

January 09, 2017

PRESENT: Rusty Bridle, Chairman
Jim Waddell, Vice-Chairman
Phil Bean, Selectman
Regina Barnes, Selectman
Frederick Welch, Town Manager
Mark Gearreald, Attorney

ABSENT: Rick Griffin, Selectman

SALUTE TO THE FLAG

I. Public Hearings

1. Public Hearing Pursuant to RSA 33:8-a and RSA 40:13 II-a (c)

For the purpose of complying with the provisions of RSA 33:8-a and RSA 40:13 II-a (c) to take testimony from those who wish to be heard concerning the possible issuance of bonds or notes for the following:

- (A) \$4,242,000 bond for the replacement of the Church Street Force Sewer Main;
- (B) \$1,100,000 bond for the replacement of the sewer main on Lafayette Road from High Street to Winnacunnet Road then to Towle Avenue;
- (C) \$1,000,000 note for street and sidewalk improvements on Winnacunnet Road and High Street.

(A) \$4,242,000 bond for the replacement of the Church Street Force Sewer Main

Director Jacobs: (a map was shown) the Church Street Force Sewer Main goes from the Church Street Pump Station and under the marsh; last year a crack was discovered and repaired in March; cut the defect out and replaced it with a short section of pipe; brought it back to pressure and have used it since then. There was talk about cleaning it, but would have to go out there and in two or more locations break the pipe to get the cleaning equipment into the pipe, has not been done. In discussions with the state, we have to find an alternative route; looked at a number of things, all costing the same as an overland route. The pipe system would have clean outs to have the ability in the future to clean and maintain the pipe system; would have two pipes side by side; would close one line in the off season to clean. The last estimate based upon the drilling, boring, and pipe assessment is worth \$4,242,000.

Pete Tilton: when you get to the Tide Mill Bridge are you going to go under the water or go along the bridge and keep it accessible that way. Director Jacobs: it is less expensive if we build our own bridge.

Pete Tilton: will that impinge the passenger boat traffic or would that be just as high as the current bridge. Director Jacobs: we will be no lower than the existing steel girders of that Route 101 Bridge.

Jerry, 4 Lang Street: what happens to all the pipes underneath the marsh after you complete this project? Director Jacobs: there are a number of options; one is to push in fill/loose cement and seal it off; at this point cap it on both ends; do nothing in the short term.

Jerry: would they be cleaned-out prior to you capping them. Director Jacobs: I would push through enough water to exchange out all the raw effluent

Selectman Waddell: if you were to put brand new pipes in today would you be allowed to go through the marsh. Director Jacobs: only if I could prove, I could clean and inspect them on an annual basis, so no

Selectman Waddell: you would classify the marsh as a sensitive environment. Director Jacobs: definitely.

Selectman Waddell: if we were to do nothing or have another leak, they would say they knew there was the probability of another leak. Director Jacobs: yes, you cannot ignore the situation; the real issue is it made the water quality suffer; I would not want the town to get a bad reputation for uncontrolled effluent discharges

Selectman Waddell: especially when we are doing so much with coastal hazard. Director Jacobs: it is much more sensitive; coastal rise, environmental damage, oil spills around the world; we need to be more aware of our immediate surroundings

Selectman Bean: I support the project.

(B) \$1,100,000 bond for the replacement of the sewer main on Lafayette Road from High Street to Winnacunnet Road then to Towle Avenue

Director Jacobs: Lafayette Road Sewer Main; High Street/Lafayette Road intersection and Winnacunnet Road/Lafayette Road intersection; we have PVC pipe (shown on map); a number of sections still have vitrified clay pipe. A portion of the pipe is missing; structural crack; had a release of grease which lifted up the manhole cover and raw effluent ran down the street at 8AM; we cleaned out as best we could. This carries the sewer from the North Hampton line heading south going down Park Avenue to the plant; this is one of the two major arteries in town. Both the projects were put on the state's revolving fund list; they are both eligible for state supported funding; many year bond at a very low interest rate. Other vitrified clay pipes will need to be done in the future.

Selectman Barnes: you have three main arteries for the Town of Hampton that you are unable to maintain and sustain; getting in doing maintenance, looking, and cameras down there to figure out what is going on.

Director Jacobs: yes, due to the frail condition of the Lafayette Road pipe; the rest of the town pipes are in better shape and are maintained

Selectman Waddell: this is not a case of it; it is a case of when. Director Jacobs: yes.

Selectman Bean: I fully support the project.

(C) \$1,000,000 note for street and sidewalk improvements on Winnacunnet Road and High Street

Town Manager Welch: we request that the Board remove this warrant article, the State Department of Transportation notified us officially today in writing that the \$800,000 grant was not awarded to the Town. If this article were passed there would be no grant money coming back, and the Town would have to absorb \$1,000,000 in total and our recommendation is that this be removed from the warrant at this time.

