

November 18, 2013

PRESENT: Richard Nichols, Chairman
Michael Pierce, Vice-Chairman
Philip Bean, Selectman
Mary-Louise Woolsey, Selectman
Michael Plouffe, Selectman
Frederick Welch, Town Manager

SALUTE TO THE FLAG

I. Swearing in of Police Sergeant Scott Bates (6:58)

Chief Sullivan said a few words about Scott Bates and the process that an officer goes through to become a Sergeant.

Town Clerk Jane Marzinzik swore in Sergeant Scott Bates.

Sergeant Bates thanked his family and everyone at the PD for their continued support.

II. Public Comment Period (12:42)

Arthur Moody, 3 Thomsen Road, made comments on the following: transferring of custody of the Fire Department logs and how this has not been run through the Records Committee; how much is Hampton Beach and how much is Town; history on some of the logs; suggested it being an indefinite loan as opposed to a gift; signage on the spur by the Galley Hatch; work that was done on private property on the Winnacunnet Road side of Galley Hatch.

Charlie Preston, 47 Glade Path, made comments on the following: touch briefly on item under Town Manager's report in regards to winter snow parking; parking issues at both the Town and the beach; winter parking ban dates and time; Town lots being open only during snow storms/emergencies; made some suggestions on how they might want to line up cars; system Newburyport uses and how it is a great system.

III. Announcements and Community Calendar (21:53)

Selectman Woolsey reminded everyone about trash pick-up when there is a Monday holiday.

Chairman Nichols made comments as follows: DPW has been doing a good job getting the word out; went through the 3 types of communications that residents can sign up to receive these messages; Zoning Board meeting this Thursday and one item on the agenda is for a project on the A block.

IV. Appointments (23:53)

1. Chief Silver, Fire Department
 - a. Departmental Update

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Chief Silver made comments as follows: have officially moved into to both stations; headquarters has officially moved; renovation in existing building has been completed; some additional items to address in the old section of the Winnacunnet Road station; discussed asbestos removal at the old Beach Station; demolition took place today; things that still need to be done at the empty lot where the old station stood; Precinct Commissioners have moved into their new meeting space at the Beach Station; remain in budget so far; items that have been charged to his department's budget since they were not within the scope of the project; discussed utility cost; few more weeks until ribbon cutting ceremonies planning December 12th for the beach and December 17th for Town Station; warrant article on pumper continues to be worked on; ambulance purchase and how things have evolved, agreement has been reached; in regards to ambulance replacement one should be replaced in 2014; one ambulance will be traded in with the one now being purchased; money in revolver for the ambulance; traffic signal at High Street and Lafayette Road and should have a complete report soon for the Board; October represents Fire Prevention month; CPR and AED training to SAU 90 and Winnacunnet High School; training that is taking place; Firefighter Local 2664 boot drive success; Chili Cook Off this Thursday; Toy Bank program collections will begin soon; FF on leave from knee surgery; Fire employee who lost home to a fire and thanks the Town for their continued support; spoke about Chief Maloney and how he lost his life while saving fellow officers; how Night of Heroes was developed to recognize first responders whose heroic acts in the course of performing their duty; at the Night of Heroes FF Jed Carpentier and FF Kyle Jameson were recognized for rescuing two persons swept away in strong rip current.

Board Members Woolsey and Nichols made comments and asked questions as follows which were addressed by Chief Silver: commented on the wonderful decontamination area and emergency medical treatment room at Winnacunnet Road Station; Chief Silver also commented on the value of the decontamination area; ergonomic work stations in dispatch area; what is capacity of Precinct meeting area and it is 35; paving of Precinct lot; if Board is not in favor of the pumper article they should let the Chief know now.

a. Fire Department Logs (24:06)

i. Transfer of custody from the Town to the Historical Society

Chief Silver made comments as follows: went through all contents of the old station; all records that are required to be maintained have been; all personnel records are maintained at the Town Hall; went through some of the records that were found; any memorabilia has already found its way into the museum; the one thing remaining are some of the log books; a previous custody transfer of one log book has taken place to the Hampton Historical Society; has provided a documentation to the Board of the log books that they still have; asking to transfer custody of all the logs to the Hampton Historical Society; this represents only the handwritten logs; discussed how other items already at the museum are still property of the Town but are in the custody of the Historical Society.

