

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

March 21, 2016

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

SALUTE TO THE FLAG

I. Public Comment Period

Bob Preston: as a member of the Beach Commission, we strongly support the Intermodal, for the future this could be a good thing for the Town of Hampton; the exits off Route 101 are terrible.

Chuck Rage: Hampton Beach is in dire need of more parking and having some kind of shuttle service is a plus for all of us; the Intermodal is something the Town should support. Friday we have our Hampton Beach Village District meeting, and hope to see everyone there; we allow everyone to speak, but you are only allowed to vote if you live in the Village District.

II. Announcements and Community Calendar (8:40)

Selectman Barnes: attended first Budget Committee meeting and Nick Bridle was voted in as Chairman, Michael Plouffe as Vice-Chairman; the Bud Com are interested in having NHMA to come and do a seminar.

Selectman Bean: went to the play-off Basketball game last week, WHS did a great job.

Selectman Griffin: wishes Mrs. Woolsey a continued recuperation. Very impressed with Nick Bridle at the Budget Committee, he handled everything very well.

Chairman Bridle: Bill Teschek from the Lane Memorial Library is retiring after 37 years of service; there will be a reception at the Library on March 29, 2016 at 6:30. Next Monday night from 5-9 at the Community Oven will hold a fundraiser to help firefighter Kyle Jameson who is going through cancer treatments.

III. Consent Agenda (11:46)

1. 2016 Veteran Requalifications: Arrigg, Fred VET \$500 151/5/4; Benjamin, Robert VET \$500 134/22; Bodi, Dale VET \$500 166/1/7; Botzum, Diane VET \$500 124/6/40; Boyarski, Patricia VET \$500 102/5/29; Burnham, Mary SPOUSE \$500 223/28; Carroll, Patricia SPOUSE \$500 235/1; Collins, Florence SPOUSE 500 274/166; Cullen,

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- Lorraine SPOUSE \$500 176/25; Harvey, Delmont VET \$500 57/27; Hobbs, David VET \$500 35/10/3; Stellmach, James VET \$500 150/59; Wojcik, Stanley VET \$500 293/109
2. 2016 New Spouse From Existing Veteran: Gemme, Elizabeth SPOUSE \$500 119/6/1B
 3. 2016 New Elderly: Boyarski, Patricia ELDERLY \$150,000 102/5/29; Gemme, Elizabeth ELDERLY \$120,000 119/6/1/B; Menery, Denise ELDERLY \$120,000 282/194
 4. 2016 Elderly Requalifications: Burnham, Mary ELDERLY \$178,000 223/28; Harvey, Delmont ELDERLY \$178,000 57/27; McQuade, James ELDERLY \$120,000 98/9; Nadeau, Terry ELDERLY \$120,000 178/5
 5. 2016 New Disabled: Jambard, Elizabeth DISABLED \$125,000 245/8/104
 6. New Lease Land Lease:
 - a. 44 Ocean Blvd Starr**
 7. Quitclaim Deeds
 - a. Two Deeds for Old Park Avenue per Article 39
 8. Parade and Public Gathering License:
 - a. Hampton Memorial Day Ceremonies and Parade American Legion Post 35 05/30/16
 9. Permit for Use of Property of the Town:
 - a. Ruth Stimson Park Mawhinney & Gauthier Wedding 06/03/16
 10. Entertainment License:
 - a. 401 Tavern 410 Lafayette Road

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

VOTE: 5-0-0

IV. Appointments (13:00)

1. Ed Tinker, Chief Assessor
 - a. HB 1198 Assessment of Poles and Conduits

Mr. Tinker: the NH Assessment Association tracts all the house bills that are coming out; and many assessors will go and testify for the bills. House Bill 430 has to do with allowing all veterans to receive a tax credit; there are approximately 900 veterans in Town that receive the credit, with potentially another 400 veterans to receive the credit; not sure how many would apply. Assessors also testified to HB 1198, originally they argued they wanted a 30-year life for a telephone pole with a 20% residual value, it ended up being a 40-year life with a 20% residual value. We have poles that are 100 years old; age is not the primary indicator of depreciated value. Continued maintenance and upkeep of a property have a lot to do with their continued desirability in the marketplace as assessment are based on fair market value for not only residential but commercial as well. You can realize an increase in value even though the building and improvements have gotten older; this goes directly against the rational of HB 1198 when the poles and conduit become less valuable over time even though their utility has not changed. This is a perfect example of straight-line depreciation and a perfect example of applying factors to arrive at assessments that are not predicated on the concept of a fair market value. In 2015, we had 3,614 jointly owned poles and we utilize the current assessed value of \$300 per pole for half of the poles, which was \$1,084,200; in 2016 or when the bill passes those same, poles would be assessed at \$380,808; an estimated loss of \$703,392 based on their 40-year life, 20% residual. The conduit did not see as big a drop; currently we have an average