Selectman Bean MOTIONED to ACCEPT (A) \$4,242,000 bond for the replacement of the Church Street Force Sewer Main and (B) \$1,100,000 bond for the replacement of the sewer main on Lafayette Road from High Street to Winnacunnet Road then to Towle Avenue. And to remove (C) \$1,000,000 note for street and sidewalk improvements on Winnacunnet Road and High Street SECONDED by Selectman Barnes

VOTE: 4-0-0

2. Public Hearing Pursuant to RSA 31:95-b,III(a)

For the purpose of complying with the provisions of RSA 31:95-b,III(a) for the following: To apply for, accept, and expend unanticipated monies in amounts of \$10,000 or more from the following in 2017: American Recovery and Reinvestment Act of 2009; US Dept. of Commerce (DOC); Economic Development Administration (EDA); Public Works and Economic Development Act of 1965; National Oceanic Atmosphere Administration (NOAA); US Dept. of Transportation; US Dept. of Environmental Protection Agency (EPA); US Army Corp of Engineers; US Dept. of Justice; Office of Justice Programs; US Dept. of Health and Human Services; 21st Century Cures Act; US Dept. of Agricultural; US Dept. of Fish and Wildlife; US Dept. of Homeland Security (DHS); Federal Emergency Management Agency (FEMA); Complex Coordinated Terrorist Attacks (CCTA Program); U.S. Department of Housing and Urban Development (HUD), U.S. Federal Highways Administration (FHWA); Hazard Mitigation Assistance; Pre-Disaster Mitigation; Flood Mitigation Assistance; United States Election Assistance Commission; HAVA Funds; United States Fire Administration Grants; Assistance to Firefighter Grants; Staffing for Adequate Fire and Emergency Response Grants; Fire Prevention and Safety Grants; NH Department of Homeland Security and Emergency Management; NH State Homeland Security Program (SHSP) ; NH Dept. of Safety; First Responder Grant; Public Safety Communications Interoperability Grants; Law Enforcement Terrorism Prevention Program; Homeland Security Exercise and Evaluation Grants; Radiological Emergency Response Grants; Emergency Management Performance Grants; NH Dept. of Justice Grants; NH Dept. of Transportation (NHDOT); NH State Homeland Security Program; NH Highway Safety Agency; NH Housing Finance Authority; NH Dept. of Environmental Services (NHDES); NH Division of Historical Resources; NH Cultural Resources; NH Community Development Finance Authority (CDFA); NH Office of Energy and Planning; NH Historical Society; NH Fish and Game; NH Health and Human Services; NH Land and Community Heritage Program; NH Preservation Alliance; NH Dept. of Resources and Economic Development (DRED); Municipal State Aid Grant (SAG); Northeast Regional Ocean Council (NROC); LCHIP Grant Program; Highway Block Grants; Rockingham Planning Commission (RPC); Trust for Public Land; Coastal Flood Hazards and Climate Change; NH Coastal Resiliency Grants; New Hampshire Coastal Program Competitive

Grant; Aquatic Resource Mitigation Fund; Repetitive Flood Claim; Severe Repetitive Loss; Coastal Estuarine Land Conservation Program (CELCP); Land Trust Alliance; Piscatagua Region Estuary Partnership Grant; Field Pond Foundation; UNH Cooperative Extension; The Nature Conservatory; Society for the Protection of New Hampshire Forests; HealthTrust; Southeast Land Trust; University of New Hampshire; NH Charitable Foundation; Gulf of Maine Council on the Marine Environment.

Selectman Waddell MOTIONED to ACCEPT the provisions of RSA 31:95-b,III(a) to apply for, accept, and expend unanticipated monies from the named agencies in the public notice SECONDED by Selectman Barnes.

VOTE: 4-0-0

II. Public Comment Period (34:50)

Charlie Preston: let everyone know about the State Parks Plates; pay \$85 when register car for parking at the beach; started in September; announce every at beginning and end of the month. In the newspaper talked about leasing the State Park, I think if it costs a dime, I am against it. I question why we plow the Ashworth Avenue lot; it is plowed but locked; Hampton not user friendly to residents at Ashworth Avenue lot; exit on Brown Avenue.

Helena Barthell: warrant article; bought two lots and wants deed restriction removed concerning not being able to sell the lots separately.

Pete Tilton: assumed would be comment period on public hearing.

Non-resident UNH student; Selectman Bean said received phone call from the student, but not prepared to speak on his subject.

III. Announcements and Community Calendar (42:00)

IV. Consent Agenda (42:25)

1. Release of Welfare Lien, 200 Landing Road Unit 76

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

VOTE: 4-0-0

V. Approval of Minutes

1. December 12, 2016

Selectman Barnes MOTIONED to APPROVE the Minutes of December 12, 2016 as submitted SECONDED by Selectman Waddell.

VOTE: 4-0-0

2. December 19, 2016

Selectman Barnes MOTIONED to APPROVE the Minutes of December 19, 2016 as submitted SECONDED by Selectman Bean.

