

December 14, 2015

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

SALUTE TO THE FLAG

I. Public Comment Period (7:25)

Victor Demarco: watched the night the Trustees of the Trust Fund were here and thought the Chairman was very disrespectful to the Board; found out at the meeting that they did not convey the letter from the SEC to the Board. I do not have much faith in the Chairman of the Trustees, and Mackensen mentioned in a promotional matter that he said he represented the Town of Hampton; we have confidentiality and you are not supposed to do that. The Town Attorney did a good job, but they were not under oath. I would like as a taxpayer of this Town if you would look into this further and maybe if necessary to appoint an outside person to do the investigation as to the involvement of the members and this firm

II. Announcements and Community Calendar (20:02)

Selectman Waddell: the School Board tonight is having the vote on the renovations for the Academy, it is most likely going to be a warrant article; investigate, look at it; it is a very important issue.

Selectman Bridle: read a letter to Rick Griffin to praise our Hampton Emergency Squad, was very impressed by their professional courtesy and concern throughout the process.

Selectman Woolsey: that was a great letter and we are always delighted to receive letters like that on behalf of our emergency employees. The Academy renovation is proceeding to the actual construction of the bond article, and this is the time because of the low interest rates.

III. Consent Agenda (23:12)

1. 38 Ocean Boulevard Termination of Lease of Leased Land
2. 38 Ocean Boulevard Quit Claim Deed

Attorney Gearreald: the two items on the consent agenda are the documents that are needed to close on the leased land at 38 Ocean Boulevard. The Leased Land Real Estate Commission determined the price at \$160,000, and the sale needs to be consummated by December 16, 2015.

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

Selectman Woolsey: for clarification, this is the land only, not structures. Attorney Gearreald: that is correct.

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

VOTE: 5-0-0

IV. Appointments (24:30)

1. Chris Muns, Democratic Committee & Mike Zaino, Republican Committee
 - a. Special Election for Vacant Seat of Representative to the General Court

Mr. Muns: NH has one less representative in the legislature due to the resignation of David Wood. We need to fill the seat; a letter needs to be sent to the Executive Council by Wednesday requesting a special election. If approved there would be an opportunity for candidates to file between December 21, 2015-December 24, 2015 and there would be a primary on January 19, 2016, and then a general election would be held at the Town meeting. Since it is very unlikely that there will be multiple candidates from each party to be running for this seat, I would suspect there would only be one from each party running on January 19, 2016 then that would become the general election. I am asking that you write that letter to the Executive Council requesting the special election.

Mr. Zaino: I agree as well and we echo the concerns regarding full representation in Concord and the mechanism to go about filling that seat.

Selectman Waddell MOTIONED to APPROVE the request for the Special Election for Vacant Seat of Representative to the General Court SECONDED by Selectman Bridle.

VOTE: 5-0-0

Town Manager Welch: we will hand deliver the letter tomorrow and have it go before the Executive Council on Wednesday; we will ask the Governor and Council to authorize a special election. If there is more than one candidate running for office there will be a primary in January. The nomination papers will be available in the Town Clerk's office for the first two days of the open enrollment period and the Secretary of State's office for all of the days for the open enrollment period.

2. Steve Riker, Ambit Engineering (30:52)
 - a. Use of Town Property for Revetment Reconstruction at 1030 Ocean Blvd

Mr. Riker: I am a certified wetland scientist and a permitting specialist, and I am representing Norino & Joanne Mirra who own the property at 1030 Ocean Boulevard. They are in the process of redeveloping their single-family lot and reconstruction of their revetment. We received Planning Board approval on the December 2, 2015. All work will be performed during low tide hours, restoration to the beach entrance will be restored to its prior condition, and any stock piled material will be located highest-level tide line as designated by the Town of Hampton DPW. Estimated start and end dates are January 1, 2016-April 1, 2016.

Town Manager Welch: we recommend the Board of Selectmen accept it; the insurance certificate is incomplete as part of it has expired, and is just a matter of bringing up to date.

Selectman Woolsey: has the Planning Board approved this? Mr. Riker: yes

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Selectman Bean MOTIONED to APPROVE the Permit with stipulations for the Use of Town Property for Revetment Reconstruction at 1030 Ocean Blvd SECONDED by Selectman Waddell.

VOTE: 5-0-0

V. Approval of Minutes (39:00)

1. November 30, 2015

Selectman Woolsey MOTIONED to APPROVE the November 30, 2015 Minutes SECONDED by Selectman Bean.

