

June 26, 2017

6:00 PM RSA 91-A:3,II, (a), (c), (d) & (e) Non-public session

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

On MOTION of Selectman Bridle, SECONDED by Selectman Barnes, the Board of Selectmen voted unanimously by roll call (5-0) to go into a non-public session at 6:00PM under RSA 91-A:3, II (a), (c), (d) & (e) [employee compensation, reputation, acquisition of real estate, and litigation].

1. Fire Chief compensation

On motion of Selectman Bridle, seconded by Chairman Waddell, the Board voted 2 (Bridle and Waddell) to 0 to 3 abstentions (Barnes, Griffin and Bean) to give the same merit raise increase of 1.65% to the Fire Chief that had been given to most other non-union members.

[Minutes Sealed for remainder of non-public session.]

On MOTION of Selectman Bridle, SECONDED by Chairman Waddell, the Board of Selectmen voted unanimously to reconvene the public session at 6:58PM.

On MOTION of Selectman Bridle, SECONDED by Chairman Waddell, under RSA 91-A:3, III, the Board of Selectmen voted unanimously by roll call (5-0) to seal the minutes as it would affect adversely the reputation of any person other than a member of this Board, or jeopardize the effectiveness of the action to be taken.

On MOTION of Selectman Griffin, Seconded by Selectman Barnes, the Board voted 3 (Griffin, Barnes, and Bean) to 2 (Waddell and Bridle) to except from the sealing the minutes concerning the Fire Chief compensation.

7:00 PM Public Meeting reconvened in the Selectmen's Conference Room

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

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## SALUTE TO THE FLAG

### I. Public Hearing pursuant to RSA 41:14-a Proceedings “Amend and Release of Town owned Deed Restriction on formerly Leased Land” Second Hearing

1. Paul M. Ahlin and Dana J. Mogauro 4A and 4B Atlantic Ave: Request to amend Deed Restriction #3 “No Fences may be created upon said premises, other than ornamental fences of no than a 3-foot height” to install a six-foot fence.

Chairman Waddell: there will be one more public hearing and then make a decision in the next meeting.

2. Ms. Kara Eder, 911 Ocean Blvd: Request to amend Deed Restriction #4 “The Grantee will not erect any building upon the premises within seven (7) feet of any boundary line”

Chairman Waddell: this is the second meeting.

Public Hearings pursuant to the two above proceedings closed at 7:05.

### II. Public Hearing pursuant to RSA 41:14-a Proceedings “Donation of Land to the Town” Second Hearing

1. Tuck Realty Corporation “Parcel A” Land to be Deeded to the Town of Hampton and Combined with Map 150 Lot 52”, containing 1.33 acres

Attorney Gearreald: at the Boards last meeting, concerning a statement by a resident indicating that would be in her view inconsistent with a claim that she says was backed up by a report that the town owns the entirety of the pond. An applicant that went before the Planning Board earlier in the year; applicant 5 lot 5 unit condominium development presented a surveyors stamped plan showing that they owned this area of the pond adjacent to their development; convey portion plus 2’ of the shoreline to the town in a quitclaim deed, which gives up whatever right they have. That is at no cost to the town and not in consistent with any claim that the town owns the pond; town does not lose anything by accepting deed.

Selectman Griffin: are you saying the town owns the pond. Attorney Gearreald: not saying that, but according to the resident who was here, was a one page narrative by another surveyor, not a stamped plan, which claimed going back in time to the first divisions of town, based on her research the town owns the pond. Not sure if it is true; manager spoke with other surveyor and asked for the information and deeds that backed this up, but was denied them.

Town Manager Welch: correct.

Attorney Gearreald: without examining what this other person says, cannot say whether or not we own it; if we are given whatever title this abutter has to what they said was their portion of the pond, we eliminate their claim; not inconsistent with the other claim if it ever comes about.

Public Hearing Closed at 7:08.

### III. Public Comment Period (13:30)

Charles Locke, 550 Winnacunnet Road: High Street flooded; around 600’ go behind mailboxes and utility poles and put soil and plant rose bushes would hold water back.

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Jay Diener, Woodland Road: have concerns about proposed Aquarion Well #22; we are on well, not sure if that would have an impact on our well; use well for household water and have heating and cooling system that relies on the well; if we are impacted would lose household water and heating and cooling system. Who would pay for that, as we would have to hook up to town water and install new heating and cooling system? Relayed concerns to Aquarion and DES; potentially major problem; do not know what recourse is, and who to go to.

