

April 3, 2017

PRESENT: Jim Waddell, Chairman
Phil Bean, Selectman
Rick Griffin, Selectman
Rusty Bridle, Selectman
Frederick Welch, Town Manager

ABSENT: Regina Barnes, Vice-Chairman

SALUTE TO THE FLAG

I. Public Comment Period

Mary-Louise Woolsey, 148 Little River Road: the Budget Committee was used as a guinea pig last year; 50 emails opinions expressed, three emails responses; March 10 just before stepped down as Chairman of Budget Committee sent 91A request to Mark Gearreald to make request available of the 91A request he made. March 16th he responded and said not going to formulate a legal opinion; March 24 bumped into Mark and had a fairly lively in person conversation; asked to confirm every piece of email print be in box. March 28th Mark said it was okay to inspect the box of email print outs on March 31st @ 9:30; Mr. Henderson and I went through box; sent third 91A request to Mark on March 30th asking to flag several emails shown during course of review. He emailed back and said the new email request is essentially asking again to formulate a legal opinion; 91A does not require creation of new document. Not aware of any actual formal written document from Attorney Gearreald; has not given any information to the Budget Committee; training not my focus; need to allow individuals who are running committees and Boards have access to counsel through the NHMA.

II. Announcements and Community Calendar (8:20)

Selectman Bridle: Easter Bunny Breakfast at Village Preschool on April 8th along with the Recreation Departments Easter Egg Hunt.

Selectman Bean: condolences to the family of Eddie Blouin owner of Ron Jillian's.

Selectman Griffin: several people called and were interested in coming tonight for the public hearing, but it is next week.

Chairman Waddell: the agenda for the Selectman's meeting is posted on Friday's on the website and the Town Hall door; spring is here.

Selectman Bridle: a couple people did show up for the public hearing that was held two weeks ago; if anyone has any questions, comments or concerns in reference to the noise on Boar's Head and where it was coming from, please submit it to the Town Manager's Office by April 10th as the hearing is still open. Do not believe we are having a hearing next week, we are just discussing it.

III. Consent Agenda (10:30)

1. Hampton Cemetery Deed: Maryrae Preston
2. Raffle Permit: James House Association
3. Conservation Commission Appointments: Barbara Renaud, Member; Nathan Page, Alternate; Dan O'Connor, Alternate
4. Donations to Conservation Commission:
 - a. Rain Barrel Program
 - i. Aquarion Water Company - Eight Barrels (8*75 = \$600)
 - ii. Wicked Awesome Paint - Primer and Paint (\$500)
 - iii. Wayne's Auto Body – Protective Clear Coat for Painted Barrels (\$1,200)

Selectman Bridle MOTIONED to APPROVE the Consent Agenda SECONDED by Selectman Bean.

VOTE: 4-0-0

IV. Approval of Minutes

1. March 20, 2017

Selectman Bridle MOTIONED to APPROVE the Minutes of March 20, 2017 SECONDED by Selectman Bean.

VOTE: 4-0-0

2. March 27, 2017

Selectman Bean MOTIONED to APPROVE the Minutes of March 27, 2017 SECONDED by Selectman Bridle.

VOTE: 3-0-1(Griffin)

V. Appointments (11:30) – Attorney Gearreald; North Hampton Water Commissioner's - Henry Fuller and Robert Landman

Town Manager Welch: we have with us tonight people from the North Hampton Water Commission. Aquarian received an order from the Department of Environmental Services to allow [Wiggin Way] in the Town of Stratham to connect to Aquarian and become a member of the Aquarian water system.

Attorney Gearreald: an administrative order was issued from the Department of Environmental Services naming the Aquarian Water Company of NH and the Wiggin Way Homeowner's Association; the Wiggin Way Homeowner's Association is a private association that is dealing with two subdivisions in Stratham, which is a town that has not been served previously by the Aquarian Water Company. The order reveals a litany of events that the Town of Hampton was not a party too; going back to the formation of Wiggin Way; the wells for the Wiggin Way homeowners system have failed, partially due to a high arsenic level and deals with the efforts to provide water for its members privately; by restricting flow rates and providing outside delivery of bulk water. Last year, we encountered it unbeknownst to the Town of Hampton because we did not get notice of it; but the water commissioners in North Hampton did and notified us; DES ordered Aquarian Water Company, which serves North