VOTE: 3-0-1(Waddell)

VI. Appointments (43:08)

1. Representative Phil Bean, Kristi Pulliam, Ed Tinker, Attorney Gearreald
 - a. Legislation

Representative Bean: hear to speak about three legislative bills that cost Hampton over \$1,000,000

Mr. Tinker: speak on three RSA's; 79E Community Tax Relief Incentive, one granted in 2014 that runs for 5 years; 728A Taxation of Utility Poles and Conduits owned by Telecommunication Companies, DRA would set values and have control; 7212A Pollution Control Exemption for Utility Companies. Looking at the three broken out over a 10-year period we determined the tax effect is approximately \$1.8 million; about \$9.6 million in assessed value per year, about \$96,000,000 worth of assessment over those 10 years.

Ms. Pulliam: when we looked at the State values for utilities compared to the town and calculated the estimated tax rate according to the new values \$29,200,931 and the tax rate jumped from \$16.08 to \$16.22; increase of 14 cents in the tax rate. Also did rough estimate of a bond totaling \$1,851,000 using 4.25% and you are looking at \$3,070,346

Representative Bean: you can see the \$1.8 million turns into over \$3 million; that would almost fully fund the project at the beach; 1198 was a bill that we testified against; the first piece of legislation is to repeal that. The Department of Revenue; state the bill introduced may have an indeterminable impact on local expenditures in fiscal year 2016 and each year thereafter, there will be no fiscal impact on state, county and local revenue. This is tens of millions of dollars that legislators are taking from the local tax base; destruction of local taxpayers; citizens not being heard; need truth in legislation. We have introduced legislation to repeal those three laws; \$200,000,000 in revenue is taken out of this town. There is a study on the state park; Chapter 216J, Hampton Beach Area Commission, legislation sponsored by the delegation is to make a simple change that allows for the study by both the town with State Representatives to look at feasibility and reasons we might want to lease the State Park.

Attorney Gearreald: reporting of collection of taxes on rooms and meals; requires the source of the revenue be reported on the returns, location of revenue, this bill would require the sources to be recording so we can tell where it is from. Another bill that was mentioned such as the fiscal impact of bill HB1198 was reported as indeterminate; the bill that has been presented here would say that no fiscal impact shall indicate that fiscal impact is indeterminate or the like just because of the large number of affected entities or individuals. It forces the drafters of the fiscal impact notes to be precise and to be up front so that everyone knows the dramatic impact, such as the poles, of what that is; this can be determined in a short amount of time. In order for the infrastructure of utilities to be taxed, there needs to be a written agreement in place that indicates those are to be taxed; underground utilities is the same as a pole light; include language that requires taxation; pole licenses include language of taxation.

Representative Bean: there is a battle to be fought in Concord that is integrity based and more transparent on just three laws that would cost overtime \$3.8 million.

Selectman Waddell: was the rest of the Hampton delegation invited. Town Manager Welch: they are to be invited on January 23.

Selectman Waddell: we need to make sure we are doing this as a group.

Representative Bean: this is from the delegation.

Selectman Waddell: 79E was at the request of Hampton; used improperly; other delegations have worked diligently on the rooms and meals tax.

2. Police Chief Sawyer (1:02:35)
 - a. Departmental Update

Chief Sawyer: yearly update; staffing levels full time 34; one officer out due to duty related injuries, could see retirement; part time staffing 33; recruitment and retention difficult; 9 overdose deaths in 2016. Calls for service +5%; motor vehicle stops +27%; arrests +10%; DWI +14%; drug offences -4%; incidents reported -12%; offences total +10%; felonies +21%; parking tickets +5%; traffic accidents -2%. We are testing year round for new recruits and anyone interested go to hamptonpd.com and can file application electronically; open full time dispatch position, also part time positions available. HS Plunge on 2/4/17 and Penguin Plunge on 2/5/17; diverting traffic.

Selectman Barnes: thank you for the report and keeping our town safe.

Selectman Waddell: nice to see drug offences down 4%; NH #1 in drug fatalities. Chief Sawyer: yes, we are #1 per capita for opiate addiction and overdose cases in the nation.

Selectman Waddell: DWI +14%, is that because we are more vigilant. Chief Sawyer: a combination of things; greater focus on motor vehicle activity; proactive; when we have the staffing we can be more proactive; grants are essential; assistance from other agencies

Selectman Waddell: how much part time staff would you need in the summer? Chief Sawyer: north of 50 part time officers

Selectman Bean: congratulate you on the summer of 2016, well done; the Board and community supports your concept of operations with what has become a problematic and challenging profession as a uniform police officer in this country; dangerous; you have done a magnificent job; liaisons with other agencies is extraordinary; thank you.

Chairman Bridle: do you need to come back before us for the Special Olympics?

Chief Sawyer: we could do it now, nothing has changed; H Street to D Street diverting traffic, shutting down Ocean Boulevard for that day, open it back up around 2:00 or 3:00 after the High School Plunge is done and then do it again on Sunday

Selectman Waddell MOTIONED to go along with Chief Sawyer's recommendation for the Penguin Plunge SECONDED by Selectman Barnes.

