

February 3, 2020

7:00 PM

PRESENT: Rick Griffin, Chairman
Jim Waddell, Vice-chairman
Rusty Bridle, Selectman
Regina Barnes, Selectman
Mary-Louise Woolsey, Selectman
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

SALUTE TO THE FLAG

I. Public Comment

State Rep. Pat Bushway, discussed SB 629, noting it is to establish the Solid Waste Reduction Management Fund. She stated the purpose of the fund is to provide assistance to municipalities and to provide matching grants for projects. The money from the fund will come from a \$1.50 per ton surcharge for solid waste, to be paid by the municipalities. She discussed the surcharge will go back to the municipalities and the revenue will come from out of state companies who use state facilities and will also pay the surcharge. She discussed the process being due to interstate commerce laws, noting the intent of the bill and this is how the bill stands now, before any amendments. She noted a possible issue being the surcharge being a quarterly basis and the return an annual one. The first hearing in the Senate is tomorrow. There was consensus to entertain questions while Rep. Bushway was here.

Sel. Woolsey asked about recycling that is mixed with waste and the answer was the intent of the bill is to help with waste reduction.

Sel. Barnes noted receiving the legislative bulletin from NHMA and what Sen. Bushway said about the bill mirrored that. She clarified that we would pay \$1.50 per ton per quarter and receive that back annually. She asked if we know the tonnage per year, and Dir. Jacobs said around 6900 tons per year, and she calculated that to be \$10,350.00. She noted we get that back because we are in state and any out of state money stays in the fund. Sen. Bushway stated that is the money that will go to aid municipalities and she noted other states already have a surcharge.

Sel. Waddell asked if 100% comes back to us, or if it comes back in grants and assistance. Sen. Bushway said she would ask that question. He noted if the latter being the case, the state would get to decide on what comes back.

Sel. Bridle noted there are concerns about us getting the funding back and how we get it back.

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Chairman Griffin noted the amount of money and education of the public. Sen. Bushway reiterated the grants are matching and there is assistance.

Dep. Dir. Hale discussed the funds coming back to us, do they go back to DPW operating budget or general fund, and the out of state money could aid in getting grants, noting that could be a benefit of the bill, but we need to be sure to get that \$1.50 surcharge back. Sen. Bushway again noted she would look into it more.

Sel. Woolsey asked about the waste at the State park and it was stated that is not what is being discussed during this public comment.

Chuck Rage, 121 Ocean Blvd. He noted that Chairman Griffin has decided not to run for reelection and he thanked him for his 15-years of service. He noted being happy that solutions are being sought, but more can be done. He asked for a list of businesses going over the limit and commented there needs to be a solution for that.

Brian Provencher, applauded what the Board is doing with the trash, but noted we are getting hung up on the bins, noting he is in favor of Article 34, and that trash reform has to happen. He discussed recycling and noted percentages of what happens to most recycling. He commented we don't need to look at other towns, but be a model for them.

II. Clarification and enforcement of Solid Waste decision of January 6, 2020

Dir. Jacobs gave some background information. He noted that after the Board's decision to go to 10 carts, he had the dept. find out who was putting out more than ten, and found just a few, but they stuck with the decision and just picked up 10, also noting getting some phone calls. He noted the last Board meeting and discussed the need for a standard operating procedure (SOP) for the issue, and noted the department is working on creating one. He noted he has one done but it has not been vetted and is not released at this time. He also discussed coming up with a checklist, which is also being vetted. He discussed a summarized memo that was sent. He discussed the four influencers in creating the SOP, the solid waste regulations, the 5 unit condominium rule, collecting on private property, and the cart application. He discussed the ultimate goal and the department being a service based department to the residents, noting safety and rules. He further discussed the safety issue being the basis of decisions made. He noted a list of locations that needs to be reviewed, regarding if it is safe to go there or not. He discussed a use agreement and gave an example using the Gables as a reference, also noting the Town's liability and potential risks. Dep. Dir. Hale emphasized the need for consistency, but noted there are many different scenarios. She discussed the recommended requirement of addresses on carts, and gave examples of how that would be beneficial. She also discussed other scenarios to be addressed.

Sel. Woolsey asked how many communities in NH pick up commercial waste. Dir. Jacobs stated he has not looked into that due to the uniqueness of Hampton, also noting that he deals with safety, cleanliness and health issues with regard to commercial pick up and it would be up to the Board and voters to change that. She commented that her opinion is that we discontinue pick up of commercial waste. Chairman Griffin and Sel. Woolsey discussed what the topic of discussion this evening should be.

Sel. Barnes noted what she got from the discussion, was the uniqueness of Hampton. She discussed the email from Dep. Dir. Hale, people moving bins and the address helping, she also noted it is a town wide issue. She discussed enforcement happening, but not exact, due

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to the different scenarios. She discussed the SOP and that SOP's should be in place before a motion, and noted being in favor of the addresses on carts.

Selectman Barnes MOTIONED to IMPLEMENT ADDRESSES ON CARTS, PER DPW, SECONDED by Selectman Waddell.

Chairman Griffin noted there was no rule for beginning and that DPW has a good idea of what we are facing and how to deal.

Sel. Waddell noted we should not focus just on bins, and that he liked the idea of an SOP before going forward. He noted the Town of Wellesley, MA, which still earns revenue on recycling because of the residents.

Sel. Bridle commented his original opposition was just for this reason, needing this conversation before implementing. He asked if a business has three lots, are they entitled to 30 bins. There was general discussion on what that answer would be and if the address on the cart would help, and what if a business was closed, with further discussion on other scenarios. Dep. Dir. Hale again discussed consistency. Sel. Bridle asked about empty lots and there was further discussion of what needs to be decided, Hampton being unique, and the SOP. Dir. Jacobs discussed operational issues.

