

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

July 29, 2019

7:00 PM Public Meeting

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

ABSENT: Jim Waddell, Vice-chairman

SALUTE TO THE FLAG

I. Public Comment

Bill Moberg, 200 Mill Road: done an excellent job with the access to Plaice Cove; Selectwoman Barnes had tree limb come down on her car; trees need to be taken down; infested with ants; safety issue; on Town property; coming out of driveway trees block view; mailbox on other side of street; traffic on Mill Road; need more enforcement; between Watsons Lane and Anns Lane.

Bill Murphy, 1 M Street: thank BOS, Town Manager, Fire and Police Chief for coordination and mutual aid for fire on Dover Street; was first class; job well done.

Dean Merrill, 20 High Street: August 12 fund raiser; golf tournament; help support parade; Experience Hampton Website.

Kristina ?, Shirley ? and Kathy ?: know budget is tight; more defined pickle ball on tennis court to give seniors of Hampton pickle ball time

II. Announcements and Community Calendar

Chairman Griffin: Hampton has been picked as best beach town by Yankee Magazine; Chuck Rage has done a nice job; money that comes to the Hampton Village District comes from the taxpayers at the beach, at the heart of the beach; pays for fireworks and entertainment; thank the taxpayers.

Selectman Barnes: attended NHMA PFAS standards; conservative regulations may affect individual landfills and WWTP in the near future; told they do not accept comments from municipalities during the meeting; attended Planning Board Master Plan Meeting, good discussion.

III. Approval of Minutes

1. July 15, 2019

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Selectman Woolsey MOTIONED to APPROVE the minutes of July 15, 2019 SECONDED by Selectman Bridle.

VOTE: 4-0-0

IV. Consent Agenda

1. Cemetery Deed: Barbara Michel 12/I-1/1/A
2. Donation to My Breast Cancer Support for \$100.00 in memory of Lu-Ann Hickey (Mother of Firefighter Ryan Hickey)
3. One-day Entertainment License: 293 High St. Siddall Wedding 09/14
4. Parade & Public Gathering Licenses: GWOT Monument Rededication 09/11, Triger Trot Foot Run 11/23, 46th Annual Seacoast Century Weekend 09/21-09/22, Seafood Festival 09/06-09/08
5. Raffle Permit: NH Association of Chiefs of Police
6. Road Closure: Penniman Lane Curtis 08/03
7. Veterans Tax Credits Renewals: Bottom, Nancy J 1980 Trust, O'Donnell, John S Revocable Trust, Rose, Family Revocable Trust, Krukonis, Family Revocable Trust

Selectman Barnes: why is #4 Seafood Festival on the consent agenda; concerns about B and C Streets; trash; business owner sold his business.

Chairman Griffin: they do not always come in. Town Manager Welch: without this there will not be a seafood festival; invite them in at the next meeting in 2 weeks.

Chairman Griffin: hold that one part out/Seafood Festival #4; talk about this later

Selectman Bridle MOTIONED to APPROVE the Consent Agenda SECONDED by Selectman Barnes.

VOTE: 4-0-0

V. Appointment

1. Ronald Grandmaison, Project Manager NH DOT
 - a. Route 1A Curb-cut Improvements – 5.8 miles' total

Mr. Grandmaison: managed paving; in advance of the 10-year project; evaluate curb ramps; any of the facilities that brought pedestrian traffic across our roadway and onto the pedestrian facility that they have on the sidewalks; meet ADA/DOJ requirements; in this case the intent provide improved pedestrian connectivity from our road surface onto the pedestrian facilities; mandated as part of the 2013 ruling; no proposed improvements to the existing pedestrian facilities; have roughly 125 areas where we are going to be doing these ramps; please see map; along Ocean Boulevard frontage/Route 1A; get done before Memorial Day; putting in cast iron; better facility for the visibly impaired; other areas Boars Head north to Cusack and back; speak with town; 10-year plan 40797; October 2023 for construction in 2024; money for engineering; currently being engineered; Hampton Beach area master plan; priorities in Ocean Boulevard area; \$6.1M is estimate; showed drawings for sample areas for safer pedestrian crossings; restriping of crosswalks; went through environmental process; read public notice into record; enter into municipal work zone agreement; will place on website.