Selectman Pierce MOTIONED to APPROVE the Transfer of custody of Fire Department Logs from the Town to the Historical Society SECONDED by Selectman Woolsey.

VOTE: 5-0-0

2. Keith Noyes, DPW Director (46:39)

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a. Downtown Drainage Project - Funding and Planning

Mr. Noyes made comments as follows: sent Board a memo outlining where we stand from a financial standpoint; original estimate of \$200,000 was underestimated; new estimate is \$250,000; important project; involves 75% FEMA money hazard mitigation grant; corrected memo that he has earmarked \$30,000 in 2014 budget for this not \$50,000 like memo states; hold off until after vote in March to bid project; chance it could come in at \$200,000 and construction would begin after Labor Day and go into the Fall; where money is in DPW budget; take advantage of the federal funds; more detailed discussion on cost involved with project.

Board Members Woolsey, Nichols and Pierce made comments and asked questions as follows: why they would not want to do the work in the Spring; 75% of federal share would be based on the \$200,000 original cost; this would mean the Town's share would be \$100,000 if cost of project is \$250,000; discussed money in 2013 budget and 2014 budget; questioned the \$30,000 in 2014 would leave him \$20,000 short; discussed hanging onto the \$50,000 from 2013 and bring it forward into 2014; Mr. Noyes went through the cost of the project in detail for the Board; based on purchasing policy does not think this needs the Boards approval and read the section of the purchasing policy that covers this.

b. Request to withdraw from the SRRD District 53-B (57:05)

Mr. Noyes made comments as follows: provided Board with a memo listing reasons why it is in the best interest of the Town to withdraw from the district; now the Town is responsible for paying 50% of the cost of any infrastructure; allowing Town to seek best prices for both solid waste and recycling; volume of Hampton's waste compared to other communities in the district.

Board Members Woolsey and Nichols made comments and asked questions which were addressed by Mr. Noyes: discussion she had with both Mr. Richardson and Mr. Gingras; working with the Town Atty. on this and his involvement; problem with depriving 53-B in poundage of trash being taken to Turnkey; asked Mr. Noyes to elaborate on allowing the Town to include transportation of both trash and recycling of the bid process; discussion on transportation cost being a large part of cost of solid waste removal; there was a detailed discussion on bids for trash/recycling; cost to rent the roll-offs; Selectmen were provided with the authority to withdrawal from SRRD District.

Chairman Nichols MOTIONED to APPROVE the Request to withdraw from the SRRD District 53-B SECONDED by Selectman Woolsey.

VOTE: 5-0-0

c. Draft Policy for Planning Board as to Waste Collection for New Developments (1:05)

Chairman Nichols provided the following information: history of how this ended up on agenda; discussed issue 3 times this year and provided the dates this was done; issue originated with the Planning Board asking for some kind of guidelines from this Board; memo provided by Mr. Noyes with a proposal.

Mr. Noyes made comments as follows: needed to give the Planning Board some direction; fairness issue and needs to make logical sense; no new residential developments shall receive

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Town solid waste collection service unless the following provisions are complied with – residents and or property staff bring carts to the curb on Town road or right-of-way, service shall be limited to a number of carts in accordance with the following formula 2 carts i.e. one trash/one recycling per 10 lineal feet of property on Town road frontage.

Board Members Pierce, Woolsey, Nichols and Bean asked questions and made comments which were addressed by Mr. Noyes: item C added by Atty. Gearreald in regards to a limit of carts should not be included and expressed why; needs to be written into the planning documents; no condominium associations shall receive Town trash pick-up; Atty. Gearreald discussed in detail the range of types of condominium developments; commercial or condominium developments will not receive Town solid waste collection; would not go along with Selectman Woolsey’s suggestion to remove pick-up for all new condominium associations; would not support limiting commercial buildings; inequitable to not allow pick-up for new commercial and condominiums; how formula for cart placement will help with who is allowed to place carts curbside; Mr. Bean would like to disassociate himself from this whole trash issue and explained why; he would also like to see the Town Manager and Chairman copied on any emails between a Selectman and the DPW Director in regards to this issue; does not understand how this can be discussed when he still has not received a cost involved with trash pick-up; this is an agenda, feeling and have no numbers on this; picking on the business class and wants to move away from this; no one has any cost; problem with placing these burdens on the business owners; safety and public health issues; .