VOTE: 5-0-0

VI. Town Manager's Report (39:15)

1. The time to submit petitioned warrant articles for Zoning has passed.
2. Petitioned warrant articles for items other than Zoning must be submitted by 5PM January 12, 2016 at the Selectmen's Office.
3. Property owners desiring exemptions from property taxes should contact the Assessor's Office as soon as possible. Applications must be received by March 1, 2016
4. Property owners wishing to submit applications for current use should contact the Assessor's Office as soon as possible. Application period expires March 1, 2016
5. Property tax abatement applications can be submitted up until March 1, 2016.
6. You have a revised highway block grant warrant article and it does show the streets to be paid, and we have an auxiliary list of streets if we have money left over.

Selectman Woolsey: On report #2, this would be our drop-dead date for all articles. Town Manager Welch: yes

VII. Old Business (42:20)

1. Traffic Safety Report – Moore Ave/Hackett Lane

Town Manager Welch: I had asked the Chief of Police to submit a report and have the area reviewed, which they have done. They are recommending that we put cautionary speed signs in, which would be 25MPH. We are also going to install in the spring some traffic control devices; some speed tables, which will be bolted to the street and this tends to distract from the speed of the vehicles. The Chief does not recommend that we make the street a one-way and he will continue to monitor it.

Selectman Waddell: it is great they came up with some suggestions and I have confidence in the Chief of Police.

Selectman Bridle: it is a good idea, we were thoughtful and worked through it; the Police Chief has done a thorough job and we should go along with his recommendation.

Selectman Woolsey: very nice job by the police department; are the neighbors going to get a copy of that? Town Manager Welch: we will notify them all.

Chairman Griffin: we have a consensus that this is a great idea.

2. Letter to Trustees of the Trust Funds (46:28)
 - a. Regarding Mackensen and Company

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Town Manager Welch: do you want to send a letter to the Trustees of the Trust Fund regarding Mackensen and Company?

Attorney Gearreald: last Monday night's meeting the Board read aloud and made comment on the letter from the NH Attorney General's Office. It indicated if Trustees did not carry out their fiduciary duties, the Attorney General's office could take action against those Trustees. We have not seen very much action on the part of our Trustees; it has been indicated that the Trustees intend to meet to consider a continued relationship with Mackensen and Company at their regular meeting January 19, 2016, which means that two months will have elapsed since this letter from the Attorney General's office. If the Board feels that awaiting that long is troubling and if the Board feels that the Trustees are required under this letter to do a lot more than just explore whether they should have a continuing relationship with Mackensen. My recommendation to the Board is that a letter goes from this Board to the Trustees reminding them of what is set forth in this letter from the Attorney General's office requesting immediate public response to that and reminding the Trustees that failing that action, the Attorney General's office could take action against the Trustees. As much as they did five years ago when there was a hiring of Mackensen and Company without the necessary process.

Selectman Bean: it is a very well written letter; it articulates and amplifies the NH Division of Charitable Trust letter that was sent to the Trustees that nobody knew about and we did not have a copy. It is a very serious issue; there is rampant concern and discord in the community about this issue. This needs to be kept on the front burner and additional action needs to be taken; I would recommend that the letter be put on the Town Website.

Selectman Bridle: I agree with Mr. Bean, we expect our public officials to protect our rights and investments and I think we need to move forward and make sure they do that in a timely fashion.

Selectman Woolsey: my problem is that the Trustees of the Trust Fund are independent elected officials; I would not expect Attorney Gearreald to represent the Trustees, but would expect him to free funds if necessary for the Trustees to hire appropriate outside counsel; is that fair. Attorney Gearreald: that is a possibility.

Selectman Woolsey: I would think the ball would be in the Trustee's court.

Chairman Griffin: the Attorney General recommended they should consult with Mr. Gearreald.

Selectman Waddell: this is a touchy subject; they are an independent elected Board and they do operate separately, but it becomes discerning when the Attorney General sent a letter; the Director of the Charitable Trust Fund sent a letter saying there is a problem here with Mackensen and it should be looked into. It is not being looked into on a timely fashion. When we met with them as I recall it said that Mackensen had no position with the company anymore, and then in one of these letters it says he is on the Board of Directors. I cannot understand why they do not just switch to another company.

Selectman Bean MOTIONED to APPROVE the Letter to Trustees of the Trust Funds regarding Mackensen and Company and posted on the Town Website SECONDED by Selectman Bridle.