Hampton and Rye to provide water on an emergency basis to these Stratham developments. This was at a time when we were facing a production problem in Hampton itself; Aquarian Water Company gears its production to meeting the highest level of demand that it experiences in its service territory, which is July 4th, at that time Aquarian could not meet that and they were having a problem with its own service area. The situation was that Aquarian did not have enough production to serve the needs of its current customers, much less adding additional customers and it was putting on a water ban due to the drought. DES pushed, but Aquarian Water Company did not follow through with something it was planning to do, which was to file for a permanent connection with the Stratham development. Along comes this order from DES who is ordering a private water company to serve a different town that it does not ordinarily serve, regardless of whether the needs of the towns, that it already serves, are being met; ordered a series of events to occur within a certain number of days of the order. Within 30 days of the order Wiggin Way Homeowners Association and Aquarian are to meet with representatives of the Town of Stratham to develop steps for a permanent connection; report status of progress; file with PUC. The problem is not just for production, it is also for who pays for this infrastructure improvements; anytime infrastructure added to the water company the existing customers pay for that in some way or another; WICA charges; capital expenditures not covered at next rate case. The expense will fall on the entire rate base; customers already serve; water syphoning into another town. Bob Landman has sent an email with a perspective on this; order requires an appeal within 30 days to state every ground upon which it is complained unlawful/unreasonable. Other factors to consider the affirmative steps required to be taken by Aquarian Water Company in terms of seeking approval from DES and implementing a temporary connection, if DES does not have jurisdiction to do this, this should be stopped and not done until an appeal is heard. There is a question about whether the water council to which the appeal can be taken has the jurisdiction to issue a stay of this order; this is a question that needs to be explored. Last year Hampton and North Hampton fought the effort to hook up into Stratham.

Mr. Landman: on Planning Board years ago when the Winterberry subdivision was constructed in North Hampton, which is adjacent, by Wiggin Way subdivision, both done by same builder Chinburg Builders. There are no subdivisions within North Hampton that have a private water supply; every home needs to have own well; the 43 homes in Wiggin Way subdivision none have a private well; three wells; 37½ gallons per minute for 43 homes; the HUD standard for a home is 5 gallons per minute. I am conjecturing that the contractor Chinburg took the cheap way out and kept the price down on the properties as wells are \$3,000-\$5,000 apiece; they have not done anything to maintain water supply, lost at least one well to arsenic. We have been paying for water system and they would just come in and hook up 43 homes; we have been paying for hydrants, been paying hundreds of thousands of dollars and they do not have any investment in this water company, we do; they just get the privilege. How come when they built this development they did not hook up; they should fix their water supply; they have not put in treatment measures; they can filter the water for arsenic; they can drill another well; they have not spent a nickel on trying to get new water sources. If it is so hard to get the water that Chinburg had to put individual wells on Winterberry, how could they expect three wells to serve 43 homes.

Mr. Fuller: Twelve years ago, Stratham called us and asked to discuss Wiggin Way and we told them no we did not want them to hook up; twelve years later they said they had a problem

with arsenic in the water. I asked them what have you done in the 12 years; they did nothing in twelve years, they did not want to spend the money and I asked about putting wells deeper and they said they did not want to try that. The cost per home of \$500 can pay for a treatment system, but they do not want to spend the money fixing it. Another development that has 36 homes had the same issue and put in a treatment system; Wiggin Way can do that.

Selectman Bridle: I agree, they have done nothing in 12 years; they want to go the cheap way out and hook up with our system; we had concern last summer by not having enough capacity; there is a large area in Hampton that is unserved by Aquarian, but they will not do it. They still consider us in a drought; how can they take on 43 homes and not be worried by about what is going to happen at the beach and in the Town of North Hampton.

