

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

March 27, 2017

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

ABSENT: Rick Griffin, Selectman

SALUTE TO THE FLAG

I. Public Comment Period (3:38)

Charlie Preston, 47 Glade Path: DRED season is upon us; meters will be starting April 1st; if you have not registered your car yet, consider the State parks plate

II. Announcements and Community Calendar (6:18)

Selectman Bridle: April 8, 2017 Village Preschool does their Easter Bunny Breakfast; if you would like more information contact their website or call; also on April 8, 2017 the Recreation Department has their Easter egg hunt at the beach

III. Consent Agenda (5:12)

1. Entertainment License: Logan's Run, Inc. 816 Lafayette Road
2. Parade & Public Gathering Licenses: Memorial Day Parade & Ceremony Post 35 05/19/17; McCarthy Strong 3rd Annual 5k Walk/Run 05/20/17; 31st Annual Walk by the Sea & Picnic 06/04/17
3. ~~Taxi Business and Operator's Licenses: Surfside Taxi of Hampton: Dennis Croteau; Burt Root; Bretton Crawford; Andrew Woodward~~
4. Raffle Permit: Experience Hampton Christmas Parade
5. Use of Selectmen's Room: Sen. Hassan Office hours for Constituents 03/29 @ 10AM
6. 2017 Veteran's, Veteran's Spouse and Veteran's Total Disability Credit and Elderly, Blind, Disabled Exemptions: Chaisson, Patrice, Veteran's Spouse Credit, \$500, 124/6; Finnegan, Rita, Veteran's Spouse Credit, \$500, 180/5; Nickerson, Elaine, Disabled Exemption, \$125,000, 192/24; Osgood, Nancy, Veteran's Spouse Credit \$500 and Elderly Exemption \$160,000, 115/12; Petri, Richard, Elderly Exemption, \$160,000, 57/37; Skogland, Marsha, Veteran's Spouse Credit, \$500, 206/38; Theriault, Elizabeth, Veteran's Spouse Credit, \$500, 192/40; Thompson, Arline, Elderly Exemption, \$125,000, 170/RCL/12; Woolsey, Mary Louise, Elderly Exemption, \$200,000, 147/35
Request for No Objection for Service of liquor at 19 Ocean Blvd Ashwees Ice Cream

Chairman Waddell: Pulling #3 Taxi Business, as more work needs to be done before approval.

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Selectman Barnes MOTIONED to APPROVE the Consent Agenda with the exception of #3
SECONDED by Selectman Bridle.

VOTE: 4-0-0

IV. Approval of Minutes (7:05)

1. March 13, 2017

Selectman Bridle MOTIONED to MOVE the APPROVE the Minutes of March 13, 2017 as
submitted SECONDED by Selectman Bean.

VOTE: 4-0-0

V. Appointments (7:15)

1. Kristi Pulliam, Finance Director

a. Monthly Financials

Director Pulliam: month ending February 28, 2017; also available on the website; expenditure target was 16.67%; months total income was \$558,711; motor vehicles @ \$331,657 +\$76,082; interest on taxes @ \$17,418; building permits @ \$32,545; departmental income @ \$14,030; land rent @ \$168,974; real estate trust @ \$40,187. Expense Summary show year to date expenses by department the operating departments without debt service but with open purchase orders was @ 15.82% of the budget -.85% or \$208,894. Some line items over the target; OT wages for some smaller departments over target; repairs and maintenance; licensing; yearly rental agreements; buyback program over 107.58% as more participated than usual. Police Department OT line items over target; public works staff development lines over 16.67%; cleaning and maintenance, hired equipment/summer 83.2%; snow and ice removal; OT wages; salt all over target. Fund 24 Recreation Fund beach sticker donation @ \$1,640; Fund 25 Cable committee @ \$88,159; Fund 26 private detail \$126,360; Fund 27 EMS \$348,470; Wastewater System Development charge \$7,182 with a balance \$92,106.

Selectman Barnes: great report; slightly under 1% spent.

Selectman Bridle: doing a good job.

Selectman Bean: great job.

Chairman Waddell: where would people go to on the website to see the report? Director Pulliam: under Quick Links click on Town Documents, Agendas and Minutes, click into Finance; Expenditure Reports listed by year/month.

Chairman Waddell: we always go up in motor vehicle registration, every year. Director Pulliam: yes.

Chairman Waddell: hope it continues, but it is one of the things we have to watch.

Selectman Bridle: garages are having a hard time, as people are not repairing cars they are buying new.

