016 budget level) for the first of the three years that are contained in a collective bargaining agreement between the Town of Hampton, by its Board of Selectman, and the Hampton Fire Department Supervisory Association Local 3017, pursuant to RSA 273-A. The compounded, cumulative cost impact over the three contract years of the agreement is estimated to be \$448,858 (Majority vote required)

Selectman Barnes MOTIONED to MOVE Article 18 Hampton Fire Department Supervisory Association Local 3017 to Town Meeting SECONDED by Selectman Bean.

The Selectmen support this article.

VOTE: 5-0-0

Article 19 - International Brotherhood of Teamsters Local 633

Shall the Town of Hampton vote to approve the cost items included in a three-year collective bargaining agreement reached between the Hampton Board of Selectmen and the International Brotherhood of Teamsters Local 633, which calls for the following increases in salaries and benefits at the current staffing level:

| | |
|------|--------------------------------------|
| 2017 | \$ 54,274 (39 weeks) over 2016 level |
| 2018 | \$ 52,436 (52 weeks) over 2017 level |
| 2019 | \$ 35,655 (52 weeks) over 2018 level |
| 2020 | \$ 7,965 (13 weeks) over 2019 level |

And further to raise and appropriate the sum of \$54,274 to fund the cost items related to the International Brotherhood of Teamsters Local 633 salaries and benefits for 2017. Such sum represents the additional salaries and benefits (over the 2016 budget level) for the first of the three years that are contained in a collective bargaining agreement between the Town of

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Hampton by its Board of Selectmen and the International Brotherhood of Teamsters Local 633 (covering various positions at the Town Offices, Department of Public Works, and Police Department), pursuant to N.H. RSA 273-A. The compounded, cumulative cost impact over the three contract years of the agreement is estimated to be \$351,428 (Majority vote required)

Selectman Barnes MOTIONED to MOVE Article 19 International Brotherhood of Teamsters Local 633 to Town Meeting SECONDED by Selectman Bean.

The Selectmen support this article.

VOTE: 5-0-0

Article 20 - State Employees' Association of New Hampshire, Inc., Local 1984

Shall the Town of Hampton vote to approve the cost items included in a three-year collective bargaining agreement reached between the Hampton Board of Selectmen and the State Employees' Association, Inc., (SEA) Local 1984, which calls for the following increases in salaries and benefits at the current staffing level:

| | |
|------|--------------------------------------|
| 2017 | \$ 72,237 (39 weeks) over 2016 level |
| 2018 | \$ 99,321 (52 weeks) over 2017 level |
| 2019 | \$ 81,384 (52 weeks) over 2018 level |
| 2020 | \$ 16,974 (13 weeks) over 2019 level |

And further to raise and appropriate the sum of \$72,237 to fund the cost items related to the State Employees' Association, Inc., (SEA) Local 1984 salaries and benefits for 2017. Such sum represents the additional salaries and benefits (over the 2016 budget level) for the first of the three years that are contained in a collective bargaining agreement between the Town of Hampton by its Board of Selectmen and the State Employees' Association, Inc., (SEA) Local 1984 (Department of Public Works Employees), pursuant to N.H. RSA 273-A. The compounded, cumulative cost impact over the three contract years of the agreement is estimated to be \$576,946 (Majority vote required)

Selectman Barnes MOTIONED to MOVE Article 20 State Employees Association of NH, Inc., Local 1984 to Town Meeting SECONDED by Selectman Bean.

The Selectmen support this article.

VOTE: 5-0-0

Right to Know Law Motion

Selectman Waddell MOTIONED to direct the Town Attorney to send in behalf of the Board of Selectmen, an RSA 91-A request for information to all members of the Budget Committee requesting copies of any and all written correspondence, including but not limited to e-mails, directed to a quorum or majority of Budget Committee members among themselves and from others regarding matters being considered by the Hampton Municipal Budget Committee SECONDED by Selectman Barnes.