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age of placement of 1988, so the value would go from \$567,500 to \$499,418 a reduction of another \$68,082. The potential loss in the first year would be \$827,572 equates using the current tax rate to a tax dollar loss of \$15,856.28. Over the next 10 years, the amount of lost tax dollars relative to HB 1198 would be estimated at close to \$175,000 given the yearly depreciation. This bill is strictly for telecommunication companies; 95% of Hampton's poles are co-owned.

Selectman Waddell: good report and necessary report; we are looking for fair and equitable taxation and companies and utilities are taxed and assessed the same as a homeowner, but is it fair to the homeowner.

Selectman Griffin: your bottom line is, it is pretty much a wash on what has been written off

Mr. Tinker: Up until 2010, communication companies were exempt from taxation, their poles and conduit; in 2011 the legislature did not think it was fair and made them taxable; now the legislature says we should not be charging them as much.

Selectman Bean: thank Mr. Welch and Mr. Tinker to warn the public and provide financial analysis to running a \$26,000,000 corporation. We are talking about losing \$2,000,000 to special interest; Mr. Cushing voted against HB 1198. You would think the NHMA would ask where this benefit is going to, and it is going to millionaires; the stock of this company is \$3,000,000,000; they receive federal dollars but they are not spending this in NH; Fair Point is a holding company. I would recommend and make a motion with the preliminary data we have that we email Senator Stiles in opposition as to passage of this bill as it moves over to the senate side of this house.

Selectman Waddell: I do not think we should send it, I think the manager or the assessor should make personal contact with the Senator; we can do it in writing also. Did the NHMA testify against this bill? Town Manager Welch: yes.

Selectman Bean: what they are saying is you cannot determine the local tax impact, which is not true.

Town Manager Welch: the Department of Revenue said that that can't determine it, and they are in charge of utility evaluation; they also bill the school tax in the State.

Selectman Waddell: this is an extremely complicated issue; the voters should pay attention to this and groups in Town that are always talking about taxes.

Selectman Bean MOTIONED to send the preliminary data about HB 1198 to Senator Stiles SECONDED by Selectman Griffin.

VOTE: 5-0-0

2. Chris Jacobs, DPW Director & Jen Hale, DPW Deputy Director (1:01:45)
 - a. Departmental Update

Director Jacobs: the mats were out on the marsh by late Thursday and started digging on Saturday; the line was about 6' down. What we found was the pipe was resting on three stones; it was a defined failure, so we elected to make the cuts; did not find any other cracks that would prevent it from being used.

Ms. Hale: showed a power point presentation of the views from Route 101, the installation of mats; photos of digging, installing trench box, showing hole in pipe; pulled rock pieces out;

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lifted in new pipe section. Important to note that although we repaired the pipe, we need to look to the future.

Director Jacobs: our concern is if they placed the rocks in once then they could have done it multiple times; the probability is very good that we are going to have another break in the future. The bottom third of the pipe was full; it is problematic as we cannot clean the inside of them. I am requesting that we still move forward with the design of going up Route 101, and still proceed with the special meeting to get the bond to get these pipes replaced.

Selectman Barnes: this happened over time.

Director Jacobs: the pipe is 29 years old; the rocks started to wear it on the side shortly after installation as the pipe vibrates when the water moves through it.

Selectman Barnes: as you said, it is a matter of time when it could happen again.

Selectman Waddell: excellent job of figuring out where it was, and coordinating everything, and got it done in record time; if this happened in the middle of the summer and you only have the one pipe

Director Jacobs: if you only have one pipe you would have to tell the beach area to stop using water. I need both pipes to handle the flow that comes into the Church Street pump station; if we get a blockage of one, or another failure of either one, and it occurs during those high periods the health officer would need to use his authority to tell people you need to close down temporarily..

Selectman Waddell: that is not scare tactics

Ms. Hale: no, we can only handle so much

Selectman Waddell: we need to take a serious consideration of putting those pipes where you can get at them.

Director Jacobs: yes, because in the off-season we would be able to shut one down, as the flow will be lower and clean maybe every other year clean one main and flip the operation re-open and clean the other main.

Selectman Waddell: going forward it is our responsibility to get this out there to people in a clear and concise manner.