VOTE: 4-0-0

3. Mary-Louise Woolsey, Chairman HMBC (1:16:50)
 - a. Legal issues

Ms. Woolsey: perhaps Representative Bean would consider introducing legislation to test the air in Concord for hallucinogens that trigger the taxing reflex. The first consideration is the manager has the authority to sign the manifest to authorize the finance office to pay the bills; Finance Department helped me fill out a sheet to get a payment through and said they would give it to the manager; Attorney Gearreald and Attorney Gould have gotten together to resolve the retainer billing. Read from the minutes of October 30, 2012, pages 4 and 5; Attorney

Gearreald said if the Budget Committee needs legal counsel and there is any conflict, he would call in outside counsel and charge it to the legal budget; need Board of Selectmen approval. Were told would have to get permission from you as a Board in order to hire counsel and expend money out of the Budget Committees budget. We need to clarify if the Boards who have legal lines with money appropriated in them (Budget Committee) to expend. That is different than Attorney Gearreald having a conflict so that he can continue representing the Board of Selectmen, but not represent another party in town that deserves representation; have not got money in their budget; can we clarify by state law, advice in Concord. Is there any way we can figure out if the Budget Committee actually has a legal line in its budget with funding included, are they then at liberty to spend that money on something they deem appropriate with a legal vote without going to Selectmen.

Attorney Gearreald: the state law is clear that the hiring of counsel is the function of the governing body, regardless under what line it is budgeted for.

Ms. Woolsey: do you have a RSA reference. Attorney Gearreald: it is the case law notes under the Selectmen's authority to govern prudential affairs.

Ms. Woolsey: may I make a request to the Board to allow us since we are under contract with Attorney Gould, there was a misunderstanding there, as Fred did not put his hand up fast enough to holler at us when we made the vote on the 20th; we have inadvertently caused a problem here. We ask you to vote to authorize us to spend the money in the 2016 budget for legal services, so that we can satisfy our obligation to Attorney Gould, we voted publically on December 20, 2016 to authorize chair to hire counsel.

Selectman Barnes: I do not remember voting on the December 20, 2016 to give the chair of the budget committee permission to hire legal counsel. The motion that was made was not specifically; Mark could you help me out.

Attorney Gearreald: the minutes have not come out; transcribed from the tape says: Mr. Pierce make a motion if you would please along this line, would ask the Budget Committee to instruct the chairman to retain an appropriate lawyer to assist the Budget Committee in legal matters concerning its legal duties and obligations, and have the lawyer attend a meeting of the Budget Committee to answer questions and gain approval of the hiring of the lawyer.

Selectman Barnes: this stems from the Board of Selectmen's request of the Budget Committee for a 91-A. Ms. Woolsey: right.

Selectman Barnes: the Budget Committee is asking the Board of Selectmen for permission to hire a third lawyer to state the answer that has already been given to them by Town Counsel and by the Attorney at NH Municipal Association. Since the only authority comes from the governing body to hire counsel would the contract with Attorney Gould be considered binding? Attorney Gearreald: no.

Selectman Waddell: is there a motion on the floor? Chairman Bridle: no.

Selectman Waddell MOTIONED that we rescind the 91-A request SECONDED by Chairman Bridle.

Selectman Waddell: some members have already complied with the request; we have emails; looked at by Attorney Gearreald and deemed illegal meetings; that new member responded to one email, which was illegal; ignorance of the law does not help, you need to know what is

going on. I think them spending \$2,000 on an attorney is a waste of money, waste of the Town Attorney's time, waste of the energy of the Town Manager to go through with this. It is out there, the public can look and go back and look at the meetings that are chaotic, and the public can see what goes on with that committee. We can see what goes on and that is my motion.

Selectman Bean: the minutes have not been public; when was the date of this meeting?
Attorney Gearreald: not officially; December 20, 2016.

Selectman Bean: why is it taking three weeks to get minutes out? Ms. Woolsey: we tend to have complicated meetings and Barbara is doing the best she can.

Selectman Bean: when are our minutes out, are they out three weeks later? Town Manager Welch: usually out before the end of the week.

Selectman Bean: you are failing in your leadership responsibilities; the public is not informed, I sat with you on this Board and I know the integrity of the interest you purport to have for people and you are violating that trust by not providing minutes. This motion to secure funding specifically address the 91-A, is that correct?

Ms. Woolsey: it was a direct response to counsel's letter to us.

Selectman Bean: would you read the first paragraph of Mr. Pierce's motion

Attorney Gearreald: Mr. Pierce makes a motion if you would please along this line and above that Chairman Woolsey says Budget Committee members received letter last week on Friday from the Town Counsel requesting information from the Budget Committee under Right to Know Law and the Budget Committee response is as follows, and then there was a letter read to the Board of Selectmen.

Selectman Bean: there has been a formal request, Jim, I believe you made the motion of the 91-A, correct? Selectman Waddell: that was my motion.

Selectman Bean: yes, the vote was unanimous; 91-A requests that is the fundamental right for citizens, routinely besiege the town. You have sued the Board of Selectmen; you have gone to court and gone to state agencies on your own; your meetings are chaos and mayhem; not getting minutes; requesting legal fees to pay attorney; you did not, according to your liaison Selectman Barnes, you have the vote to actually enter into that contract.

Selectman Barnes: yes, the letter that was signed by the committee I was not allowed to see it because I would not sign it that was what I was told. Selectman Bean: the Board's liaison (Selectman Barnes) is kept in the dark.