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Attorney Gearreald: land on which the curb ramps being installed belongs to the State of NH. Mr. Grandmaison: parts do.

Attorney Gearreald: what parts don't? Mr. Grandmaison: not exactly sure ownership; beach side is jurisdiction of state; not sure who owns the sidewalk in this area; most is within roadway section; providing access to those pedestrian facilities.

Attorney Gearreald: you are not looking for the Selectmen's permission, as if this was Town property, are you? Mr. Grandmaison: I am not.

Attorney Gearreald: you talked about the Municipal Work Zone Agreement; large verdict occurred with respect to the seawall property on the North Beach; as result of pedestrian control; you are not asking that the Municipal Work Zone Agreement put any responsibility on the Town for deciding what safety measures to take, are you? Mr. Grandmaison: I am not.

Attorney Gearreald: whose responsibility would that be? Mr. Grandmaison: the department and contractor in place.

Attorney Gearreald: you have not put this out to bid yet? Mr. Grandmaison: no; design phase right now.

Selectman Bridle: noticed a couple missing; at end of Winnacunnet Road; fixed last year or 2 years ago; other is at the bottom of Dumas Avenue. Mr. Grandmaison: there is no crosswalk there.

Selectman Bridle: there is sidewalk at both sides; ramped on the northern side.

Chairman Griffin: people that live around there, people have lobbied for. Mr. Grandmaison: I will have to check.

Selectman Bridle: are they going to do anything with signage. Mr. Grandmaison: no.

Selectman Woolsey: are you doing this work on both sides of Route 1A; what are domes. Mr. Grandmaison: the bumpy surface just before you go onto the roadway surface; a bunch of strategically placed domes; about the size of a half dollar; enough to allow a visually impaired person to realize they have reached an unsafe position; slopes down to a flat spot.

Selectman Woolsey: how significant are the slopes. Mr. Grandmaison: depends upon the roadway; Hampton is flat; the shoulders will remain; gradual transition.

Selectman Woolsey: old drainage; will have to dig up sidewalk. Mr. Grandmaison: no drainage that is included as part of this project; this is just digging on the edges of the road.

Selectman Woolsey: every spring the crosswalks should be painted. Mr. Grandmaison: some of the crossings; need to check to see if we are responsible to refresh every year.

Selectman Barnes: thank you for coming in and the paving job; on the west side you are making it easy for wheelchairs; 75% of the west side from the bridge down to the Ashworth intersection is nonexistent; why did it get this bad to begin with; on the east side is the same way in spots; glad you will be addressing it. Mr. Grandmaison: if there is an area where we can build a curved ramp we plan to provide those.

Selectman Barnes: the intersection at Winnacunnet Road needs flashing light; also Boston Avenue.

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Chairman Griffin: some of the sidewalks are really bad; any consideration for that. Mr. Grandmaison: not as part of this project.

Chairman Griffin: encroachment from condominiums; roses; need to watch that; people wanting to have beach access/wheel chair accessible; wonderful place to have good times for older people. Mr. Grandmaison: not part of this project.

Attorney Gearreald: look at figure 20; linkages between the tip-downs with the tactile for visually impaired persons; if drew straight line it would lead the person to walk straight; on this figure 20 there is an off-set; would not be walking in the correct direction. Mr. Grandmaison: preliminary plan; most difficult one; working to make sure it meets the DOT and DOJ ruling; we would like to shift it to corner and across Route 1A southbound; this is one of our options; working on the design; will be redesigned.

Attorney Gearreald: if necessary as part of the project; if crosswalk does need to be realigned as suggested, it would be part of the project. Mr. Grandmaison: yes.

Town Manager Welch: not indicated connecting with crosswalks, which is what protect them; in State highway layout; State Beach facilities have tip-downs and are not crosswalks there either. Mr. Grandmaison: I will have to check with our traffic bureau who do all the crosswalks; I will respond.

Town Manager Welch: crosswalk between D and F Streets is going to be abandoned; middle of the casino; required to go to D or F Streets.

Chairman Griffin: it would affect all the businesses.

2. Public Comment / Public Input on Route 1A Curb-cut Improvements

Nancy Stiles, Hayden Circle: been questioned about the end of the area of Winnacunnet Road where there are steps to get up to the sidewalk; get rid of them; deconstruction to get rid of them. Mr. Grandmaison: if there is no crosswalk to that location then we are not planning to do.