Chairman Nichols MOTIONED to provide the Planning Board with a draft copy based on A and B in Mr. Noyes memo SECONDED by Selectman Pierce.

Discussion on motion.

Selectman Pierce made comments as follows: agrees with a lot of what Selectman Bean has said; issue with putting too many carts in front of a property; guideline will help with the physical limit in front of a property.

Selectman Woolsey made comments as follows: need to get this sorted out; have gotten ourselves into a huge amount of trouble over the past several years since the Planning Board has not been consistent; should not be picking up waste from condominium or commercial developments; we have a Transfer Station; under the laws only have to provide a place for residents to dispose of waste; examples of businesses that have taken waste to the Transfer Station since the beginning of time; how commercial businesses are charged 4 cents a pound for waste; have been drowning in trash for years; guidance for new developments not existing; this is a Town issue; how existing business owners pay to get rid of their own waste; accept no new source of waste to Hampton; warns them that this Board is responsible to the taxpayers in Hampton.

VOTE: 2(Nichols, Pierce)-3(Bea, Woolsey, Plouffe)-0

Selectman Woolsey MOTIONED to move that their policy for the Planning Board say that no new condominium/commercial developments shall receive Town solid waste collection service. Residential/Commercial developments shall dispose of their own trash and recycling at their own expense or bring to the Transfer Station with the appropriate cost no charge for recyclables.

Discussion

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Chairman Nichols questioned if this motion would prohibit trash pick-up for a new condominium development with 2 units with frontage on a public way, and Selectman Woolsey stated yes it would be prohibited.

Mr. Jacobs shared some questions his drivers face on a daily basis in regards to whether a property is a hotel or condominium.

Chairman called for a second and the motion failed for lack of a second.

Mr. Noyes just wants to clarify that these options presented are not his recommendations; they were developed as requested by the Board.

Selectman Woolsey MOTIONED that it be made clear to new condominium/commercial developments that there will be no Town waste collection. Motion failed for lack of a second.

Selectman Pierce suggested that if this is put on a future agenda it be placed closer to the beginning of the meeting and possibility of holding a public hearing.

d. Exeter Road reconstruction Project Alternative Funding (1:35)

Mr. Noyes made comments as follows: some issues with the warrant article; it was his understanding that they had \$75,000 to do the work; has looked at his budget and found some additional areas to come up with the \$34,800 to cover engineering cost; a little more work to complete the survey work and look at the road further to come up with better numbers to go back to in the future to do the work; went over scope of work and came up with what they feel is adequate work to give the Board the information for a future warrant article; work came up to \$11,000 and provided a breakdown on what this cost involves; request an \$11,000 encumbrance from this year.

Board Members Pierce, Woolsey, Bean and Nichols made comments and asked questions as follows: not happy with leaving out inspecting old pipes; have all the pipes checked out to see what they look; wants to see what is under the road; no problem with encumbering the \$11,000; what was the problem with article of substitution at the DRA level; Atty. Gearreald explained how the warrant is run by DRA and how the Board can make edits to the articles, how articles are amended at the Deliberative Session and then not reviewed by DRA, how DRA looks back at the warrant articles when the tax rate is set; what would it cost to do the televising part of the condition of pipes; Mr. Noyes commented on the conditions of the pipes and reasons why it was decided to not televise to see the condition and why money is better spent elsewhere, if just doing an overlay would not see this as an issue, discussion that they had with the engineers, talked about how clay deteriorates over time; Mr. Jacobs stated that they do have some tapings on pipes on Exeter Road which they can review, how clay pipes were used in the past and how new pipes are layed; water pipe on 1A and how it is an iron pipe; talking about the part of Exeter Road between Rte. 101 and the railroad bridge; about a mile and half; cost of about \$600,000 to do the paving only; compared this cost to amount for paving on Auburn Ave; cost of replacing sewer is about 3 times the cost of the paving; how camera work that was done in other areas dropping cost by about 25%; based on this would think it is worth spending the money on televising the condition of the pipes.