Ms. Woolsey: we gave you. Selectman Barnes: you did not.

Selectman Bean: I have the floor; negotiations that you entered into with Mr. Gould; back date request for taxpayers funds; documents have been provided an attorney saying he has redrafted your request to back date from 2017 to 2016 a request for taxpayer funds , that is not allowed, unethical, unprofessional; we do not go back and do back dated contracts. You are holding illegal meetings, you held illegal meetings when you were a Selectman; I had your [Woolsey] email blocked, correct Mr. Welch. Town Manager Welch: correct.

Selectman Bean: I had you blocked when you were a selectmen, as you were holding illegal meetings then, because I wanted to part of it; I informed the Town Manager, informed the Chair, because I am not going to be part of it; that is what you did as a Selectman and continue

to do it now. There is a 91-A request for the information concerned with all your information concerned with all your communication with that law; so we can see what happened and how the Chair of the Budget Committee has requested to back date an obligation to go back and ask to have a contract re-dated to go to the prior year's appropriation; unacceptable, unethical, not done. There will be a 91-A coming for your communications in totality with this law firm in Concord; they charge \$275 per hour for you to deny this Board request for information as guaranteed by state law; to fight that; an open ended contract.

Attorney Gearreald: his contract current reads there will be a \$2,000 retainer charged against monthly needing to be replenished to the extent it is billed against.

Selectman Bean: an open ended contract that you are going to squander taxpayer money on a back dated purchase order; a standard that will not be tolerated by this Board; there was a motion from this Board that we will never sign and authorize the Town Manager nor the Finance Director to fund legal opposition to 91-A; vote was 3-1. There is a warrant article out to abolish the Budget Committee, last year a warrant article to reduce the number of members, because of your behavior and conduct and low bar of ethics.

Selectman Waddell: I agree to what you were saying, but we already know what is out there and what took place; what is the gain; it is known there were illegal meetings and correspondence; what is the final gain.

Selectman Bean: this is the Town of Hampton, it is the constitutional rights of people, we are going to set the high bar; people cannot have private meetings; this is just the emails, this does not speak to the telephone conversations; they are holding private meetings. Nobody can have a private meeting; when we vote on something we are going to go through with it; the issue is Ms. Woolsey's conduct, her lack of ethics and her chaotic lack of leadership with the Budget Committee.

Selectman Waddell: request a call for a vote on the motion to drop the 91-A request.

VOTE: 1(Waddell)-3-0

Ms. Woolsey: Mr. Welch was present at our meeting on 12/20/16 and heard the motion and it would have helped if he said, you all need to understand you need to come to the Board of Selectmen in order to do this, it would have helped as I do not go out and hire attorney's every day. It was holiday time and I was trying hard to find counsel before the end of the year in order to have the 2016 budget funds available. I signed the letter of engagement that was emailed to me on 12/29/16. The retainer document was not included, that was not my fault, and it came to me on 1/3/17. I was not asking anybody to change anything; I had signed, scanned and mailed the engagement document in 2016. I tried my best to do what I was instructed to do by the Budget Committee in a public vote; I do not understand the 91-A uproar. Spoke about the calendar for meetings; she received notice that the budget committee books would be ready 11/4/16.

Selectman Bean: there was documentation put out by the Finance Director when the information would be ready, would you share that information Mr. Welch. Town Manager Welch: we were within one week of where we had been for the last four years.

Selectman Bean: we are hearing things are not timely; you are a strong advocate of your own career in town politics, but suddenly you have no expertise with 91-A and no expertise with lawyers, but you have sued the Board of Selectmen. Suddenly you are a novice, suddenly you

are incompetent, suddenly it is Mr. Welch's fault, and suddenly it is Mr. Gearreald's fault; suddenly you do not know what you are doing, and that is obvious.

Ms. Woolsey: went back 10 years and the Budget Committee initial meeting to view the budget request was between October 26-30 calendar; schedule on line; budget committee need couple of days to review documents.

Selectman Waddell: are we discussing timely fashion to review the budget or are we discussing legal issues; we are off the subject; nothing to do with emails that went back and forth.

Ms. Woolsey: Budget Committee needs a couple of days to review the documents; turned out to be a \$27,000,000 budget request.

Selectman Bean: point of order; the agenda says legal issues, how is that a legal issue.

Selectman Barnes: the budget was a .9% increase from last year; it was \$26.8 million roughly this year.

Ms. Woolsey: \$26.8 million is \$27,000,000. Chairman Bridle: let us try to stick to legal issues

Ms. Woolsey: I understand that; this is related; I had to revise the Budget Committee work schedule 6-8 times and every time I did that, I sent an attachment to the members of the Budget Committee; you are babbling about 91-A.

Selectman Barnes: Mr. Chairman.

Ms. Woolsey: no, should I.

Selectman Barnes: seriously.

Ms. Woolsey: should I call 12 members of the Budget Committee and read the schedule to them.

Selectman Bean: point of order Mr. Chairman.