Chairman Waddell: can you explain what the bank buyback program is? Director Pulliam: for union and non-union employees; can sell back their number of sick hours; could pay for health insurance, dental insurance, make contribution to their 457; different options; benefit for Town is it reduces our compensated absences that we would have to pay out if somebody leaves; basically selling back leave time to the Town.

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2. Ed, Tinker, Chief Assessor (16:50)

- a. 2016 Abatements: Deland, Tammy, 12 Bourn Ave, Map 107-38; Knight, John 50 Hampton Towne Ests. Map 123-1-50; Rosa Living Trust 400 High St Map 166-1-13; Callahan, Michael E. 885 Ocean Blvd Map 168-82-1; Morris, Phyllis A Revocable Trust 70 Kings Hwy, #184; Boucher, Richard & Jacqueline 70 Kings Hwy, #186 Map 210-3-186; Mawhinney, Guy H. Jr. 583 Ocean Blvd Map 245-12; Nancy Ann King 27 Wall St. Map 282-143; Morrell, Calvin & Cheryl 83 Ocean Blvd #406 Map 290-146-406; Giles, Paul H. 7 Tuttle Ave Map 293-164-01; Jefferson, David R. Jr & Lucinda S. 10 Hunter Dr Map 149-2; Gaven, Madelyn L., Young, Maureen L. & Lynch, David M. 8 Green St Map 168-48; Biando, James A. 541 Ocean Blvd #14 Map 255-7-14

Mr. Tinker: abatement recommendations; have submitted 13; 6 recommended for denial and 7 recommended for approval; the total \$3,462.41.

Selectman Bean: what is the total sum figure? Mr. Tinker: \$3,462.41.

Selectman Bridle: I directed a person to come see you about housing numbers. Mr. Tinker: have not looked at it yet, but it looks like something that needs to be addressed.

Selectman Bean MOTIONED to APPROVE the 2016 Abatements totaling \$3,462.41 SECONDED by Selectman Bridle.

VOTE: 4-0-0

3. Candice Stellmach (18:17)

- a. Development of a Blasting Ordinance

Ms. Stellmach: interested in blasting ordinance due to development going on in my neighborhood; we have no blasting ordinance in Town; we need one in Town as there is ledge everywhere, huge outcroppings; nice to have an ordinance here; do not think the State regulations are strong enough. North Hampton has a blasting ordinance that protects the citizens; noise level; irritation level for people involved in blasting; need to regulate detonation of explosives; citizens need to be informed. State area to do pre-survey on abutters is 250'; other Towns go up to 1,000'; telling people that want to come in and blast is it is going to cost you money and it is going to take time and not rush through, as we respect our citizens rights. Do not understand as one Town had a Selectman's ordinance and they developed it, and then 9 months later it came up at the March warrant article and voted it in. Are you familiar?

Town Manager Welch: there is permission in the statute for the Selectmen to enact certain ordinances, have yet to find provision in statute that allows the Town to enact an ordinance by Selectman's ordinance or Town Meeting ordinance dealing with blasting. I have looked at several ordinances around us and none address the issue correctly; do not list blasting at all; RSA 31 and 39 which allows us to enact local ordinances does not answer the question at all; not specific; need do more research; or we need to introduce legislation to give us the right to do that, which should happen.

Selectman Barnes: we do not have a set blasting ordinance, but is there certain procedures we would have in place for blasting; as blasting is occurring on High Street. Town Manager Welch: we have a right to regulate things through the planning procedures to get a permit to exercise the right to build on a piece of property and that is what we are attaching our requirements. No statutory reference to that; only can find State regulations, but they are not

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complete; need to be certain scientific measures taken to regulate blasting; need to use protection mats. We have regulation that says cannot store blasting material on site unless in commercial area and protected; going to find out where we can get more regulatory power in area; clamp down through site plan approval and Selectman approval as far as construction is concerned.

Ms. Stellmach: my issues with some discussions was the misinformation being thrown around; attitude of blasting company to protect themselves; but if you are harmed, forget it. Town Manager Welch: without them filing substantial security that the Town can call for repairs on private property within a specific certain distance; not much could be done; would end up suing them; that is just the law.

Ms. Stellmach: the Mill is not insured. Town Manager Welch: Yes. I know, and my concern is the wall that is directly behind it.

Ms. Stellmach: would like to see geo-technical analysis done before they are allowed to blast; too dangerous for the ledge that is around there in the whole neighborhood; disturbs water; creates silt going back into water. Town Manager Welch: I looked at pictures of the 1967 earthquakes in Alaska; sections of road disappeared 20' into the ground; ledge moved because of the earthquake; it magnifies force tremendously across entire ledge area. Have to take the security required to protect people in that area, if they do not want to provide it they cannot blast that is my opinion.

