

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

January 30, 2017

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

### SALUTE TO THE FLAG

#### I. Public Comment Period

#### II. Announcements and Community Calendar (00:50)

Selectman Barnes: Deliberative Session starting at 8:30AM at WHS.

Selectman Waddell: it is your town, your warrant articles, your budget, please get there and put your voice into it.

Selectman Bean: wish Dick Chevalier the very best.

Selectman Griffin: looking forward to the fun and games on Saturday and hope everyone can make it.

#### III. Appointments (01:52)

1. Senator Innis, Representatives Bean, Cushing, Edgar, Emerick, and Tilton
  - a. Legislation Pending and Proposed

Senator Innis: thank you for having us this evening; a lot happening at the state level; on Energy & Natural Resources and Commerce Committee. One thing I have been working on is the Coakley Landfill; co-sponsored three bills; have my own bill on the Senate side dealing with non-natural contaminates that show up in drinking water; a lot of wells will be affected. I have been co-sponsoring bills on shore land protection, student loan assistance, eliminating the statute of limitation on sexual assaults, enrollment eligibility for career and technical education programs, R & D tax credits and hire more officers for drug addiction.

Representative Cushing: I am on the Criminal Justice Committee and sponsored legislation to have child pornography recognized as child sexual assault. I am trying to restore the State's contribution to retirement for teachers, police and firefighters House Bill 413. There was a public hearing last week and the house voted 10-9 to recommend that House Bill 413 should pass; have a long way to go; need property tax relief; looking forward to revisit the mandated property tax exemption that cost Hampton about \$500,000,000 per year.

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

Town Manager Welch: ask the Selectmen authorizing me to sign a letter to the Speaker, Governor, and the President of the Senate, Majority and Minority Leaders. We took a quick look at what has happened to Hampton since the state's contribution was deleted to zero and we have paid approximately \$1.2 million in property taxes to supplement that since it was taken away. Your bill would reduce our contribution to the system of Group 2 employees to \$516,896 and for Group 1 employees \$151,902; considerable amount of money the taxpayers would no longer have to pay to the retirement system.

Representative Cushing: in speaking with members of the municipal association, the Governor expressed an openness or willingness to consider financial aid to cities and towns through a restoration of part of the contribution to the retirement fund.

Chairman Bridle: before the bill, each one had their own retirement system; it was unfair to the taxpayers when they took that away.

Representative Cushing: they broke the promise; they said you are still mandated to be participating in the retirement system; however, we (the state) are not going to help out like we promised.

Representative Emerick: in finance during budget year all money bills are ITL, but the money is going into the budget; when I vote against this is because it is a budget item; you do not consider it as a separate bill; procedural thing.

Representative Cushing: the bill reestablishes and puts into the law the policy.

Selectman Waddell: has to be a partnership between the state and town.

Representative Emerick: we do not get the governor's budget for another week and a half; 2 ½ unemployment; running out of people; get friends to move to NH; implementing e ticketing; all automated.

Representative Edgar: have not seen the budget yet; meals and rooms tax; push local tax; not getting our fair share of taxes.

Representative Tilton: trying to change Fish & Game Commissioners over to an advisory board; on board with many things said here tonight; looked into fishermen problems.

Representative Bean: being deprived of hundreds of thousands of dollars every year with the pension costs; unfunded liability, which is a direct result of the adverse effects of what Rep. Cushing is trying to overthrow; this group is taking the challenge. Utility rate hearings not being allowed to speak; represent taxpayers; HB302 study to leasing Hampton Beach State Park; how can you be against a study? HB1198 took \$175,000 on poles; FairPoint sold their business; said was no fiscal impact, not true. HB328 public utility infrastructure; HB324 remove local control from tax assessors; will cost Hampton hundreds of thousands of dollars. Meals and rooms tax will be heard tomorrow; state gets 9%; about \$200,000,000 they take out of Hampton; we need to quantify. Utilities and their lobbyists have a strangle hold on the legislative process; pollution control costs millions; encourage communities to be as aggressive courteous and factual representing what has been water being discharged out of local communities.

Selectman Barnes: happy to see all the bills that you are working on; have an additional concern. Ongoing battle between Town of Hampton and Aquarion Water Company, anytime the town has a question, concern or request from Aquarion, mostly in regards to WICA they

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

are dismissed by both the company and the NH Public Utilities Commission. There are five bullets taken from the mission statement at the NH Public Utilities Commission:

1. To ensure that customers of regulated utilities receive safe, adequate and reliable service at just and reasonable rates.

Selectman Barnes: There have been tremendous rate increases since 2006.

2. To foster competition where appropriate.

Selectman Barnes: what competition, there is only one.