Selectman Barnes: we do not have an issue with those emails, they are not the emails that we are referring to; there are other ones and you are well aware of what they are.

Ms. Woolsey: I am not aware of what they are.

Chairman Bridle: any email when you send them out for notification of a meeting, you have every right to do that; when there is extra adlibbing in there that is the problem you open the opportunity to allow people to interject, or interject you yourself; that is not allowed.

Ms. Woolsey: I acknowledge that one weekend in December all hollering about pay raises; I was not advocating anything and the collective bargaining had not come up, that was not a smart thing to do. I have sent emails to Regina saying where is the IT report; I asked by email to post the Collective Bargaining agreements on line.

Selectman Bean: point of order, these are not legal issues; Mr. Chairman may I have the floor for point of order.

Ms. Woolsey: no. Chairman Bridle: point of order.

Selectman Bean: the agenda item is legal issues; we are getting the reiteration of the inconsequential minutia in self-defense of Ms. Woolsey. Mary-Louise, Mr. Buckley from the NHMA that we pay \$17,000 a year who is an attorney emphatically states that you and your committee have violated state law under 91-A; Mr. Gearreald states that you have violated 91-A. I had your email access blocked when you were a Selectman because you did the same thing. We are talking here about legal issues; what other issues is there, other than 91-A.

Attorney Gearreald: hiring outside counsel.

Selectman Bean: is that an issue tonight hiring outside counsel.

Ms. Woolsey: I would say it is; I did as I was directed to do by the Budget Committee; it would have been helpful if Mr. Welch had said just a brief comment you need to run this by the Board of Selectmen.

Selectman Bean: point of order; we have heard Mr. Welch being thrown under the bus, this is the third time; this is not Mr. Welch's responsibility for a tenured state's person of the town as you Mary Louise. There has been a vote that the Board of Selectmen will never authorize the expenditure of taxpayer funds to oppose a 91-A request, is that correct. Yes.

Ms. Woolsey: how did you expect us to respond as a committee to a 91-A request, which seemed overarching to us and we needed to know specifically what was supposed to be done; it that seemed a very broad based request. We have an attorney caught in the middle of a controversy; it is not Attorney Gould's fault. I would like to see a listing of the horrible emails that you are concerned with, as I would like to understand.

Chairman Bridle: first of all, we only have a few of them from a couple of people. Ms. Woolsey: Steve LaBranche said he forwarded a hundred some; I do not understand what we are talking about.

Chairman Bridle: there are more than three members on the Budget Committee; and only three have responded. Ms. Woolsey: people are puzzled as to the response, which is why we wanted counsel, as it seemed like such a broad based request; I do not know, I am stupid with technology, I do not know how to go back 6 months; give me a list of identifying emails that are breaking the law. How do you handle a committee of 13 members; if we request from Regina and did not get a response in a timely manner.

Selectman Barnes: first of all, what is a timely manner, as you were sent the information as soon as it was available; if it has not come to the Board of Selectmen yet, it is not going to go to the Budget Committee.

Selectman Bean: we can go on with this all night; there is a specific 91-A request that has not been complied with by the Chair nor the Budget Committee; now we hear that Ms. Woolsey has no computer expertise, where if you bring in your laptop to Paul he will get you what you need.

Ms. Woolsey: if you can identify for me where I have done something terrible with these emails that you already have; I would appreciate that, a list so we can see what the problem is.

Selectman Bean: has Ms. Woolsey provided emails to you? Attorney Gearreald: some of them were sent last week; the question is compliance with the request, not the significance of the documents.

Ms. Woolsey: it is a broad request Counsel.

Attorney Gearreald: I sent you the request as directed by the Selectmen; the legal issue is not what is the significance of the communication, the legal question is should the request be complied with. As Mr. Bean pointed out the other day that is not an adversarial request; it is a Right to Know Law request that can be complied with if there is an argument over legal significance of what appears in the emails we can talk about that, but as yet, we have only got a few members responses. If the Board still wants these documents then this should be complied with, it does not need counsel.

Selectman Barnes: Ms. Woolsey it is not just you, it is the whole committee needs to comply with this; you are not the only part of the problem, everyone needs to comply with the request that was approved by this Board from the Budget Committee; there is nothing to argue about; hiring outside attorney's is ludicrous.

Ms. Woolsey: the request seemed overly broad and people had a hard time, including me, to understand what the focus is. I try hard for people to understand what I am doing as the Chairman; I do not want to sneak around as the Chairman; if I am changing dates, if I am asking for information, I want every member of that committee to know precisely what is going on; that is the fair way as the Chairman to conduct business. I went ahead at the direction of my committee and hired counsel; we need to out of respect for that poor lawyer to resolve in some fashion what we do.

Selectman Bean: point of order; we need to resolve to the point of the poor taxpayer that the Board has voted that this will not be paid for; this is a very specific 91-A request; our position is that the bill will never be paid.

Ms. Woolsey: the attorney should not be made to suffer; we went ahead in good faith and hired an individual; need to figure out where we go from here; I cannot force everybody on the Budget Committee to send in their emails.