Chairman Griffin: taller than they should be; dangerous; I have seen people fall there. Mr. Grandmaison: I will take a look at that; sounds like a very challenging area.

Selectman Bridle: 3' difference from the roadway to the sidewalk. Mr. Grandmaison: as we progress will put the information out to keep you updated.

Chairman Griffin: things are starting to happen; active community.

Seafood Festival continued from Consent Agenda – John Nyhan

Selectman Barnes: C Street; spoke with new owners; they plan to be open for the Seafood Festival; previous owner sold because of the issue they had during the Seafood Festival/trash.

Mr. Nyhan: separate out this application to the operational component; public gathering permit application is one we have to submit for the State to approve the Seafood Festival; had to submit in 7 new building permits by the State Fire Marshal; tents have to receive individual building permits; we do all the applications in July; liquor license; in August we come in front of the board to discuss the logistics; sit with department heads, vendors, etc.; last year we were asked to go back and find an alternative of where the trash would be collected on C Street; I met with Chief Sawyer; 8 other businesses on C Street; reconfigure

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operational vehicles; 2 trash trucks; moved the trash trucks west of Sabo's; we no longer had a truck in front of Sabo's; moved the other truck; moved the trucks off C Street each night; that was the arrangement we made; I offered them a free booth at the festival in consideration of their concern.

Chairman Griffin: is that what is going to happen this year? Mr. Nyhan: I went to speak with new owners last week, waiting for call back; I was told that the Town had made a decision not to have any trash trucks on C Street; tonight's application is important; without these permits we will not have a Seafood Festival.

Chairman Griffin: put in writing if you have a complaint; send to Selectmen. Mr. Nyhan: we had a difficult time with Sabo's; we tried hard; keeping in mind there are 8 businesses on that street; no other business complained; which included 2 hotels, a restaurant and a candy store; we took the initiative; spoke with manager of Sabo's; have not heard back from him yet.

Selectman Barnes MOTIONED to APPROVE the Seafood Festival Permit from September 6th thru September 8th SECONDED by Chairman Griffin.

VOTE: 3-0-1(Bridle)

VI. Town Manager's Report

1. NH DES has released their reduced schedule of PFOS permitted within water and wastewater systems. The regulations appear to require the Town to test the outfall discharge point at the wastewater treatment plant for compliance with the regulations. That may also extend to the solids removed by the plant. We are also currently testing the closed landfill. These new regulatory costs will be included in the 2020 Town Budget together with any other cost associated with the new regulations. We are currently exploring this area to better understand the coming expenses.
2. I have directed Town Counsel to determine the correct procedure to account for contractual increases in long-term contracts held by the Town for services by outside vendors. It appears that a separate warrant article may be required for each long-term contract to appropriate funds to pay for the contractual increases. The Legislature did not pass the requested correction to the previously passed legislation. The legal answer to the question could require a very extensive increase in the size of the annual town meeting warrant. I will report back when we have a firm conclusion to present to the Board to answer our questions.
3. The Fire Chief reports that the turn-out gear for our Fire Fighters has been received. Our Fire Fighters will therefore have two complete sets of turn-out gear that is good for a ten-year period. This completes the requirements of the 2019 Annual Town Meeting vote by the Town.

Selectman Barnes: read a letter; MRI appointment rescheduled; signage of contract delayed; Fire Department did excellent job on Saturday; staffing levels are for our residents; deal with influx; departments do a great job, but they need some help once in a while; influx.

Chairman Griffin: new rules with PFOS; how long will it be when we know what we have to do. Town Manager Welch: the State does not know yet; going through the process;

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formulating regulations/instructions; in one case over the regulatory limit; treatment plant; environmental hazards; sludge; a lot of questions; trying to find answers; could have a severe financial impact in the future.

Chairman Griffin: it is every single town in NH. Town Manager Welch: every town that has a WWTP; most people in NH have private wells; need to know the rules; not set yet; cost determined before end of year, so we can put into budget.

Chairman Griffin: people were very happy with response from Fire Department; long relationship we have had with all the communities; happy to help; work together; Hampton is very well equipped compared to many other Towns; before looking at complaints need to hear what the Chief says; there is a lot of fake news on Facebook and do not think we should be running our Town government on Facebook.