Director Jacobs: the pipe we are showing is the newer pipe the 1987 pipe, not the 1965 pipe.

Selectman Bean: great work, leadership, and technical skills with your engineering background; as Jim mentioned this is no scare tactic; this need to be fast tracked.

Selectman Griffin: Is it not true this could have leaked for 20 years, so it is not as if we would have to close the beach down in the middle of the night, because we do not know how long it has been. Is this in your opinion the highest priority that we have in Hampton?

Director Jacobs: this would be the highest priority because of the number of people it would impact; residents, businesses, State income stream, business and meals tax, DRED; this with the Lafayette Road sewer in its present condition; if either one of them goes it is huge.

Selectman Griffin: so Lafayette Road and this are equally the most important situations we have in Hampton.

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Director Jacobs: both are the centers of our commerce, our livelihoods and our tax base.

Selectman Griffin: the only reason we know about this is that the State started investigating.

Director Jacobs: they got high fecal counts.

Selectman Griffin: how long was this going on before they realized this was a problem?

Director Jacobs: since the first week of December.

Selectman Griffin: is there a possibility there might be some legal liability with the people that did this to begin with? Director Jacobs: that will be a question for the Town attorney.

Town Manager Welch: looking into it tomorrow.

Selectman Waddell: if we had, major leaks like this it would close down wouldn't it; a big leak with high fecal count it would be closed overnight.

Director Jacobs: the harbor would be closed.

Selectman Griffin: we have no reason to expect that it would happen, this leaked for 20 years and we did not know it

Ms. Hale: this may have leaked for whatever time period that you want to put on it, but whatever happened in December and then what happened on January 27 where the State routinely does the testing, that is what they do, it determined that something was different; something came apart. What would have happened while we were repairing this pipe, something happened to the other pipe, what would we do.

Director Jacobs: we know we have a pipe at risk that we cannot clean; if we are not pro-active in our effort and something like this happens again and we do have a discharge, my office would be deemed as negligent by the EPA for not implementing a solution to have prevented that; as the situation is now known.

Chairman Bridle: I am glad we have you two working for this Town, I want to thank you for taking care of this Town.

V. Approval of Minutes (1:31:50)

1. March 07, 2016

Selectman Waddell MOTIONED to Approve the minutes of March 07, 2016 Public Session SECONDED by Selectman Griffin.

VOTE: 4-0-1(Barnes)

VI. Town Manager's Report (1:32:19)

1. Those property owners who desire to file for reductions in taxes by obtaining a Veterans, Elderly or Blind Exemptions must contact the Assessor's Office to obtain the necessary forms for making your application. Applications must be filed by April 15th and are available on the Town's Website at www.hamptonnh.gov/?page_id=325
2. Property owners who can qualify for the Hampton Beach Precinct lower tax rate must complete the forms available at the Assessor's Office. Filing deadline is April 15th.
3. If you have an Entertainment License, please note that it expires on March 31st. Please file as soon as possible if you intend to have entertainment during 2016. The 2016

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Applications are available on the Town's website at www.hamptonnh.gov/wp-content/uploads/Minutes/BOS/Forms/

4. For those who have not noticed, the winter parking ban expired on March 15th. You may park in any legal parking space on any Town street all night.
5. The Residential and Leased parking lots on Church Street are closed until further notice due to the construction work on the sewer main break. Residents and individuals who have secured a leased space can park in the Church Street paid parking lot with a resident sticker and/or the leased parking pass.
6. Our application has been approved for the ERZ one designated zone on Tide Mill Road for the commercial entities that are there; once they go through the Planning Board process they qualify for reduced taxes in the State of NH.
7. Released requirements for the Town budget for 2017 and they are due to my office and the Finance Department by July 1st; the long-range capital expenditures program is due April 1st in my office as well.

Chairman Bridle: the ERZ application, I know we have other properties in Town, especially west of I-95

Town Manager Welch: we are looking at those now and the State has asked us to look and see if they can be certified or other commercial zones and we are going to prepare the paperwork to do that and get to the board for your approval, prior to filing.

VII. Old Business (1:35:54)

1. US Route 1 and NH Route 101 interchange realignment and Transit Center Intermodal Project

Town Manager Welch: this deals with the properties owned by the State of NH that are bounded by Route 1 and NH 101. The idea and recommendation was to close the northbound side to through traffic; it will only be used for traffic to get on and off Route 101; or for the proposed Intermodal Transportation facility that they have proposed. Route 1 interchange that now moves traffic to the south through Hampton would be changed to a north and south; so you would have one lane of traffic going north and one going south and there would be minor changes to the turning radius. The reason for the meeting tonight was you had tentatively approved it and said you would like to meet and discuss later, as you had just received all the material. We placed on the agenda and hope you have had enough time to think about it; and if you have than the State and the Regional Planning Commission would like to know what the board's position is concerning the proposed work.