Chairman Bridle: the request was specific; we asked for any correspondence that went back and forth. Ms. Woolsey: my correspondence has only been with the Board, Town Manager, Regina, Kristina, I cannot take a gun Rusty, what can I do.

Selectman Waddell: can I make a statement.

Ms. Woolsey: one second Jim, bless your heart; I think it would have helped us tremendously, truly Fred as you have so much experience, if you had said to us stop, halt, do not get yourself into trouble.

Selectman Bean: point of order; enough of trying to throw the Town Manager under the bus.

Selectman Waddell: this is going to be a much bigger mess then we need to get into; we need a resolution; everybody knows that there was an illegal meeting, for whatever reason; I am not going to question someone motives, it was done, we are getting into a mess here.

Chairman Bridle: I totally agree, all we need is for everybody to send us their emails and we can move forward.

Selectman Barnes: it was not a mess for me, Bob Ladd, Steve LaBranche and Mary-Louise sent in some of hers; I do not understand; forward your emails.

Selectman Bean: there needs to be no further effort; either members of the Budget Committee comply with NH or they do not; there is a Warrant Article coming up to abolish the Budget Committee. If we have a lawless Budget Committee that is providing input; holding meetings illegally then perhaps voters will make the right decision; we do not need to hear how Mr. Welch did not do his job, we have been down that road years ago; do not need to hear about Mark Gearreald is not doing his job. We do not need to hear about your ignorance or your incompetence; you are always boasting about your municipal excellence and your capabilities. It does not need to go any further, either the committee comply or they do not; may I please request we terminate this insanity.

Selectman Waddell: I do not want to get into a legal mess, I want this resolved; they either comply or they do not; let us not get into any mess that we are going to end up in court and wasting money.

Ms. Woolsey: I do not know how you can force individuals. Chairman Bridle: they are elected officials; by being an elected or appointed official, they fall under certain requirements under 91-A.

Town Manager Welch: may I suggest if any committee members wish to receive assistance from the Town on how to discover emails, format and print them out; they can send them in compliance with the requirements; our IT staff can assist with the matter.

Ms. Woolsey: so you mean the members should bring in the computer. Chairman Bridle: they can come to you or bring the computers here.

Town Manager Welch: you do not have to dismantle your computer; they can come to you and show you how to find the information.

Ms. Woolsey: regarding counsel, pursuant to the Budget Committee's motion, I engaged counsel, what do I do with the Budget Committee requiring counsel? Attorney Gearreald: the Budget Committee's motion was not to engage counsel herself, but to bring counsel to a meeting for the Budget Committee to explore hiring.

Chairman Bridle: if you go back and look at it that is what it says in the motion.

Selectman Bean: Ms. Woolsey, you terminated a chair with a motion in this Town because you requested billing information for terminating the services for outside counsel that was very expensive for labor negotiations. You made that motion; Ben Moore quit; Mike came in and took the spot; you were all subsequently voted off; the charges were spurious and concocted; I would probably say an illegal meeting occurred before you launched that missile. Now you are hiring outside counsel without the authority and begging in this moment because you are worried about a Concord lawyer; not worried about the taxpayer; you have engaged counsel on your own, without any official documents. It is a two-sided argument that you have, I have grown sick of it; I have watched you for years in this town, you are a tornado of destruction; you continue tonight; either the Budget Committee complies or they do not.

Ms. Woolsey: there is no resolution?

Attorney Gearreald: you can entertain a motion in response to the request that is being made to the Board tonight to hire this counsel.

Chairman Bridle: we already had a vote not to; anybody want to entertain that motion

Selectman Waddell MOTIONED to allow Budget Committee to use their line item for legal counsel, but not to back date to 2016, to use 2017 and with a \$2,000 cap.

Chairman Bridle: any second; I do not see a second; motion fails; end of discussion

Ms. Woolsey: what do we do; where do we go from here?

Selectman Bean: Mr. Gearreald has offered his legal expertise; you can ask Mr. Buckley again and he can tell you how to do this; that is the solution to your problem, either you obey the law or you do not; Steve LaBranche has obeyed the law; if others choose to be lawless, so be it.

Ms. Woolsey: I have no attention of called Attorney Buckley, who was extremely insulting when I called him; now that Chairman's of committees cannot directly call the NHMA.

Chairman Bridle: unless you come and ask us; sure we would give you permission; and it has just been suggested that you call Mr. Buckley.

Ms. Woolsey: when I called Mr. Buckley, it was the most insulting phone call I have ever taken in my life

Selectman Bean: point of order; now our registered representative that the town and Mary Louise has voted on and authorized, who is now being thrown under the bus; will not go for this character assassination, which, I have been subject too, not going to allow to continue.

Ms. Woolsey: need resolution.

Chairman Bridle: the resolution is we have asked for 91-A request and have not received from some of the members; they are breaking the law.

Ms. Woolsey: could I ask for a brief listing on what was found to be illegal; I know you concerned about the one with everyone yelling about their taxes; where are the other problems?

Selectman Bean MOTIONED that Mr. Buckley's response to be posted to the Town website SECONDED by Selectman Barnes.