Selectman Bean: people live in essentially million dollar homes and yet have contributed nothing to infrastructure; have never had to go before the PUC; they live in an affluent neighborhood; not vested; hundreds of thousands of people do not flock to Stratham in the summer, they flock to Hampton. Easy to tap into the power base in Concord; easy to tap into our investment and infrastructure; easy to tap into our water if you are a millionaire and live in a million dollar home. We have to be concerned about running businesses, support our tax base, and support our employees; a much bigger piece of the pie than anyone on Wiggin Way has. This goes back to last year where it was discussed in August; this order from the PUC [DES] came without warning; we are the shareholders, we are the people with the well, we are the people that have paid for this, we are the people that have paid the WICA charges. The largely affluent folks in Stratham who have never done anything to improve their plight and addressed the challenge at a very minimal level they could have done this, decade old problem. We have to protect our water; bureaucrats and officials that do not live here who are going to be telling you what to do with your water; very ominous, threatening; we need to protect the most basic need besides air; very serious issue.

Selectman Griffin: I salute both gentlemen for coming here this evening; our Boards are on your side; thank you for coming this evening.

Chairman Waddell: thank you for coming; I agree with Mr. Bean and if somebody was in need of help and they had been helping themselves all along, we would be more than willing to go to bat and do whatever we had to do and help those people. For 12 years they have done nothing, there are solutions that they could find that they have not done. Aquarian last July was close to not meeting the demand of the three towns they service; we need to have control of our own water; need to take control and join in the fight with North Hampton and Rye and see what we can do to get this taken care of.

Mr. Landman: I put in a well and they can do the same; I do not understand why they sat on their hands and did not do anything.

Mr. Fuller: they have swimming pools and beautiful green yards; everybody in the Aquarion system are paying for their fire hydrants, and they are not paying.

Town Manager Welch: there are several instances where Wiggin Way has indicated to the DES that they have instructed their operator of their system Pennichuck Water Works to

prepare plans for putting into effect mechanical systems that will remove the arsenic from the system; each case where they have done that since 1999 they have failed to contract for it from their operator of the system. Within 30 days of this order Wiggin Way homeowners association and Aquarian will meet with representatives and the Town of Stratham to develop a list of remaining steps for permanent interconnection including obtaining approval from the Stratham Select Board, and filing a request from the PUC to expand the service area of Aquarian into Stratham to provide water to the residents of Wiggin Farm and Winterberry subdivisions. They are authorizing Aquarian to serve the Town of Stratham, which makes Stratham an equal partner with us. They will be opposing us as we are opposing them. It will be a struggle with the three towns that paid for the whole system is going to be fighting somebody who did not pay anything for it. Aquarian is proposing to purchase all their water system in the ground and make it our responsibility jointly for all four towns; not a good deal.

Attorney Gearreald: I think we should confer in a non-meeting with legal counsel following this meeting to what options we have and then get back to the Town of North Hampton what we propose to do, and enlisted their cooperation.

VI. Town Manager's Report (40:40)

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 15, forms are available in the Assessor's Office.
3. The Town has received a letter from Senator Shaheen co-signed by the NH Federal Delegation in support of our petition to dredge Hampton-Seabrook Harbor.
4. On Wednesday, March 29, I requested Federal assistance in the sum of \$4 million dollars for the reconstruction of the Hampton sewer force main.
5. I believe that the Town should approach the Town of Seabrook for an emergency sewer connection for Sun Valley in case the force main under Hampton Harbor should become unusable.
6. Effective April 15 the State will start posting the beach for Piping Plovers, do yard work before then, otherwise, will need permission from the State.
7. We open bids on Church Street force main and requesting permission from Board to refund to bidders their security deposits. Would like to notify the three low bidders that should we receive funding, will reserve right to discuss.
8. Requested budget to be prepared by departments and returned to my office by June 30.
9. Blasting ordinance chapter 158 adoptions of rules is strictly reserved by the Commissioner of Safety in NH; we are preempted from doing any regulations.
10. MS232 required to be filed and needs Board signatures.
11. Sell Commercial surplus TV equipment; sell on commercial market.

Selectman Bean MOTIONED to APPROVE the refund the Church Street force main bidder's security deposits and inform the three low bidders pending financing approval SECONDED by Selectman Griffin.

VOTE: 4-0-0

Selectman Griffin MOTIONED to APPROVE selling of 17 pieces of commercial TV equipment SECONDED by Selectman Bridle.