Helena Sorenson, 7 Greene Street: up until 12 years ago had puddles in street, but now have floods that come up to our knees surrounding homes; water pumps up out of drainage; spoke with Mr. Welch about situation. Asked that ice be plowed away; changes with tides; Zorbas Construction's workmanship was inferior; promises made, but did not accomplish; mosquitos; disabled person down the street could not get out; called state and health department. Referenced ordinances; standing water more than 5 days, been much longer than 5 days; stench; health hazard; needs to be fixed.

Greg Hudak, 2 Gentian Road: water problem after construction company finished work, 10" of water at high tide; silt level in Hampton River is greatly increasing; call for engineering study, looking for action of problems be addressed.

Kathleen Santacrose, 12 Meadow Pond Road: have written to every selectman and courtesy of reply would be appreciated; have drain to nowhere; water is ridiculous; Greene Street residents cannot walk to beach anymore.

Marissa Fantasia, 20 Gentian Road: hard to have people over; water problem; hard to walk to beach; year round resident; trudged through ice/sleep mess to go to work; appreciate to have something done; step up; what will do to fix.

Selectman Griffin: trouble with mosquitos call Dragon Mosquito Control 964-8400; they will come spray in neighborhood.

Madelyn Lynch, 8 Greene Street: agree with what most of neighbors said; never been this bad; water up to knees; water table high, but never goes away; street rarely dry; sinking in mud in front yard; 20-22 houses affected. Wants to see action from town; state did studies in 2005 on marsh and made recommendations to alleviate flooding issues, nothing was done.

Chairman Waddell: will discuss with the DPW Director later tonight.

#### IV. Announcements and Community Calendar (32:51)

Selectman Barnes: there is another concern going on Manchester Street off Ashworth Avenue with flooding; go state, federal; foundations are being ripped away from houses.

Selectman Bridle: Dave Hartnett called about the Police and Firefighter Appreciation Cookout June 28, 2017 at 6:30 at the Mainsail; invitation to other beach businesses that want to come down

Chairman Waddell: good way to get down there and meet part time people

Selectman Griffin: I spoke with Dave also and he extended the invitation to everyone on the Board

Selectman Bean: Selectmen were at Gentian today; town roads; Mr. Welch and DPW are going to be on it; startling when you go down there and see the depth of the water and health

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hazard it represents; Board of Selectmen and town leadership pledge to move forward and mitigate changes

V. Consent Agenda (36:20)

1. Conservation Commission Alternate Appointment: Steve Scaturro
2. Dance Hall Permit: Cloud 9 Bar and Grille 225 Ocean Blvd; Hampton Beach Casino 169 Ocean Blvd; Casino Mini Golf 169 Ocean Blvd; Mac Restaurant Group 9A Ocean Blvd
3. Entertainment License: The Victorian Inn & Pavilion 430 High Street
4. License for Coin Operated Amusement Devices: Funarama Casino Bldg.; D.M. Sales 225 Ocean Blvd
5. Request for No Objection: JB's Seafood 187 Ocean Blvd for Liquor service outdoors
6. Parade & Public Gathering Licenses: Children's Festival Parade 08/18/17; Seafood Festival 09/08/17-09/11/17
7. One Day Entertainment License: Plaice Cove Beach Drewniak Wedding 09/16/17
8. Use of Town Property: Plaice Cove Beach Drewniak Wedding 09/16/17; Plaice Cove Parking Lot, requesting 6 parking spaces Drewniak Wedding 09/16/17
9. RSA 42:14-a Modification of Deed Restrictions Vote on RSA 41:14-a Proceedings "Amend and Release of Town owned Deed Restrictions on formerly Leased Land" Diane Crabtree & P. Douglas Grearson, 751 Ocean Blvd and Michael & Kelley Sexton 4 3<sup>rd</sup> Str. Release of Deed Restriction #4 "The only structures permitted to be erected or placed upon said lot shall be one-single family dwelling,..." to allow two free standing one-family dwellings

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

VOTE: 5-0-0

VI. Approval of Minutes (38:20)

1. June 5, 2017 Public session and Non-public session

Selectman Barnes MOTIONED to APPROVE the Minutes of June 5, 2017 SECONDED by Selectman Bridle.

VOTE: 5-0-0

2. June 12, 2017

Selectman Barnes MOTIONED to APPROVE the Minutes of June 12, 2017 SECONDED by Selectman Bridle.