VII. Old Business

1. RSA 674:41,I(c) 19 Park Avenue Garage

a. Authorize Issuance of Building Permit on a Class VI Highway (Old Park Avenue)

Attorney Gearreald: whenever someone wants to access their property from a Class VI highway or build structure, supposed to ask Selectmen for permission; cannot spend money to maintain Class VI highway; document generated that Town and property owner sign; recorded at Registry of Deeds; stated that municipality does not assume responsibility for maintenance or liability for damages resulting from the use of the road; 19 Park Avenue that is accessed over what is called Old Park Avenue; used to reach from Park Avenue to Route 1; was cut off; through warrant article, portion was sold by the Town to abutting properties; 19 Park Avenue owned both sides; building permit was already issued for garage that was built in 2016; form has been generated; non-liability.

Selectman Bridle MOTIONED to APPROVE to Authorize the issuance of Building Permit for the new garage at 19 Park Avenue to be accessed from Old Park Avenue provided owners sign form approved by Town Attorney Notice of Limits of Municipal Responsibility and Liability per RSA 674:41,I(c) and pay cost to Town to record at Rockingham County Registry of Deeds and board to sign on a Class VI Highway (Old Park Avenue) SECONDED by Selectman Barnes.

VOTE: 4-0-0

Selectman Woolsey: received notice from Desk Now of fire; never received notice after that; why are we not automatically getting a follow-up report.

Chairman Griffin: the way I have always seen it through the years; they notified 1 or 2 people.

Selectman Bridle: this was a working fire.

Selectman Woolsey: sent Fred email asking to put on agenda; requirement that employee who is promoted to fill job of his/her supervisor will automatically be granted the former supervisor's pay.

Chairman Griffin: will be discussing this at future meeting with an Attorney; has to do with specific people, should not mention here.

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Town Manager Welch: board cannot approve promotions, in violation of RSA 37:6; only town Manager can hire employees by law; the employee was hired at starting rate from the study the board had put forward and approved; he was not hired at the rate of previous employee; his position as second in the department was more than \$20,000 under the previous employee.

Selectman Barnes: fire on Dover Avenue; was not talking about mutual aid; trying to explain a lady was relaying a concern that at the beginning only 2 of our Hampton firefighters showed up; visitors on the beach came over to assist.

Town Manager Welch: only 2 employees that were available to go to the fire; everyone else were out on calls.

Selectman Barnes: problem with not getting support from the State for any of our departments; private beach sign on Harbor Road that is still there; let public know that is not a private beach. Town Manager Welch: part of that property is a private beach and part is public; access for walkway is on private property.

Selectman Barnes: resident lot had non-residents parked in; allocate 50 spots on Island Path for residents; beach/town all one; app sending traffic down Winnacunnet Road; speeding.

Chairman Griffin: HBAC worked on plan for 3 years; advertising was done on Facebook; the plan was made due to the input they got back from Facebook; I knew it was not right from the beginning; I complained; made sure with help from Nancy Stiles that 145 people showed up to a meeting to change it; tell people all the time if you are not happy you have to complain; remember that voters voted against more firemen; listen to Fire Chief, not Facebook; will have him come in.

Selectman Bridle: Hampton Fire Department does not have a Facebook page; firefighters do; not Town sponsored; speaking about apps on phone, they are private companies; some things we have no control over; ok to complain, but we do not have any control.

Representative Edgar: wanted to address comments concerning State; many members of Town work very hard with me to try to get some money to the Town; out of town people was a fee and go back into fund; one was to fund a fireman at the beach during the summer; pay occupancy fee; get benefit; help town; there are shortfalls in some areas; budget not getting approved; appreciate support of Town; put pressure on some individuals that keep calling it a tax; this was a fee.

Selectman Woolsey: there is a State bridge study going on; difficulty getting to fire; bridge dreadful hazard especially for emergency personnel; do not know why it is taking so long to replace the bridge; why is the State Park budget a stand-alone choice of funding and not part of operating budget.

Representative Edgar: Fish & Game is also self-funding; keep taxes down; will continue to push for many things; massive budget.

Selectman Barnes: I represent the constituents; fighting for Hampton Taxpayers.

Chairman Griffin: if the people who are bringing their issues to you, they need to bring it to the board; bring to Mr. Welch then he will disperse to the board; try to solve the people's problems; not going to listen to any complaint if it is not made by a person that is willing to come in and talk; bring complaint forward.