VOTE: 5-0-0

Attorney Gearreald: it came to my attention that several emails, some of which were from the Chairman of the Budget Committee, were directed to all members of the Budget Committee. This has occurred before in other Towns and is the subject of major litigation, and is very costly to those other Towns. The Court has deemed that the sending of such emails creates the opportunity for contemporaneous communication among members and it is essentially a public meeting, without following the requisites of a meeting. In one major case at the Superior Court

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level; which had been brought to the attention of the Budget Committee last year, as well as this year, and other Town Boards here that I have spoken to; the result has been that the actions of the Committee have been found to be invalid and have been invalidated by the Court. Significant attorney's fees have been assessed against the Towns involved, representing several hundred thousand dollars and not only incurring their own attorneys costs, but having to pay the other sides costs, also ordering those bodies to undergo training in the right to know law. We have warned the Budget Committee about that, the NH Municipal Association lecture warned the Budget Committee about that, unfortunately there seems to be still the sending of emails that are in violation of the right to know law. It is important not only to have that stop, but also to understand what is going on in the communication outside the public meeting. That is what this motion is directed to.

Selectman Bean: when I was a Selectman and served with the appointed Chairman of the Budget Committee when she was a selectman, I had Mr. Welch terminate my email access from that Select Board member for this same reason, as I refused to continue that illegal practice, it was perennial; it was continuous and would not stop. There have been education levels by the NHMA, by the Town Attorney; two important governing laws amongst the myriad that public officials subject themselves too, one is a Selectman 41:A to govern the prudential affairs of this Town; the other is 91-A that the people in this Town have confidence that the meetings of those they elect; in this case Mrs. Woolsey who is appointed; they are making no decisions privately. They have no consensus, and that is the genesis of Mr. Waddell's motion, this is very important and it continues and there are myriad of examples that I have personally viewed in the last several weeks/months. In addition, there appears to be third parties that are contributing to Budget Committee communications that are going to a full quorum about decisions. There is outside legal counsel, the NHMA has reviewed this and they have recommendations that are more stern then the 91-A. The public needs to know about this, the legal reference the Town counsel eludes to has been part of the briefing for all Board members. The Budget Committee is voting on budgets, but there appears to be a perennial violation of a fundamental and important law, if we allow this to continue then what other laws are being violated, we need to bring this to the attention of the people whose rights are being violated. We have a myriad of ordinances and laws we are to uphold and are trusted to enforce, and that comes under the prudential affairs, a State statute. This is a difficult subject to bring up and one we have educated all Boards about. The Budget Committee with their appointed Chairman, not elected, who used to sit as a Select person, refuses or is incapable of stopping, and that is the reason we have to have this unpleasant conversation this evening.

Selectman Waddell: you have had correspondence with the Committee about this issue?
Attorney Gearreald: yes, I have, when one of these emails came out I responded that this was an email that violates the right to know law, potentially exposes the with to having its actions invalidated and or worse.

Selectman Waddell: you have consulted NHMA. Attorney Gearreald: I have run those same communications by the NHMA, which has indicated that yes, these are communications that are in fact a public meeting outside of a public meeting.

Selectman Barnes: Steven Buckley explained that at the NHMA seminar that the Budget Committee requested back in May. I am included in those emails as well, and have told them numerous times that I will never respond to any of the emails; yet they continue to ask me to email the whole group rather than the Chairman. I will not do that, and do not know what the

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problem is, but they do not understand it; various members of that Committee do not understand it. They think if no one responds it is okay, and it is not how the law works.

Selectman Griffin: are there any other Board's that are doing this? Attorney Gearreald: not to my knowledge.

VIII. Closing Comments

At 09:25 PM, a MOTION was made by Selectman Waddell, SECONDED by Selectman Barnes, and voted unanimously by roll call to go into a non-public session under RSA 91:A:3, II (e). [Litigation]

Back in the public session, on motion made by Selectman Waddell, seconded by Selectman Barnes, the Board voted unanimously to seal the minutes of the non-public session on grounds that the release of same could jeopardize the effectiveness of the action to be taken.

At 9:36 p.m., on motion by Selectman Bean, seconded by Selectman Griffin, the Board adjourned its public session, which passed unanimously.

IX. Adjournment

Chairman