3. To provide necessary customer protection.

Selectman Barnes: 90% of customers have demonstrated concerns and are continually ignored.

4. To provide a thorough but efficient regulatory process that is fair, open and innovative.

Selectman Barnes: Aquarion refuses to provide the town; its customer, the requested independent audits that the company is subject too; it is not evident that the NH Public Utilities Commission conducted a company specific audit for Aquarion since WICA; Pennichuck is noted for receiving PUC company specific audits in regards to WICA charges in both 2014 and 2015.

5. To perform our responsibilities ethically and professionally in a challenging and supportive work environment.

Selectman Barnes: historically the NH PUC has always granted the wishes of Aquarion and denied the concerns the Town of Hampton; it's customer. The commissioners are appointed by the Governor and his executive council; Commission Robert Scott's term ends in July 2017; perhaps this position needs to be replaced with an individual who will actually represent the consumer; it is the Public Utilities Commission and not the Public Utility Commission. It could be argued that the commissioners are not acting in accordance with their own outlined code of ethics. The general principle of the commissions own code of ethics Section 363:12 Ethical Conduct Required:

In addition to any other type of behavior or activity of a commissioner that is proscribed by RSA 363, a commissioner shall conduct himself and his affairs in accordance with a code of ethics that shall include, but not be limited to, the following elements:

- I. Avoidance of impropriety and the appearance of impropriety in all his activities;
- II. Performance of his duties impartially and diligently

Selectman Barnes: on page 7 of the NH PUC 2015 it states under **LEGISLATIVE COMMITTEE ASSISTANCE**

The Commission provides information, when asked, to the State's Legislators, primarily through the House Science, Technology and Energy Committee, the Senate Energy and Natural Resources Committee, and relevant joint legislative oversight committees. In addition, the Commission, when asked, participates in legislative studies related to areas within its purview. I would request from our State Representatives and State Senator they communicate the Town of Hampton's concerns to Governor Sununu and the Executive Council. I would also ask the Commissioners of the NHPUC through the proper channels to fulfill the requests of the Town of Hampton; these can be provided by Town Counsel, who has diligently kept the records of all requests and positions of the Town of Hampton. I would like it noted it is

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

inappropriate for Aquarion to continually ignore the Town of Hampton's data requests and consumer concerns, and inappropriate for the PUC to always dismiss the Town of Hampton's continuous objections to the pancake charges through the companies customers, the taxpayers.

Representative Cushing: would you email that to me. Selectman Barnes: yes.

Town Manager Welch: during our investigation the rates continue to go up; they continue to run their debt up; they spend \$800,000-\$900,000 in interest payments, but supposedly do not have any money left, but yet they can continuously pay large dividends to their stockholders in excess of \$1.25 million a year, they can loan \$3,000,000 to their parent company in CT.

Representative Cushing: the Bill 324 before the Technology and Energy Committee is really dangerous if it passes.

Town Manager Welch: if Bill 324 passes, the taxpayers in Hampton will pick up an additional \$500,000 in year one and the cost will continue to escalate.

Selectman Waddell: thank you for your service; good working on the retirement issues; looking out for the town.

Selectman Griffin: thank you for coming in this evening; we have over 1200 flood insurance policies in Hampton; offer assistance or help; policies are expensive; keep eye out for any new funding.

Chairman Bridle: as long as you keep working together; remember you are dealing with Hampton and look at our needs; rooms and meals tax; generate a lot of money; demand more from Public Works, Police and Fire; poles and Aquarion, concerned about being without water in the summer. Please do not hesitate to call us if you need any assistance or information.

Town Manager Welch: read HB413 letter expressing this bill to be passed by both houses and signed by the Governor.

Selectman Bridle MOTIONED to send letter regarding HB413 SECONDED by Selectman Waddell.

VOTE: 5-0-0

6. Jane Cypher, Town Clerk
  - a. Dog Licensing/Top Dog Contest (57:12)

Town Manager Welch: the Town Clerk could not be here because of an emergency; she wants to start a dog-licensing top dog contest; every person that registers there dog between April 1 and June 1 will have their name put in a box; one person's name will be drawn and they will receive gifts; it is an incentive program.

Selectman Barnes MOTIONED to APPROVE the Dog Licensing-Top Dog Contest SECONDED by Selectman Waddell.

VOTE: 5-0-0

7. Steve Ells, Attorney and Al Fleury (59:06)
  - a. Food Service after 1:00 AM in the BS Zoning District

Attorney Ells: Al operates three businesses and is contemplating opening another business, which would be involved in the sale of food, not alcohol, and thinks there is a demand of food sales after the curfew of 1AM. There is a question as to the ongoing authority of the ordinance.