Chairman Waddell: I sympathize; have looked at the rock behind your house and where they are building, there is not a lot of room in there. Ms. Stellmach: if you walk their lot and see what is attempted; a hole where they attempted in the 1960s; got to be 90%-100% rock; at least half my lot is ledge; drive up Mill Pond and see huge outcroppings.

Chairman Waddell: right now, they have their site plan approved. Town Manager Welch: no, they need to have their site plan approved; have certain permits to get from the Fire Department, Police Department and Department of Public Works and we have some power in that area.

Ms. Stellmach: the blasting is not the only issue; not going to blast within 50' of my house; all the noise being made of the rock being moved; residents in all the apartments should have some say in it too, going to be disturbing.

Chairman Waddell: so we are going to look into. Town Manager Welch: has to take place during the Planning Board discussion, not aware if they have issued a permit yet, permits need to be issued by Fire, Police and Public Works under our existing ordinances and they will have to be strict to protect people.

Chairman Waddell: and Phil is going to make sure the State does something.

Selectman Bean: whatever you say Mr. Chairman.

VI. Town Manager's Report

1. Property owners who desire to obtain an exemption under the statutes for elderly, veterans, blind or current use must come to the Assessor's Office and obtain the necessary forms to apply. Completed applications must be submitted by April 15, 2017.
2. The Hampton Beach Precinct Exemption must be applied for by April 15th, forms are available in the Assessor's Office.

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3. The Town of Hampton Falls is looking to set a date for the perambulation. The previous walk about was performed on April 29, 2010. Please advise on when the Board would like to meet on this issue.
4. The Perambulations for Exeter, Stratham and North Hampton also need to be completed in 2017.
5. How would the Board like to proceed with the disposal of the dead lined Fire Engine 2 at the beach station
6. A large pine tree will be removed on March 29, 2017; Academy Avenue, walkways from the school to Winnacunnet Road and the children's park will be closed from 8AM until 12PM.
7. We received a report from the Stormwater Coalition today; will be on agenda for next meeting; appeal MS4 requirements handed out by EPA.

Selectman Bean: excellent report.

Chairman Waddell: how will the tree removal affect access to school? Town Manager Welch: will still have access to school from the upper end of Academy Avenue.

Chairman Waddell: can you briefly explain what MS4 is? Town Manager Welch: it is the federal regulations from the EPA that regulates Stormwater; have passed a new set of regulations and we are approaching to be the only State in the US that will be regulated directly by the EPA. We have to test once a year every outfall of every culvert system in the Town; if we find any contaminations, we have to clean the outfall and test it every quarter for the remainder of the year; continue cleaning until we find the contamination and then take care of the source whether it is on private or public property. At the beach, we have many seagull droppings and that goes into the storm drain system then into the harbor, which would penalize us as they exceed the quantity of material deposited into the harbor; estimated at \$200,000; others estimate it to be \$250,000-\$500,000 for a Town to do this. It will occupy the Wastewater Treatment personnel; good example would be Westridge Drive; people dumping dog feces into the storm drains; we have to keep cleaning it; catch basins were almost full; went down into the drain system into the marsh; has to clean up at taxpayers' expense.

Chairman Waddell: why is NH one of the only State's that falls under this? Town Manager Welch: two reasons, one the State has not applied to be exempt, and two, if they apply to be exempt then the State has to make their own regulations and would have to pay for it, if they enact federal regulations then they do not have to pay.

Chairman Waddell: we should watch this closely; please do not dump waste into catch basins.

VII. Old Business (40:56)

Chairman Waddell: this Thursday at 9:00AM we will need three Selectmen to be here for the recount of the Public Works article that lost by one vote.

VIII. New Business

1. Joint Operation Plan DRED 2017

Town Manager Welch: they have not responded to us; this is to start the process, took the 2016 plan and put in 2017 form with a renewal on April 1, 2018. They were proposing to put in a structure at our transfer station consisting of ramps, so they could run the material they collect at the beach every morning, come to the transfer station, run it up the ramps and dump

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into open roll off containers, and then haul away. My understanding from Public Works is they are trying to do things to clean up and do not want the seagulls following the state beach raked material to the transfer station, DPW needs the area that is there now as it has shrunk down as the amount of compost and other materials. They have permission to access the waterfront through Bicentennial Park on the north end is a driveway to get onto the north end for beach cleaning; put in a provision that they can as long as we are not working on the seawall.