VOTE: 4-0-0

Chairman Waddell: a couple of months ago the Board of Selectmen voted to create a position for Channel 22, 4-0-1 vote I abstained; the position advertised as 20 hours with no benefits; there were four applicants and I was one of them. There was a committee made up of the Assistant Town Manager, Cable Chairman and IT person; I was the last man standing as others pulled out so I was the one hired. I want it made public that the Board of Selectman had nothing to do with the hiring of this position and had no input whatsoever. My experience in this area was when I was teaching school; computer teacher; video monitor and coordinator for school; did small video studio and small news program; I have experience and was hired. I have checked this out with the Town Counsel, Town Manager, there seems to be no conflict of interest; in the future, I will withhold voting on any Channel 22 matters. I just want to put it out to the public; nothing underhanded done; that it was all done in the open; was an advertised position and I was one of the people that came along for it.

Selectman Bean: for clarification, you were essentially the donkey that the tail got pinned on and there was no one else who wanted the job, correct.

Chairman Waddell: I was the last man standing; you could have said last man standing.

Selectman Griffin: typically, what is the type of person that has to come and ask about elderly exemptions?

Town Manager Welch: I do not have the town report with me, but have to be 65 years, resident of NH for 5 years, come and apply following within certain income limits, cannot own more than ¼ of a million worth of property; house and car exempt; provided meet all requirements.

Selectman Griffin: what happens if you already have this?

Town Manager Welch: you continue with it, the law provides that once every 5 years the Assessing Department sends out a notice asking you if you still live there and the requirements under which you applied for are received and exemptions still in effect.

Selectman Griffin: if they received a letter, they have to come in.

Town Manager Welch: they have to respond to the letter and it will give them specific instructions on what to do; pick phone up and call Assessing Department and they will tell you the requirements and what you need to do to be in compliance; it is a State function.

VII. Old Business (51:58)

VIII. New Business (52:08)

1. RSA 41:14-A Process for 7 Ninth Street, 751 Ocean Blvd and 30 Dover Ave for amending and releasing deed restrictions

Attorney Gearreald: the RSA 41:14-A allows that Selectman to acquire or sell interest in Town property by going through a certain process that involves having the Planning Board and Conservation Commission give comments on the proposed acquisition or sale; followed by two public hearings and then a third hearing where you give a decision. One of the exceptions was the leased land program, which involves town interest in the form of deed restrictions. At

last Town meeting there was an article passed to include that program in this particular RSA so that instead of people having to wait a year and come to town meeting if they wish to have some modification to a deed restriction they could go through this process to this Board. Three requests have been made, so far and have been forwarded to the Conservation Commission and Planning Board's; this is an informational point of view to tell you that this process is beginning. Three different types of restrictions involved and each property will be examined on its own to see whether the purpose of the deed restriction is something that needs to continue or be discontinued or modified.

Chairman Waddell: what do we need to do?

Attorney Gearreald: just bless the fact that we have sent this to the two other Boards to commence the process.

Chairman Waddell: do we need to vote or consensus?

Attorney Gearreald: consensus is fine.

All voted yes.

Attorney Gearreald: the process takes about 6 weeks.

Chairman Waddell: does it come back to us?

Attorney Gearreald: yes, once the Planning Board and Conservation Commission give their recommendations on the individual items then it comes back to you for the two public hearings separated by a certain time period and then a third meeting to vote.

IX. Closing Comments

On MOTION of Selectman Bridle, SECONDED by Selectman Bean, the Board of Selectmen voted unanimously by roll call (4-0) to go into a non-public session at 07:55PM under NH RSA 91-A:3, II (e) [Litigation].

At approximately 8:07 PM, the Board adjourned its non-public session on Motion by Selectman Bridle, seconded by Selectman Bean, which carried unanimously.

At approximately 8:08 p.m. back in Public Session, Selectman Bridle moved to seal the minutes of the Non-Public Session, seconded by Selectman Bean, on the basis that disclosure of these minutes could jeopardize the actions to be taken and affect reputations. This motion to seal the minutes passed unanimously.

The Selectmen then determined to designate Selectman Bridle as their Representative to the Cable and Recreation Committee, with Selectman Bean to be the alternate to the Cable Committee and Selectman Barnes to be the alternate on the Recreation Committee.

X. Adjournment

The public meeting then adjourned at 8:15 PM.

Chairman