Selectman Bean: the area is quite beautiful and is a sanctuary for many animals and the ecosystem; beautiful entrance into Hampton; safe way to come into Town; could be termed conservation area; significant wetlands. This would have an environmental impact; why does Hampton need people from the outskirts parking in our Town and then going somewhere else to spend their money. This project is a large parking lot and cars everywhere; what would happen to the wetlands. There are daycares, residences and the exhaust fumes from the diesel buses, pollution issues. Public Works, Conservation Committee or the Town Manager has not spoken about this yet. This will not benefit the beach or Hampton; it is a severe threat to quality of life to the taxpayers as the buses come and go between 1:30AM and 11:30PM. Have

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not had any meeting that allows the people to speak about this; does not get how this benefits Hampton. We will not get any revenue for this, just the State will, but will have to police this.

Selectman Griffin: there are two ways to look at it; this is a plan that has been talked about for years; many people have liked it. What are we being asked here Mr. Welch? Town Manager Welch: approve the concept they have prepared and to instruct the regional planning commission on their input to the DOT to put this on an accelerated base and have it built as soon as possible through the ten year plan by the State.

Selectman Griffin: would this go to the voters as a warrant article? Town Manager Welch: no, the voters have no choice in this at all; it is strictly a State function on State property; they are asking for the Selectman's endorsement.

Selectman Griffin: so it would not make any sense to have an advisement warrant article.

Town Manager Welch: we can always do that to see how the voters feel about it, but that would probably miss the next two years of the State plan; they want to move forward with it.

Selectman Griffin: I think it is too bad that we have not done that by this point and asked for input; the ten-year plan is being updated. Town Manager Welch: yes, it is being updated.

Selectman Griffin: would like to have public hearing

Selectman Waddell: I am much more concerned with the interchange, the flow of traffic; I would go along with Rick and say we hold a public hearing to get input from the residents of the Town before we move forward.

Selectman Barnes: I agree; I am not too keen on the fact that the State is putting a bus station in our Town; why cannot they put it off the highway; it is not going to benefit Hampton.

Chairman Bridle: we have three issues here; the interchange realignment that we all can agree something needs to be done; the transit center intermodal and I do not think this is the right place for it; would be better served out near I-95 and 101 where the State has property. We also need to address the beach parking and we could do that with a coast type transit utilizing our school parking lots.

Selectman Griffin MOTIONED to have a Public Hearing on the US Route 1 and NH Route 101 interchange realignment and Transit Center Intermodal Project SECONDED by Selectman Waddell.

VOTE: 5-0-0

Selectman Griffin: when can we have the hearing?

Town Manager Welch: we can schedule the public hearing three weeks out and get as much notice out as we can. We had spoken with the committee concerning some of the improvements they were proposing and we were against; when we started making the complaints the committee stopped meeting.

Selectman Bean: On my part, no enthusiasm for the parking, there is for the road improvements.

Selectman Griffin: who is going to speak with what is being presented, as we need to hear all sides?

Selectman Waddell: make sure we give them a limited time to speak.

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Chairman Bridle: they already came and talked about it; we can give them ten minutes.

Selectman Griffin: give them 10 minutes; the Town department heads 10 minutes and the Conservation Committee 10 minutes.

Town Manager Welch: will restricted the comment period of 10-15 minutes.

2. Trash and Recycling Policy for Condominiums (2:11:34)

Attorney Gearreald: almost weekly I am working on some form of condominium documents; the latest being 28 Kings Highway as a result of the approval from the Planning Board involving five units. The Planning Board Stated that it was not the BOS business to say whether trash should be picked up. They stated that since we picked up the trash and recycling when it was apartments, we should continue to pick up as they were converted into condominiums. That is not necessarily so, this is the board that runs the show in terms of public services like this. Regarding new condominium developments in the last 9 years predominantly most having to do with conversions of five or less condominiums the Town continues to pick up. For newer developments the commercial units on the ground floor and putting their trash out for pick up; whereas, the residential units are being privately picked up at their expense. I spoke with Chris Jacobs regarding the subject; what this board decides to do will have a great deal of bearing on whether the Public Works Department can continue to operate on an 8-hour per day basis, or whether we are going to get into a significant amount of overtime to pick up condominium developments. Chris Jacobs would like to address this at a later meeting.