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

There is definitely a need to provide a place to get something to eat after 1AM; model after Gilley's; would be a good thing to allow people to get a slice of pizza before they go home. Asking for your input; hopeful you will agree that it is something that could be tried for a season; if total disaster there would be time to take corrective action.

Mr. Fleury: great improvements at Hampton Beach; been on the beach every night since 2004; recently bought a couple of properties this year; putting money into the beach; intent for the Ashworth property building would be to do a diner atmosphere; early morning coffee shop through dinner. I see people drive to the surrounding area for food; this is in demand and is in every vacation area; they want a late night and we can offer something at night that will not put a drain on the police department.

Selectman Griffin: I understand the police are not in favor of this and the precinct commissioners have voted against this; do not see anything positive about this; do an advisory warrant article; not for a family friendly beach.

Selectman Bean: mercantile area; expansion; very interesting concept; do not share the negativity; allow businesses to expand; interested in the possibility; Mr. Fleury has a good working relationship with the police.

Selectman Barnes: have worked at the beach since I was 14 and nowhere to get some place to eat, would be more comfortable to have a hearing and have people come in and voice their concerns.

Selectman Waddell: Al is a good citizen down there; three properties he runs well; more open than negative; want to hear from the Police Chief and other people.

Chairman Bridle: we want to hear more; maybe do a public hearing to discuss; hear from the people; you do a good job.

Selectman Griffin: like the idea of having a public hearing, in favor of you having a diner, just not open after 1AM.

Chairman Bridle: will schedule a public hearing in a few weeks.

Mr. Fleury: knows there will be skeptical people; sees support; do not want to do another barroom there; sees a lot of change with the flow of the beach.

#### IV. Town Manager's Report (1:28:05)

1. Please be aware that the Deliberative Session of the Town Meeting will take place this Saturday, February 4, 2017 at the Winnacunnet High School starting at 8:30 AM.
2. For those citizens who desire to file for exemptions from the real estate tax please contact the Assessing Office for your forms and information necessary to apply for exemptions.
3. The Port Authority is pursuing a dredging of Hampton-Seabrook Harbor due to the increased shoaling of the harbor since the last dredging.
4. Please make note that the Town Clerk's Office will be closed from February 17 through February 21. The State is implementing a new computer system.

Selectman Waddell: we had a citizen question about the force main's and could not find facts on the website; the DPW will be doing a presentation at the deliberative session so people can get the facts. On an RSA that was passed last year for the veteran's exemptions, it needed a

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

warrant article, but we did not put one in, wondering if a notification could be put in the tax bills.

Chairman Bridle: read letter from Dean, Jeff and Lisa Merrill; found many things pertaining to the history of Hampton; gave coins

V. Old Business (1:34:30)

VI. New Business

1. Deliberative Session Motions

Article 9 Waddell Barnes; Article 10 Bean Waddell; Article 11 Griffin Barnes; Article 12 Waddell Barnes; Article 13 Barnes Waddell; Article 14 Barnes Bridle; Article 15 Bean Griffin; Article 16 Bean Waddell; Article 17 Griffin Barnes; Article 18 Bridle Griffin; Article 19 Waddell Barnes; Article 20 Waddell Bridle; Article 21 Griffin Barnes; Article 22 Bridle Griffin; Article 23 Barnes Waddell ; Article 24 Waddell Griffin; Article 25 Bridle Barnes; Article 26 Griffin Bridle; Article 27 Waddell Barnes; Article 28 Griffin Bridle; Article 29 Barnes Griffin; Article 30 Griffin Barnes; Article 31 Waddell Bridle; Article 32 Barnes Waddell; Article 33 Griffin Bridle; Article 34 Barnes Waddell; Article 35 Waddell Barnes; Article 36 Barnes Waddell; Article 37 Bridle Waddell; Article 38 Griffin Barnes.

Chairman Bridle: Articles #39-#44 are citizen petitions.

2. Acceptance of Donations to Recreation and Parks Department (1:40:15)

- a. Loco Sports \$1,200 to Basketball League
- b. HealthTrust \$500 for programming for health initiatives for employees

Selectman Waddell MOTIONED to ACCEPT the Donations to Recreation and Parks Department from Loco Sports for \$1,200 to Basketball League and HealthTrust for \$500 for programming for health initiatives for employees SECONDED by Selectman Barnes.

VOTE: 5-0-0

VII. Closing Comments (1:40:45)

Selectman Barnes: hope to see people on Saturday.

Chairman Bridle: the school is doing the food for their class trip; Saturday and Sunday is the Penguin Plunge, all proceeds go to Special Olympics.

VIII. Adjournment (1:41:43)

Selectman Waddell MOTIONED to ADJOURN the public meeting at 8:44PM SECONDED by Selectman Bean.

VOTE: 5-0-0

---

Chairman