VOTE: 5-0-0

VII. Appointments (38:48)

1. Ellen Lavin, Town Treasurer
  - a. Tan Closing Documents

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Ms. Lavin: went to Provident Bank and came back with interest rate of 2.65% and expires at end of year; have note, rider (line of credit) and authorization certificate that need to be signed and returned to bond counsel tomorrow.

Chairman Waddell: explain what TAN is? Ms. Lavin: it is a Tax Anticipation Note; if there are emergencies and need to expend money, I may have to borrow; gives authorization to borrow on the TAN; issued only to December 29<sup>th</sup>, at that point would have to be paid back

Chairman Waddell: as taxes, come in that is how you pay it back. Ms. Lavin: Yes.

Selectman Barnes MOTIONED to APPROVE the Tan Closing Documents SECONDED by Selectman Griffin.

VOTE: 5-0-0

2. Angela Pochini – Postponed – Moved to July 24, 2017
  - a. Request for Accessible Parking Space at 10 Bragg Avenue
3. Commissioner Kevin St. James, Rockingham County (41:40)
  - a. Rockingham County Budget

Commissioner St. James: 37 towns; 3 commissioners; the legislative body sets the tax rate; this year we had a .48% increase in budget for a total of \$81,086,953; bad news is because of projects revenues in nursing homes is down by \$5,000,000; overall tax impact to towns is a 3.10% increase; Hampton is 4<sup>th</sup> largest payer. Provides many services to town; elderly in Rockingham County, have to pay portion; house prisoners, which is \$100 per day to house and include medical, and meals; County Attorney's Office; Sherriff's Department; provide dispatch; Brentwood County Complex; over 650 employees in Rockingham County. This year's budget we negotiated seven union contracts; 2% increase for non-union employees; doing \$12,000,000 remodel of nursing home; estimate deeds revenue +\$800,000. Had a fire training school, but foam is contaminating, PFOA's, have to clean up; consolidated IT services; did pay/salary study to bring up to standards.

Selectman Griffin: how much do the Commissioner's make? Commissioner St. James: \$18,000/year; Rockingham does not have Administrator.

Selectman Griffin: was \$12,000 for many years; elected position.

Selectman Bean: county government does an extraordinary job; appreciate it; do a lot for senior citizens and law enforcement agencies; beautiful facility and reinvesting in nursing home.

Selectman Barnes: are you going to change your fiscal year end? Commissioner St. James: yes that passed the legislative; switching to June-July fiscal year; talked about going to bi-annual billing; hosting meeting Wednesday at 5:30 at County Complex for all managers and selectmen

Selectman Bridle: your revenue is down for the nursing home. Commissioner St. James: yes, we are down 44 beds, as wing is shut down now, but when we reopen will be down 24 beds; will have a nicer facility and be able to take private payers and not just indigent people; rehabilitation services

Selectman Bridle: any thought down the road to increase bed amount. Commissioner St. James: we have a lot of land if need arose; fighting Medicaid managed care, put the onus on

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county government to come up with a new model. We have a program with trustees for correctional; shoveling hydrants; can get crew 8-10 prisoners to do special projects; labor free; buy them sandwich; pick up trash.

4. Ed Tinker, Chief Assessor (57:32)

- a. 2016 Abatements: #2 Garneau, James G. 61 Gale Rd Map 33-4-14; #3 Field, Mackenzie & Daniel 466 Exeter Rd Map 36-8; #7 Karnacewicz, Mark & Szibdat, Kathlene 9 Downer Dr Map 96-2-D4; #11 Benz, Kristin 54 Anns Ln Map 127-7; #29 Benz, Carol & Peter 19 Penniman Ln Map 220-27; #46 GT Revocable Trust of 1996 5 Stowcroft Dr Map 69-17; #47 Ten Eighty Eight Ocean Blvd LLC 1088 Ocean Blvd Map 99-1-1; #51 Hunter Logan Realty Trust, LLC 124 Kings Hwy Map 183-43; #53 Kathleen Ligus & James Sweeney 9 Jeffrey Dr Map 205-5; #55 Paul Grearson & Diane Crabtree 751 Ocean Blvd #1 Map 223-34-1; #57 Judith M Kerton Trust 43 Dumas Ave Map 267-27; #62 Kenneth Linseman 1070 Ocean Blvd Map 98-16-1; #64 Vinther Holdings, LLC 4 Merrill Industrial Drive Map 124-9

Mr. Tinker: presenting final 13 abatements for 2016; 7 recommended for approval totaling \$12,547.23; other 6 recommended to be denied.