Chairman Nichols MOTIONED to APPROVE the \$50,800 including the televising and encumber that money SECONDED by Selectman Pierce.

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VOTE: 3(Nichols, Pierce, Bean)-2(Woolsey, Plouffe)-0

Chairman Nichols brought up the following: a discussion they had at the November 4th meeting; in regards to a number of roads off of Esker Road relative to seizing snow plowing and trash pick-up; deferred this to prior to January 1st; need to directly communicate with someone at each of these properties. Mr. Noyes has the contacts and will make it a priority to be in contact with them this week.

3. Brian McCain and Paul Paquette (1:57)
 - a. Wiring for 2nd Cable Station

Mr. McCain made comments as follows: wiring that needs to be done at uptown station; bids in from Access AV for both uptown and down at the beach; how Comcast is going to run the wire; equates to about 1100 feet of fiber; able to run second station out of Fire Station; can only get an estimate from Comcast and right now it is looking like about \$15,000; reading cable contract this would all come out of section one and the \$67,000 that Comcast owes us for setting up the new station; wash of money for what we are already owed for the setup of the new Channel 22 station; how cost of equipment can come out of this \$67,000.

Board Members Nichols, Pierce and Woolsey made comments and asked questions as follows: asking for the \$15,000 to come out of the \$67,000 was part of the plan so we are being consistent; any of the \$67,000 that is not spent will come back to the Town/Cable Fund as a cash payment; Atty. Gearreald read the portion of the contract in regards to the \$67,000; questioned if could only be used on purchase of equipment for the new station and that does appear to be the case; all they are looking for is to spend \$15,000 out of the \$67,000; Mr. McCain stated that they will be spending about \$1,800 for Eckman Construction to do the wiring; commented on the blackouts that are occurring on some tapings; what about wiring at the beach station to broadcast Precinct Meetings and this is included in what they are presenting.

- b. New equipment from Comcast for 1st and 2nd Cable Stations (2:05)

Equipment to get both studios setup; cost to setup studio in uptown station is \$23,345; this includes multiple cameras and all necessary equipment; beach station would be \$16,549; includes installation.

Board Members Woolsey and Nichols made comments and asked questions as follows: so if something was to happen we could run broadcast from the Fire Station; looking for authorization to spend \$15,000 for wiring, plus \$23,345, \$16,549 and \$1,800; cannot approve this tonight without seeing things in writing; can approve the cost for wiring; see some more on the \$23,345 and \$16,549.

Mr. McCain also commented on the following in regards to upgrades needed at this station: new cameras; age of cameras and how some of them are failing; nine monitors are the original since started podcasting; a 17' monitor; controllers for cameras; easy up tent to protect equipment at events; total of all this is \$13,562.71.

Selectman Woolsey MOTIONED to move all 4 items presented to them by the Cable Committee this evening. Motion failed for lack of a second.

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Chairman Nichols MOTIONED to approve the \$15,000 for Comcast wiring and the \$1,810 for Eckman Construction and that they have a written proposal for the balance of what was discussed above to review at a future meeting SECONDED by Selectman Pierce.

VOTE: 5-0-0

Chairman Nichols requested that they get a fresh package and come back to the Board.

Mr. Paquette brought up the following: would like to bring up another item in regards to the school; would like to add a second internet connection so that they can come in through the Fire Station; dedicated connection for them; cost is \$150 a month, \$25 for setup, total setup with equipment is \$158, monthly cost will be \$158 plus tax; not sure how this will get paid; does not feel it should come out of the IT budget; pay out of Channel 22; might be included in whatever bill they are getting for administration.

c. Work clothing for Crew (2:15)

Mr. McCain made comments as follows: 12 sweatshirts; some new guys; total of \$618; vendor has the logo.

Selectman Pierce MOTIONED to approve the purchase of 12 sweatshirts in the amount of \$618 SECONDED by Selectman Woolsey.