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Attorney Gearreald: thank the Representatives for testifying regarding bill that would have added a fee onto a room rate for certain hotels; attempting to have the Department of Natural Resources add a minimal amount to their parking charge, was great attempt; was opposed and defeated; great effort to solve in part of the problems about lack of support for our Police, Fire and PW the things we have to do as an extra commitment to accommodate the State Park and all its demands.

Representative Edgar: have to have the revenue to do the things you want.

Chairman Griffin: will be having a public hearing; pole; Unitil.

Town Manager Welch: the petitioner will receive letter when the public meeting has been set up; Statute provides that the Selectmen have the final say; if the Selectmen decide that it needs to be removed then Unitil has to do that.

Chairman Griffin: concerned about this; someone that works for Unitil said they would be willing to move it if he pays for it.

Town Manager Welch: the Public Utilities Commission has nothing to do with this; completely the BOS; they have no authority in this area, just the Selectmen.

VIII. New Business

1. DPW to apply and receive a Used Oil Collection Assistance Grant for \$2500 from the NHDES Used Oil Grant Program.

Deputy Director Hale: in January board took vote to allow us to apply for grants; used oil collection assistance grant application; maximum request is for \$2,500; would like to purchase an automotive filter crusher; gets oil out of it; we burn the oil for heat during the winter; allow us to accept the grant money upon a successful application

Attorney Gearreald: this is for a program that we already do, but this is for some equipment to enhance our capability. Deputy Director Hale: yes.

Selectman Bridle: this is motor oil, not cooking oil and already have an oil fired furnace. Deputy Director Hale: yes.

Selectman Woolsey MOTIONED to APPROVE to DPW to apply for, accept, and expend the Used Oil Collection Assistance Grant for \$2,500 from the NHDES Used Oil Grant Program and allow the Town Manager as the Grantee signer SECONDED by Selectman Barnes.

VOTE: 4-0-0

Selectman Barnes: limb fell on my car; will be spending \$500 deductible; dead trees are all over town; emailed Town Manager; do not have money in the budget; people sick of hearing that; default budget; outside counsel expense; can spend money on lawyers, but not on Public Works; Recreation Department is giving donations to the Village District; how does that look to the taxpayers; NH State Parks should be in State of NH budget; as of June under expended by \$832,000; wastewater state aid priority list; public hearing August 1st; taking comments and letters up until August 8th.

Town Manager Welch: good idea, because the legislators failed to fund it again.

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Selectman Barnes MOTIONED to AUTHORIZE the Town Manager to write letter to Bureau showing the Town of Hampton's support for the priority list SECONDED by Selectman Woolsey.

VOTE: 4-0-0

Chairman Griffin: there has never been enough money around to do the job that needs to be done; will have to talk about it with DPW and put on the agenda.

Selectman Woolsey: are we going to discuss the non-union wage schedule. Town Manager Welch: you voted to execute that.

Chairman Griffin: already done.

IX. Closing Comments

At 9:10 PM, the Selectmen voted on MOTION of Selectman Bridle, SECONDED by Selectman Woolsey, to go into non-public session under RSA 91-A:3,II, II (c) [reputation] and (e) [litigation], which passed unanimously (4-0) by Roll Call.

PRESENT: Rick Griffin, Chairman
Rusty Bridle, Selectman
Mary-Louise Woolsey, Selectman
Regina Barnes, Selectman
Frederick Welch, Town Manager
Mark S. Gearreald, Town Attorney

[Minutes Sealed]

At 9:21 PM, a MOTION was made by Selectman Bridle, SECONDED by Selectman Barnes to leave the non-public session, which was approved unanimously (4-0).

At approximately 9:22 PM, back in Public Session, Selectman Bridle moved to seal the minutes of the Non-Public Session, SECONDED by Chairman Griffin on the basis that disclosure of these minutes could jeopardize the actions to be taken and affect reputations.

This motion to seal the minutes passed unanimously (4-0) by roll call vote.

X. Adjournment

At 9:23 PM, the Selectmen adjourned the Public Session on MOTION of Selectman Bridle, SECONDED by Chairman Griffin, which passed unanimously (4-0).

Rick Griffin, Chairman