Selectman Barnes: so they want to haul everything from the beach to our transfer station. Town Manager Welch: they used to do this and caused a significant amount of problems for us over time; they said that they would be responsible to haul the boxes off; public works is not for this idea.

Selectman Bridle: they have room at the State shed to do this. Town Manager Welch: they have been doing it at the State shed right along.

Selectman Bridle: I think they should continue.

Chairman Waddell: is there a reason they do not want to use the State shed besides just being more convenient. Town Manager Welch: it used to be in our regulation JOP that they would do it at the Town shed; they negotiated contract with supplier that cleans the beach, and put container behind cottage at Epping, which we fought, had it moved.

Chairman Waddell: think we need a full Board and look it over this week; do we have a time limit on when it must be done. Town Manager Welch: supposed to be done by April 1, but last year it was done in July; not a big deal.

2. Municipal Budget Committee Requests (46:52)

Selectman Barnes: If I may, I will do a summary 1. Have Mark go to an April meeting; 2. I have spoken with Steve LaBranche and he said he would have no interest to reach out to Steve Buckley at NHMA.

Chairman Waddell: could you read each one.

Selectman Barnes: 2. Members of the Budget Committee have requested that we allow Steve LaBranche as Chairman to be able to direct NHMA legal counsel, in talking with Steve LaBranche he said he probably would not do that and would prefer if he had a legal question just go to Town counsel. 3. The Board of Selectman would inquire if NHMA could come to their May meeting and do a presentation similar to what has happened in prior years; 91A; all different types of issues; Budget Committee; legal requirements; what their functions are and not. The Town is allowed to have one free meeting from NHMA, that maybe the Board of Selectmen request to have a meeting for everyone in Town who want to attend and go over everything people are not sure about. 3. There was a legal invoice received from Attorney Gould in Concord and would like to request our Town counsel call Attorney Gould as we were under the impression that we would not be billed for anything. 5. The final request was that the Board of Selectmen allows Steve LaBranche as Budget Committee Chair meets directly with the Board of Selectman Chair and the Town Manager, but again after talking with the Chair of the Budget Committee I feel it would be better if we keep the same procedures we had in place last year. I wanted to formerly request these items to the Board of Selectmen; I will let Town counsel address #1.

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Attorney Gearreald: #1 talks about a presentation at the April 18, 2017 meeting, I am out of the state at that time, so it will not work on my end. My understanding that some members desire, not so much a training, but an open public session where there is an analysis of the emails, which the Board has thankfully relieved me of having to do. What is needed is a training session in the context of a non-meeting with legal counsel, where I can give them advice with some examples, but not a full blow inquiry as to proper use of email correspondence.

Selectman Bridle: I think the Board of Selectmen should get in touch with NHMA, to have a meeting and invite all members of elected Boards to come in. If the Town counsel would like to send them a list of emails in question and they can talk about it at the meeting with NHMA and you do not need to be there for any of it.

Selectman Bean: this Board has voted on lines of communication that is effective and that is why we have a liaison to each committee, you move away from that it is mayhem. I am in support of continuing education for anybody that cannot master the simple requisites of holding legal meetings and communications; sometimes there are different learning curves. The \$450 bill is not a legal expenditure, it was messed around with the date and for us to authorize any Town funds for something that was not done legally would make us complicit.

Chairman Waddell: my feeling is the same; we have procedures for communication they work fine and no problem with them. On the meeting with NHMA, we should open it up to every Board in Town. You have told them and they do know which emails were considered to be in violation. Attorney Gearreald: I have given the Board the interim verbal report and was going to give specific examples at a training session; they gave emails to this Board, which I looked at a portion of.

Chairman Waddell: do you feel you could just say which ones were in violation without going into a whole meeting. Attorney Gearreald: I think examples can be provided there is actually an outstanding Right to Know Law request that I intend to respond to in a week, or so.

Chairman Waddell: I agree that the bill not be paid, as there was not a legal contract.

Selectman Barnes: the Budget Committee agrees it should not be paid; they were wondering if Town Counsel would call Attorney Gould as there was communication saying there would not be a bill. Attorney Gearreald: I do not mind following up and I would like to know why as well.

Selectman Bridle: so we should plan on a Board of Selectman's meeting with NHMA and will have a training session inviting all elected public officials. The consensus of the Board was to do this.

IX. Closing Comments

X. Adjournment

Selectman Bean MOTIONED to adjourn the Public Meeting at 7:57PM SECONDED by Selectman Barnes.

VOTE: 4-0-0

Chairman