VOTE: 4(Bean, Woolsey, Pierce, Plouffe)-1(Nichols)-0

4. Charlie Preston (2:16)

a. Parking

Mr. Preston made comments as follows: parking at Hampton Beach is at an all-time demand; here to make some money; revenues for 2013 \$100,000 more than 2012; revenues can even increase; charging by the time; pay for what you use; changing exits and entrances; people resistant to change; access created off Brown Ave; request Board consider this and raise more funds for the Town; Recreation Director and Town Manager research a pay for time lots at the beach; thinks this will really work; hopes they really consider this.

Chairman Nichols suggested that Mr. Welch run this idea by Dyana and have her provide feedback at the December 2nd meeting.

Selectman Pierce questioned if this can be done without losing any parking spaces and it can because there is already entrance off of Brown Ave.

V. Approval of Minutes (2:23)

1. October 28, 2013

Page 1, Correct the arrival time to read as Michael Pierce not Michael Plouffe

Page 3, 5th paragraph, add to end of the paragraph the following "Selectman Nichols pointed out that the State does not want to prohibit access to the Jetty, and the Police Chief confirmed that."

Page 4, 4th paragraph, 3rd line change "until" to "after"

Page 7, 1st paragraph, 5th line add the following "it was the consensus that the signs should remain and the Town Manager would send a letter to the State requesting they approved them so that we can formally place them in the Ordinance;"

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Chairman Nichols MOTIONED to approve the October 28, 2013 minutes as amended
SECONDED by Selectman Pierce.

VOTE: 5-0-0

2. November 04, 2013

Page 2, 4th paragraph, rewrite to read as follows: ‘Atty. Robertson made comments as follows: separate request; repayment of loans taken out from the employees personal 457 plan, specifically related to a primary residence, be added to the leave sell back; items already available in the policy.’

Page 7, 3rd paragraph, add the following after the word “funding” in the motion “of \$400,000”

Page 10, 2nd paragraph, rewrite the 1st line to read as follows after “background information” “the Boards past policy for the single article for Health and Human Services on the warrant is if anyone is looking for an increase they must do so as a petitioned warrant article;

Pages 12, 1st paragraph, add to the end the following: the District provided the detailed financial information which was reviewed by the Finance Director and the Finance Director agreed with the amount.

Chairman Nichols MOTIONED to approve the November 04, 2013 minutes as amended
SECONDED by Selectman Pierce.

VOTE: 5-0-0

VI. Town Manager’s Report (2:29)

1. The winter parking ban is in effect and will continue through to March 15th, 2014. There is no on-street parking between the hours of 1AM to 7AM. During snow emergencies, all on street parking is banned for the duration of the snow emergency.
2. The parking lots at Ashworth Ave. and Island Path Parking lots are available for parking during snow emergencies only, and vehicles must be removed at the end of the snow emergencies or by 8AM. Please note that these parking lots are not open for public use during the winter months except for snow emergencies.
3. The signage and curbing on Winnacunnet Road at the Spur and the Galley Hatch has been installed. The portion on Galley Hatch property was paid for by the Galley Hatch.
4. The Tax Rate has been set by the State DRA at \$18.31 (up from \$17.77); Municipal rate is \$7.04 (down from \$7.14); Local School rate is \$7.66 (up from \$7.02); State School Rate is \$2.51 (down from \$2.52); County Rate is \$1.10 (up from \$1.09).
5. Removal of the exterior asbestos at the old Beach Fire Station is proceeding, and we expect completion this week. The cost may be under that originally quoted, if there is no asbestos in between the old dispatch section and the other building.

Mr. Welch added the following items to his report: gift from Senator Ayotte of the Congressional record from July 30, 2013 commemorating Hampton’s 375th Anniversary; had Recreation send the bids for the garage to the Board since they finally got 3 bids; request from Parade Committee requesting to be allowed music along the route and listed out the various locations, The committee would like the Board to approve the amendment to the original permit.

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Selectman Woolsey MOTIONED to amend the permit for the Parade to include music at the listed locations along the parade route SECONDED by Selectman Pierce.

VOTE: 5-0-0

Chairman Nichols added a historical aspect in regards to the tax rate going back to 1992: average single family home will increase by about \$175; tax increase over 6 years for average single family home is about \$100; Town and Schools have done a good job of managing the tax rate; plan to update the chart for Fridays meeting and it will include a 2014 based on the operating budget along with money warrant articles.