Chairman Waddell: what is the average abatement? Mr. Tinker: a couple of commercial abatements that are larger than residential; submitted entire list; shows totals

Selectman Barnes MOTIONED to APPROVE the 2016 Abatements for \$12, 547.23 SECONDED by Selectman Griffin.

VOTE: 5-0-0

5. Chris Jacobs, DPW Director & Jen Hale, DPW Deputy Director (1:00:10)

- a. Engineering Study Agreement with Unitil Electrical Design Services for Downtown Revitalization \$180,000

Assistant Director Hale: option of removing overhead utility wires to some other configuration; feasible study; costs associated; use information for next step. Went back to Unitil for explanation of a breakdown of \$180,000; is Unitil using all this money; feasibility study and construction documents/design; makes confusing since we do not know which way we are going; options; cost \$32,500. Trying to determine can we have option; what would that cost; look for funding; use money that was approved through warrant process, revised to \$32,500.

Selectman Bean: engineering study; problematic; document does not satisfy the standard then when we were at the last time; raises more questions than answers. Provide scope and cost estimated of all labor and materials to remove all electric facilities in affected area. Existing condition survey and drawings of civil engineer that is our responsibility as this states, is that correct? Director Jacobs: we have already had that done.

Selectman Bean: how much did that cost? Director Jacobs: \$28,000.

Selectman Bean: is that \$28,000 out of the \$300,000. Director Jacobs: yes, we solicited two proposals.

Assistant Director Hale: that is not just for this; sewer/drainage design.

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Selectman Bean: says going to be 2-3 conceptual designs, which is it; land rights to be procured; eminent domain/attorneys. Director Jacobs: months away from trying to procure; conceptual designs; easements/takings; this could very well be problematic.

Selectman Bean: defer to Mr. Welch and Town Attorney; land rights, taking and eminent domains are serious issues; town would be responsible for taking; what is an order magnitude concept cost.

Assistant Director Hale: get an understanding that when they do the concepts, what would they cost to implement to construct, to determine if feasible.

Selectman Bean: stage 2 will include construction plans to be provided to the customers contractor. Assistant Director Hale: this is the construction document if proven feasible and if funding is available; many stages way beyond now.

Selectman Bean: this is not anywhere near precise. Director Jacobs: she does feel confident moving forward with the \$32,500.

Assistant Director Hale: that is what gives us the cost to determine if it is feasible; options; would identify hurdles; land constraints; educated decision.

Selectman Barnes: already paid \$28,000 for a certain part of it. Assistant Director Hale: take full responsibility; what you have in front of you is \$180,000, which would take it from feasibility; conceptual design through construction drawings; let us do study to find out the costs; stage 1 is \$32,500; cover letter did not explain what I have explained to you tonight.

Selectman Barnes: would it be possible to get something from Unitil to show what is going to be done for the \$32,500. Assistant Director Hale: yes.

Selectman Bridle: the warrant article was for a feasibility study. Director Jacobs: yes, because the final construction and plan for doing the work Experience Hampton said they were going to be responsible for raising funds, so this really is just a feasibility.

Selectman Bridle: so this is just phase 1 of seeing what the feasibility is without having to buy the plans. Director Jacobs: yes; could come back and say the cost to do option 1 is this amount, option 2 this amount and option 3 an amount, which would you like to do; it is up to Experience Hampton to raise funds.

Selectman Griffin: would like Fred to respond to what Phil said; how did this work in Exeter when they determined they could not afford to put utilities underground; know more about the idea of putting utilities out on the train tracks.

Town Manager Welch: there are a number of options to do this; \$32,500 and there are a number of things that are not settled yet; no one has talked to people on Lafayette Road. Do not know if we have a route we can use; matter of one-person can stop process if they say no; utilities cannot enjoy the use of someone's private property except for easement. We need to get through that and \$32,500 will satisfy one of those requirements to find out whether it is feasible to put overhead or underground behind existing properties. We need to make sure if it is done, that the answer to the question comes back for no more than \$32,500; a lot of money to spend for something we are going to own and maintain forever; Unitil described this, they are not going to maintain the system. A number of issues need to be resolved; need answers; pole lines behind properties, or take easement; feasibility study will tell you the answers to the

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various questions, so you will have a general idea of what is going on, so you can proceed in anyone fashion or a number of fashions, if the town decides to do it.

Chairman Waddell: want to let John Nyhan speak, as Experience Hampton is involved; they wrote the warrant article; anyone object.

Selectman Bean: yes, I do.