Selectman Griffin: there are roughly 60 units, and approximately 20 that the Town picks up the trash; there are only two with five units. There is an issue of fairness; these are all small units that we are taking care of. I think we need to listen to the Planning Board; this is not a big issue, but we are making it that. We could easily say if it is five units or under we could pick it up, and we could place restrictions on that if they do not have enough frontage than they cannot have the barrels there. One problem is DPW gave out too many barrels indiscriminately. This is not a big problem, again, there are only two five unit buildings; the others are 2-3 units; the number the people are paying for taxes, if we do have to have a little overtime it is something we should buck up and pay.

Selectman Bean: I have a tremendous amount of empathy for the comments from Mr. Griffin, and I am in favor of his assertions; and to provide that fundamental service.

Selectman Waddell: what happens in some condominiums they share barrels and work it out; I think there should be a policy so people know there is a policy in affect; unless it is a major condominium development and is in the condominium documents for private trash pick-up.

Town Manager Welch: If you have a number restriction, so we can use it as a blanket going straight across.

Selectman Griffin: I cannot imagine they could put 24 barrels out; maybe we need to set a size limit.

Town Manager Welch: we do have units where they share the barrels, so you may have three units sharing one bucket.

Selectman Barnes: I think a policy is a good idea.

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Selectman Griffin: none of these new condominiums has asked that their trash be picked up; we did have a loose policy.

Attorney Gearreald: since Chris has made comments but has not had time to get them to you maybe one more week, as we have not seen his suggestions.

Town Manager Welch: we can try to come up with some generic answer to the question and some sort of written policy; we are talking about existing units that face a public street.

Chairman Bridle: the building is only changing from a single owner to five owners, they are not building more units and they already have their trash picked up. If someone is making drastic changes to the property then it has to go before a full review.

Town Manager Welch: they need to be on a public highway, not a private road.

Selectman Griffin: what are we going to do with the buckets that were handed out, that people should not have?

Town Manager Welch: we will need to review that, it is a more in debt investigation

Attorney Gearreald: so for this week, doing the condominium documents for that five unit existing development that is only being converted, I would simply say go to it.

Board: yes.

VIII. New Business (2:29:10)

1. Selectmen's Goals

Town Manager Welch: In the past, the board's position has been they would like to set goals for each year to get certain projects done they would favor and look toward.

Selectman Griffin: I would say we have talked about two goals tonight; one the intermodal and what are we going to do with it; and the other is what are the priority for the replacement of pipes and the priority for having a special Town meeting, is that a goal.

Town Manager Welch: from what DPW said it is probably a goal; a very involved goal; petition Superior Court to be determined whether a special Town meeting will be allowed; the biggest criteria is whether it is an emergency. People can petition the article onto the warrant; money can only be approved in a special Town meeting if it has been approved by the court, with one exception that you need a 3/5 vote for a bond, or a majority vote for a regular warrant article. You can hold it without the courts authority provided you get 3/5 of all the voters in the Town to vote yes, all 12,000.

Selectman Griffin: are those viable goals.

Town Manager Welch: any goal you make is viable because we can do it.

Selectman Bean: we have two State legislators; a chief executive with 5-years municipal experience; a sharp new member; a great Chairman with a municipal background. We have a plethora of challenging issues, a full plate. We take them as they come, we do have a strategic vision, but we always get the curve ball. I am good to go right where we stand with the challenges we face now.

Selectman Waddell: last year we came up with a specific set of goals, some were accomplished, but might have been too specific. We can come up with some broad goals such

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as infrastructure; last year was a better relationship with the Budget Committee; getting more cooperative with the boards was good.

Selectman Barnes: becoming more proactive in communicating with the public; have a special meeting; what would this Town do if the beach closed. I think last year's goals mostly were accomplished; we need to deal with the infrastructure; I am looking forward to a meeting with the State.

Chairman Bridle: next week come up with some generalized goals of what we want to see, do, and discuss.

Selectman Griffin: I would like to see some of them be more direct.

IX. Closing Comments (2:38:53)

Chairman Bridle: the Budget Committee does have one opening, if you are interested contact please the Chairman of the Budget Committee.

X. Adjournment

Attorney Gearreald: I need to meet with the board afterwards for a non-meeting.

Selectman Bean MOTIONED to adjourn the public meeting at 09:33 PM SECONDED by Selectman Waddell.

VOTE: 5-0-0

Chairman

** Lease was incorrectly recorded, and subsequently terminated, a new lease was created.