VOTE: 4-1(Woolsey)-0

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3. Warrant Articles Review (56:42)
a. Cable Franchise Fees Increase

Town Manager Welch: the Board wanted us to look at the fact that we need to increase the fees from the cable franchise so that Channel 22 would remain whole, because sometime next year we would run into a \$9,000 deficit. I asked the Finance Department to run the figures for 6 years based upon increasing this to 40% of the fund from 25%, and in doing that the analysis came back that as long as there are no increased unusual expenses, the fund will stay currently as it is without further assistance for those 6 years. We will have a small reserve at the end of each year.

Selectman Waddell: Channel 22 does a wonderful job; I have a real problem with this cable franchise fee; the purpose of the fee is what? Town Manager Welch: it is to share with the Town the proceeds so we can fund Channel 22 and the school channel.

Selectman Waddell: I want the people to realize that Comcast customers are paying an extra fee that other people who do not have Comcast are not paying, so a certain amount of people are paying money to reduce taxes for 100% of the population.

Selectman Bridle: I agree with Jim, even though I do not have Comcast.

Selectman Bean: Selectman Waddell makes great sense this evening and I look forward to a remedy next semester.

Chairman Griffin: Many people do not use the services of the police and that pay for education that do not have children in the schools. It would be easy if we could deal with Comcast and iron these things out, but they are untouchable and unreachable, it took six years to get the agreements we have with them now, and a great deal of money was spent to reach them.

Selectman Woolsey MOTIONED to APPROVE the Warrant Article for the Cable Franchise Fees Increase SECONDED by Selectman Bridle.

VOTE: 5-0-0

b. Ice Pond Dam (1:05:15)

Town Manager Welch: Town meeting passed an appropriation of \$90,000 to add with \$40,000 from the Conservation Commission for \$130,000 to rebuild the ice pond dam. We opened the bids a little over a week ago and the low bid was \$228,287 and the person who represented the company, who was not the one who prepared the bid, said that is low. The high bid was \$318,080 and there were only two bidders. If we intend to proceed, you will have to submit a warrant article. The fact that the high bid was \$318,080, no one is going to bid under that. If we put in \$350,000 that is probably not enough, so the recommendation is to put in \$400,000, which is an additional \$200,000 that needs to be raised from taxes in order to do this job. The \$90,000, which is sitting there now because we could not award the bid, has no extension item on it so therefore, it is going to surplus on December 31, 2015. What would the Board's pleasure be?

Selectman Bridle: the vote last year was almost 2-1 that they wanted to see it done; it is a lot of money, but it should let the voters decide, and it should not be decided by this Board.

Selectman Woolsey: I am totally opposed to this.

Selectman Bean: I do not support the warrant article.

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Selectman Waddell: I am not in favor.

Mr. Diener: the Town purchased the ice pond in 2007 and it is well used and an important piece of Town property. We are disappointed that the actual bids came in so much higher than were estimated. We still have a responsibility to the Town and the people who use this pond, to maintain it. I would be grateful if you would let the voters decide, whether it is a worthwhile expenditure, because it is their pond.

Selectman Waddell: can the citizens put in a warrant article for this? Town Manager Welch: yes

Selectman Waddell: if there were an interest, I would recommend that the citizens put in a warrant article.

Chairman Griffin: it looks like there are not enough votes to put this forward.

Mr. Diener: I appreciate that you took the time to consider it.

VIII. Old Business

Selectman Woolsey: have we done an RFP or a RFQ or anything on the Gristmill reconstruction or decommissioning, have we any figures for either?

Town Manager Welch: The figures no, because we are going back out for RFQ; the people who did the Gristmill pond also did the pond we were talking about, the Ice Pond and we think an additional look is required. I have more questions that need to be answered first that was not on the report.

IX. New Business

1. 2014 Audit Approval

Town Manager Welch: the draft has been given to the Board and the Finance Department has completed the review of the report, which you all have received. We are asking the Board to approve the audit moving forward. If the Board does not approve that than the audit cannot be printed, and cannot be publically released. The Auditor will be here next week and he would like to come in with the audit printed and have it distributed to everyone that is essential to have it distributed to, and for your approval to proceed.

Selectman Bridle: this is a draft, correct. Town Manager Welch: yes

Selectman Bridle: Whom was the draft given to? Town Manager Welch: it was given to members of the Board of Selectmen, the Finance Director and myself.

Selectman Bridle: I just found it a little disturbing that one of our Budget Committee members was in here complaining that the audit report was wrong in some fields, because the numbers that were in it were wrong. I did not know how he would have an opportunity to see this when it was a draft warrant article, at this point given out, so I am bothered by that, other than that I have no problem.