Selectman Griffin: does he live in Hampton? Chairman Waddell: yes.

Selectman Bean: this is a warrant article and dealing with DPW, dealing with Board of Selectmen; dealing with Town Attorney; deeded rights; John Nyhan does not have an expertise in that; I do not have an expertise in that, but Mr. Welch does, DPW does. Last week we asked for greater detail and there are good reasons Jen does not have things here today. Now we are talking about \$32,500 without a description, without anything written; \$180,000 cover letter; engineering study raising more questions; Mr. Nyhan can add to the confusion; as a business owner that supported the warrant article, this is going from bad to worse and I would like this to start off in a much more professional manner.

Chairman Waddell MOTIONED to let John Nyhan speak SECONDED by Selectman Bridle.

VOTE: 4-1(Bean)-0

Selectman Griffin: I have no objection to John speaking; hope he can stay to listen to what we are discussing Gention Road.

Chairman Waddell: would you like to speak.

John Nyhan, Walnut Avenue: role tonight is President of Experience Hampton; I did not intend to speak tonight after having further discussions with the management team of the DPW; they kept Experience Hampton up to date with the plans. Break down the \$180,000; Jen came up with working and negotiating with Unitil the \$32,500 is the feasibility study; that was the intent from the beginning. The fact is it possible to do what we would like to do and the only way going to find out is through the feasibility study to determine if it is doable and possible. That is why we raised the money; warrant article to see what can be done; made financial commitment through the warrant article. I support Jen's idea of the new recommendation.

Selectman Bridle: Jen we are not looking for the \$180,000, we are looking for the \$32,500. Assistant Director Hale: yes \$32,500.

Selectman Bridle: you have that in writing. Assistant Director Hale: yes.

Selectman Bean: has the Board seen it; we have a \$28,000 expenditure that we have no allocation and cost associated with this process; starting to climb and could be upwards of \$50,000; we do not have any documentation on this \$32,000, it is a verbal and it is not the way to do business.

Town Manager Welch: I would like to see the contract, as I am the one who has to sign it.

Director Jacobs: I would like to table this matter for another week and have Jen expand upon the proposal and attach the documentation she has from Unitil. I agree with Selectman Bean that you need to have this fully in front of you, the way we do business.

Selectman Bridle MOTIONED to table SECONDED by Selectman Griffin.

VOTE: 5-0-0

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Chairman Waddell: Jen you will have this next week? Assistant Director Hale: yes, you will have the actual packet with the information.

b. Waiver from Purchasing Policy Section 718-15 B & C for Two-way Radios

Director Jacobs: what initiated the discussion was when Aquarion wanted us to move our gear off the water tower prior to them getting ready to paint; it caused Police, Fire and DPW discuss whose antenna, etc.; had discussion with Police Chief; we all have similar capabilities, cross frequency, if emergency we can communicate with all. We do not need the same 30 channel capabilities as Police; ours would be three channels. Sat with Police Lieutenant and they use Two Way Communications in Newington; we reached out to them as a primary provider. Two Way Communications came in and looked at our equipment; they would repair 11 vehicle radios; we were operating with Kenwood's in other vehicles. They gave a contract for replacement radios for \$25,282; upgrade from analog; communications are critical.

Selectman Griffin: why do we need waiver? Director Jacobs: I was asked from management to be clear; we reached out to Motorola Solutions, Chicago, IL; National Association of State Procurement Official national bid provided through states, this is what State Police, Fire, Police it is a national bid, to replace nine radios

Town Manager Welch: it is not a waiver if it is a state bid.

Assistant Director Hale: wants everyone to be clear; the State of NH through National is a multi-state contract; read qualification clause.

Town Manager Welch: does not make any difference as long as the State of NH approved it; provision for town to accept approval that is all you need and Board approval from the Board of Selectmen to spend the money under a state contract.

Chairman Waddell: so you will have the same as Police. Director Jacobs: similar quality, not as many bands; similar frequencies.

Chairman Waddell: you will be able to communicate with them seamlessly; fire. Director Jacobs: they still run some analog and they are trying to move into the digital platform.

Chairman Waddell: it is not a waiver. Town Manager Welch: it is not a waiver because there is a provision in the purchasing policy to use state and federal contracts with the Board's permission, provided they have the qualification clause, which Jen just read.

Selectman Griffin MOTIONED to APPROVE the Purchase of replacement radios Policy Section 718-15 B & C for Two-way Radios SECONDED by Selectman Barnes.