Sel. Barnes clarified the policy is a maximum of ten, you don't automatically get ten. She discussed the 77 properties that have over the limit of ten. Dep. Dir. Hale asked for the time to address those different scenarios.

Sel. Woolsey asked the deadline to get your address on your cart and the answer was July 1st, and there was general discussion on where to put it and compliance. She asked what is being done with a business's extra carts. Dir. Jacobs discussed broken carts and a case by case issue of working carts and bringing broken ones back with them, also noting some have been paid for. Chairman Griffin asked about the Town paying them to take them back and the answer was we will work with them.

Sel. Bridle noted there is still much work to do and what do we do with the volume of trash from the carts that aren't being picked up. Dir. Jacobs discussed each business having to come up with another solution. He asked about the idea of a cardboard and/or a glass container at the beach, and the answer was the warrant articles have contingencies for those. Dir. Jacobs discussed that trash is an everyday issue and will be ongoing with a need to keep adapting.

Chairman Griffin noted Portsmouth picks up no commercial trash.

Sel. Bridle discussed the need for education, even if it is at a cost, due to its importance, highlighting the businesses needing it as well, noting glass waste.

Sel. Woolsey reiterated commercial waste and them using private haulers.

Sel. Barnes commented the bottles aren't that huge a problem and does not want to see a no glass ordinance since we asked the distributors not to pick it up. She noted a recycling sorting issue. She noted the Directors want to come back with an SOP, what will happen between now and then. Dep. Dir. Hale discussed what is currently being done with most places picking up only 10, and highlighting some exceptions, and noted needing more direction. Chairman Griffin clarified they are doing what was asked of them, and there was general discussion of the exceptions.

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Dir. Jacobs discussed going forward, noting working on the policy for the next week, and then it going to Legal Dept. for review. Then at the Town Manager's discretion it could be released and he will be back before the Board on the 24th.

Sel. Bridle discussed the prior 10 cart vote and with DPW not doing it for everyone, they are not abiding by the vote. He noted taking a second look at the vote until their timeline can be looked at. That was discussed.

Atty. Mark Gearreald discussed the condominium and document review. He noted that the ruling says if it is no more than five, they will pick up, and if it is over, they pick up none. It was agreed that was correct. Chairman Griffin noted some were being dragged to the street.

Sel. Barnes discussed her motion. She read the motion from Jan. 6th. The motion did not state it was to be implemented the next day. Dir. Jacobs noted there were four places that had more than 10 bins. There was general discussion that later in the meeting on the 6th, consensus was to implement the next day, and just what that meant.

Sel. Woolsey noted they had to be open to revising policies.

Sel. Waddell commented that what Atty. Gearreald said was correct. There was general discussion on that policy. Sel. Waddell referenced his own condominium. There was general discussion on condominium documents.

There was a call for a vote on the motion made about addresses.

Selectman Barnes MOTIONED to implement addresses on carts, per DPW, SECONDED by Selectman Waddell.

Vote: 5-0-0

There was further general discussion on the Board's directive to pick up only 10 bins.

Atty. Gearreald discussed a bill which would prohibit regulation of short term rentals, SB 458, with a hearing Wed. Feb. 5th, at 10:15. He noted this is a bill that would be a State wide zoning regulation that would supersede town's rules regarding the short term rentals. He referenced the Portsmouth case, and noted what Hampton does with regard to short term rentals, noting rental occupancy certificates and state building codes. He discussed the bill being one size fits all, which Hampton is not. He noted NHMA urged attendance or letters of not supporting the bill. He also noted the vice-chairman of the committee is Tom Sherman. His suggestion was a letter for Fred to sign if the Board approves.

Sel. Barnes commented that this is a way for Concord to overrule local control and she is opposed to the bill and is available to go to the hearing.

Selectman Woolsey MOTIONED to sign letter opposing SB 458, SECONDED by Selectman Waddell.

Vote: 5-0-0

III. Closing Comments

Mr. Welch noted a personnel matter.

Attorney Mark Gearreald asked the Board to go into Non-Public Session, under RSA 91-A:3,II,(a&c) Personnel and reputation.

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At 8:22 PM, Selectman Waddell MOVED to go into Non-Public Session, under RSA 91-A:3,II,(a&c) [Personnel and reputation], SECONDED by Selectman Bridle, which passes unanimously by ROLL CALL.

Vote: 5-0-0

PRESENT: Rick Griffin, Chairman
Jim Waddell, Vice-chairman
Rusty Bridle, Selectman
Regina Barnes, Selectman
Mary-Louise Woolsey, Selectman
Frederick Welch, Town Manager
Jamie Sullivan, Deputy Town Manager
Mark Gearreald, Town Attorney

[The Minutes were sealed by vote following the resumption of the public session]

At 8:24 PM, a MOTION was made by Selectman Waddell , SECONDED by Selectman Bridle, to leave the non-public session, which was approved unanimously (5-0).

At 8:25 PM, back in public session, Selectman Bridle MOTIONED, SECONDED by Selectman Waddell, to seal the minutes of the non-public session on the basis that disclosure of the minutes could jeopardize the actions to be taken, which was passed by a roll call vote of 5-0.

IV. Adjournment

At 8:26 PM, the Selectmen adjourned the Public Session on MOTION of Selectman Bridle, SECONDED by Selectman Waddell, which passed unanimously.

Vote: 5-0-0

Rick Griffin, Chairman