VII. Old Business (2:38)

1. 2014 Warrant Articles
 - a. Update Status for Fridays Meeting

Chairman Nichols made comments as follows: special meeting Friday to go over warrant articles; updated list from Kristina; Atty. Gearreald is working on some; something will come to Board from Atty. Gearreald later this week.

Selectman Pierce asked for the warrant articles to be sent out in a digital form prior to Friday's meeting.

2. HB 672 Pollution Control Exemption (2:40)

Chairman Nichols made comments as follows: read some information in regards to the appeal filed by the Seabrook Nuclear Plant; seeking to reduce their tax bill 80%; tax years 2011, 2012 and 2013; if successful Town could have to pay out as much as \$1.6M; shift \$400,000 onto the rest of Hampton taxpayers in future years; intent of HB672; on Tuesday the bill was ITL which essentially means the bill was killed; comments made by committee members which he shared with the Board; recording of the meeting is on the Town's website; Cushing is planning on submitting a bill in 2014.

Selectman Pierce asked who was there from Hampton besides Fred Rice and Chris Muns was there.

Selectman Bean shared an experience he had when attending a similar meeting in regards to SB121 and there needs to be some changes made in Concord.

Chairman Nichols commented on the long process that they went through in regards to spiking.

VIII. New Business (2:48)

3. Approval of Acceptance of Conservation Easement RSA 36-A:4
 - a. 133 North Shore Road

Selectman Woolsey MOTIONED to APPROVE under RSA 36-A:4, an acceptance by the Conservation Commission of the Conservation Easement Deed offered by Cornelia A. Bolton, Trustee of the Cornelia A. Bolton Revocable Trust, in connection with the Planning Board's approval on September 4, 2013 of a special permit for Map 133, Lot 17 on North Shore Road SECONDED by Chairman Nichols.

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Mr. Diener explained in detail how this came about, history of a ZBA appeal; mitigations for zoning variance; area involved is about 13,000 sq. ft.; pedestrian access on the property; Conservation Commission responsibility of Town property in being properly maintained.

VOTE: 5-0-0

4. Acceptance of Bench Donations (2:52)
 - a. At the Winnacunnet Road Fire Station from Ed St. Pierre
 - b. At the Brown Avenue Fire Station from the Hampton Beach Village District

Mr. St. Pierre made comments as follows: shared what the product was; discussion he had with Chief about prototype bench that he had and the Chief stated he would like a bench at both locations; allows him to give a donation to the Town Station and the Precinct to give a bench to the Beach Station; read the wording that will be on the bench; would like to put the bench at the Town Station in memory of two individuals.

Selectman Woolsey made comments as follows: appreciates the effort; wonders if the bench could be in memory of Chief Matheson.

Selectman Pierce MOTIONED to APPROVE the Acceptance of Bench Donations at the Winnacunnet Road Fire Station from Ed St. Pierre and at the Brown Avenue Fire Station from the Hampton Beach Village District SECONDED by Selectman Woolsey.

VOTE: 5-0-0

IX. Consent Agenda (2:59)

1. 2013 Annual Report Front and Back Cover designed by Hampton Arts Network
2. Dance Hall Permit – State of NH DRED - 170 Ocean Blvd
3. Hampton Cemetery Deed – Joyce McLaughlin
4. Lane Library Full Member Appointment – Rev. Deborah Knowlton

Selectman Woolsey MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Plouffe.

VOTE: 5-0-0

X. Closing Comments (3:00)

Chairman Nichols commented that Mike St. Laurent organizer of the half marathon coming up in February and the race in October has requested an appointment on December 2nd.

XI. Adjournment (3:01)

A motion was made by Chairman Nichols to go into a non-public session under RSA 91-A:3,II (b), this motion was seconded by Selectman Woolsey. A roll call vote was taken, and all 5 Selectmen were in favor.

Selectmen Woolsey MOTIONED to adjourn at 9:55 PM SECONDED by Chairman Nichols.

VOTE: 5-0-0

Chairman