Selectman Woolsey: I would prefer not to vote on this, as I have questions.

Selectman Bean: I conducted a detail review on my own during my last Budget Committee meeting. I find it to be of exceptionally high caliber, incorporation of the GASB requirements that had been neglected. It was done very nicely by our new Finance Director, kudos to Ms. Pulliam.

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Selectman Waddell: I have read the audit and had questions, which I asked the Finance Director to answer my questions and I feel confident in the audit. We received an email last week from a member of the Board that the member had spoken with the people at the audit firm, about an issue. To me it seems like if we have a question we should ask our Finance Director to answer the question. It seems to me that you get a very muddled and confused situation when members of the Board are going around the employees, who are in charge of doing the work and discussing it with people, rather than getting the question answered from the Finance Director. If you did not like the answer, go to the Town Manager and ask the question; or ask the Board if they mind if I go around them and discuss with the firm. To me any Board that I have been on, it gets too confusing when there are too many chiefs.

Selectman Woolsey: I kept asking Kristi a number of times for and was told it was almost ready.

Selectman Waddell: the audit report was almost ready. Selectman Woolsey: yes, and I get the draft audit and no management report.

Selectman Waddell: did you ask her before going to the audit people? Selectman Woolsey: no, I called Scott and just asked him the question.

Selectman Waddell: it was an easy solution to me. Selectman Woolsey: well this has been dragging and dragging and dragging.

Selectman Waddell: she explained it, explained it and explained it.

Selectman Bean MOTIONED to APPROVE the 2014 Audit SECONDED by Selectman Waddell.

OTE: 4-1(Woolsey)-0

2. RSA 40:13,V-a Vote to Require Tally Votes on all Warrant Articles

Town Manager Welch: every year for the last several years, the Board has voted on this question, so I am bringing it up so you can vote on it if you wish. The statute provides that if the governing body was to vote then all votes dealing with warrant articles have to be tally votes that would include both the Board of Selectmen and the Budget Committee for whatever articles they vote on and those must be reported in the warrant.

Chairman Griffin: I just want to vote on the money articles. Do we want to vote on every single article or the ones just dealing with money?

Selectman Bridle: I am willing to vote for the money articles.

Selectman Woolsey MOTIONED to implement RSA 40:13,V-a Vote to Require Tally Votes on all money Warrant Articles SECONDED by Selectman Waddell.

VOTE: 5-0-0

3. Acceptance of \$1,000 from Sprague Industries for Food Bank under RSA 31:95-e,II

Selectman Bridle: please send a thank you letter to Sprague Industries.

Selectman Woolsey MOTIONED to APPROVE the Acceptance of \$1,000 from Sprague Industries for Food Bank under RSA 31:95-e,II SECONDED by Selectman Waddell.

VOTE: 5-0-0

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4. 2016 Board of Selectmen's Schedule

Town Manager Welch: there is one less meeting.

Selectman Waddell MOTIONED to APPROVE the 2016 Board of Selectmen's Schedule SECONDED by Selectman Bridle.

VOTE: 4-1(Woolsey)-0

Selectman Bean MOTIONED that the Selectmen take off December 28, 2015 SECONDED by Selectman Waddell.

VOTE: 4-1(Woolsey)-0

5. NH DOT Release of Deed Restriction

a. NHDOT LS 1831(3) Parcel 313 Exeter Rd & Liberty Lane – Map 67 Lot 1

Town Manager Welch: this deals with a piece of property that is currently up for development on Exeter Road, it is across from what used to be Bonta's. There is a cemetery lot in there and what the DOT is asking to whether or not the portion of that they would like to release which would be the access road to that property, does the Town wish to purchase it. They are planning to sell this piece of property for \$71,100; the administrative fee is \$1,100. If the Town wishes to purchase that 2.1-acre parcel, we should indicate so to the DOT.

Selectman Bridle: will we still have access to the cemetery that is in there? Town Manager Welch: yes

Selectman Bridle: I do not think we have \$71,100 to buy.

Selectman Woolsey: do we have a consensus that we do not want to purchase?

Selectman Woolsey MOTIONED that the Town has no interest in the purchasing the property NHDOT LS 1831(3) Parcel 313 Exeter Rd & Liberty Lane – Map 67 Lot 1 SECONDED by Selectman Waddell.

VOTE: 5-0-0

X. Closing Comments

XI. Adjournment

Selectman Bean MOTIONED to adjourn the meeting at 8:37PM SECONDED by Selectman Waddell.

VOTE: 5-0-0

Chairman