VOTE: 4-0-0

Chairman Bridle: we will get you a copy; Attorney Gearreald will give you some basis as to what items we are looking for

Ms. Woolsey: what do we do about outside counsel?

Chairman Bridle: we are not doing anything about the outside counsel; that when it comes to a 91-A issue, we are not going to support any Board or employee hiring outside counsel for 91-A issues.

Ms. Woolsey: we will confer and see what happens? Thank you.

VII. Town Manager's Report (2:13:58)

1. The Department of Public Works started Christmas tree collections today at curbside or trees may be brought to the Transfer Station during normal business hours. Trees must not be wrapped in plastic, tree stands and all decorations must be removed or the trees will not be accepted.
2. The street closure at Bradstreet and Locke Road was the result of a collapsed metal culvert. The culvert rotted from the outside top inward. It is has been replaced with a

plastic insert. The Department has started a program to begin replacing all of our metal culverts with plastic inserts. Although it will take a number of years to complete it, it is a start to correct the problem with cross street culverts.

3. The State paid the Town for its share of rooms and meals tax reimbursement of \$778,227 on December 22, 2016.
4. Please remember that the submission of petition warrant articles must be presented at the Selectmen's Office in the Town Offices by 5 PM tomorrow January 10, 2017.
5. Please remove your trash and recycling carts from the streets and sidewalks once your collection has been made. High winds last week created a number of carts being blown into the roadways where they are a danger to traffic.
6. Received a letter from Pittsburg, NH BOS regarding control of local municipal roads and highways; it appears that between State and Federal government, they have determined that the Towns have no control over the roadways where an electric utility wants to construct powerline.
7. Bicentennial wall progress placing large stones, inspected, proceeding well
8. Received email from Assessor concerning HB324 take assessment of utilities from the town and place in the Department of Revenue Administration; would no longer be allowed to assess utilities; estimate we would lose based on our 2016 assessed values of \$100,000,069; we would lose up to \$29,200,931 in potential revenues over a period of time.

Selectman Waddell: read the Pittsburg, NH letter, we should support that, do we need a consensus on that, send letter in support.

Town Manager Welch: a consensus would fine and we would take action.

Selectman Bean: legislative efforts, meet with Speaker of House, so Mr. Welch if you want to briefly, for the public outline your concept of what that meeting looks like, using you department heads.

Town Manager Welch: have been examining the legislation with the actions of the State; most are anti-town; taking money out of our coffers and forcing us to pay for state programs off of our property tax rate; trying to quantify that. The items that were mentioned today are just the beginning of the tip of the iceberg; talking about hundreds of millions of dollars of losses here in Hampton and other towns in the state as well. Loss of school funding; lost 2/3 of the value of our telephone utilities and about to do the same with the electric utilities; power plant if the state takes it over and they will assess it; last time I dealt with that the difference was \$500,000,000; substantial amount of money to stick to the taxpayers. We will bring those items up, so the taxpayers and legislators know what is going on; will be notifying other towns; put together a consortium to help put together the programs.

Selectman Bean: team effort; integrity based legislation.

Chairman Bridle: doing a great job at Bicentennial Park, please remove carts as soon as they are empty.

VIII. Old Business (2:26:20)

1. 2017 Warrant Articles

Town Manager Welch: The Board has removed the sidewalk Warrant Article; I do not know of any others that we need to change, unless the Board wishes to withdraw any articles; we have received petition articles.

Selectman Waddell: we do not vote on those, right. Town Manager Welch: you can; the statute says you may vote on any article.

Chairman Bridle: Look, and see what we have done in the past.

Selectman Barnes: the Finance Director took a lot of time and effort to produce the actual increase/decrease/no change for the operating budget. Since the Budget Committee disregarded it, I would like permission after meeting with the Finance Director one more time put this up on the town website, so the public can see the actual changes from last year to this year.

Selectman Barnes MOTIONED to place the actual increase/decrease/no change to the budget on the website SECONDED by Selectman Bean.

VOTE: 4-0-0

IX. New Business (2:30:40)

1. Re-appointment of Health Officer and Deputy Health Officer

Selectman Bean MOTIONED to APPROVE the Re-appointment of the Health Officer Kevin Schultz and Deputy Health Officer Milon Marsden SECONDED by Selectman Waddell.

VOTE: 4-0-0

At 09:30 PM, a MOTION was made by Selectman Barnes, SECONDED by Selectman Bean and voted unanimously by roll call to go into a non-public session under RSA 91:A:3,II (c)(d)(e) [Reputation, Acquisition of Property and Litigation].

On motion made by Selectman Waddell, seconded by Chairman Bridle, the Selectmen voted unanimously to adjourn the non-public session at 9:45 PM.

Back in public session, Selectman Waddell moved to seal the minutes of the non-public session, seconded by Chairman Bridle, on the basis that disclosure of these minutes could jeopardize the actions to be taken and potentially adversely affect reputation. This motion to seal the minutes passed unanimously.

X. Adjournment

At 9:47 PM, the Selectmen adjourned the public session on motion of Chairman Bridle, seconded by Selectman Waddell, which passed unanimously.

Chairman