VOTE: 5-0-0

Chairman Waddell: you heard public comment; have many sections at the beach that are affected by flooding; something has to be done to help the people

Selectman Griffin: multi-faceted problem; HBAC has decided to monitor the problem I have; the drains on Ocean Boulevard belong to the state; marsh is a different problem; rained so hard, so fast, never saw the road fill up so far and fast, had 6" of water at door; when car went by I got water in my building. There are a number of streets that has not been dealt with; drains on Ocean Boulevard do not pick up the water, so the water goes right down there, it is not from the marsh; flood insurance. There are recommendations and people on the HBAC have made commitment to look into issues; get 25 signatures and ask for a study to be done; this Board

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could get behind warrant article for the issues; big problem with many different facets. The state is involved, as is the town; Kevin Schultz is the health officer; would like to hear from Chris or Jennifer for the study. Where do we go from here? Director Jacobs: I agree 100% on a study.

Selectman Griffin: my issue is not the marsh; drainage on Ocean Boulevard. Director Jacobs: a warrant article to commence with a study; it is multi-faceted; concerned if we were to take abrupt action concerned it would be detrimental to Meadow Pond; dredging is one of those things, but quick numbers is \$11,000,000 gone and without knowing what that would accomplish, not recommending to go out and do it. Was taken down to Kings Highway when I first got here and was told there was a problem; developed plan that cost \$1,683,460; 48 catch basins, 6,000' of pipe; focused on reusing sewer pump station to collect water off Kings Highway and the other neighborhoods. Since it is a sensitive environment, I recommend a drainage study.

Chairman Waddell: what time frames are we talking about for a study and what time frames for action to be taken. Director Jacobs: interview selected qualified firms; formulate warrant article; short term do sump pumping/jetting; have Tide Gate but by-passing and coming up through soil; started with Kings Highway; many things on the table and we picked what we thought was the important one.

Selectman Griffin: this is rising to the top. Director Jacobs: it is rising to the top.

Selectman Griffin: in Salisbury they put a wall up for 5 streets, maybe will help on Manchester Street, need to investigate; when it flooded this week DOT was there trying to clear drains, they know it is a problem and we have to work at it. Director Jacobs: the files go back to 1990, so have known it for 27 years, procurement policy, active things we can do now, and things methodically have to put into the process.

Chairman Waddell: to get to the main issue, take warrant article. Director Jacobs: looking at a significant appropriation of money, at least \$100,000 to study; options; sensitive project, do not want to go at it in an unorganized fashion; could have detrimental effects to wildlife, plant growth. We looked at High Street and phragmites need removal behind properties on north side.

Selectman Bridle: this spring has been wetter than in the past; water in the street is at the same level as the pond; cannot go through drains if pond is full. Director Jacobs: not ignoring it, very much aware of what is going on.

Town Manager Welch: as far as the drains down there, they are having the same problem that Rick has; the drains in this area are impacted the same way by all the growth in the pond, plus the rise of the sentiment, so the water cannot get out.

Director Jacobs: the excavation we did 2 years ago has grown back in. Town Manager Welch: I looked at it on Google Earth and it is worse than two years ago.

Selectman Griffin: people pay attention to agenda as helps if you come when we are going to be talking about it; in September we start working on Warrant Articles. Director Jacobs: under Jen's guidance, we have realized to give frequent informational email updates, if people give us their emails we will give them updates on progress.

Selectman Griffin: people at the other end of the beach will be coming in here.

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Selectman Barnes: they are going to be bringing in stuff we want to look at; they have not officially sent in a request yet.

Selectman Griffin: Mr. Nyhan would they be able to come and be on the agenda. Mr. Nyhan: yes, would be willing to work with the town.

Chairman Waddell: update on High Street pavement. Assistant Director Hale: after the 4<sup>th</sup> weekend, had to wait for low tide to work on it.

Director Jacobs: Toby figured out if placing an 18" balloon or bag in the outlet we could dewater the area so we can work to get it done.

Selectman Bean: water is an issue in town; my family has property that has been inundated through development that is now flooded, cannot get into the driveway; acres of property; empathize with taxpayers standing knee deep in water. Property has been the victim taken from folks by Planning Board/Zoning Board decisions, by infrastructure, the town is complicit in solving and finding revenue for that. I would like to see a much more formal line of communication that speaks for the group in the area of Gentian, so you are satisfied as taxpayers; underwater is health hazard and unacceptable; standard not going to exist under this Board's watch. The Director meet with someone from Gentian and be vigorous about immediate remediation, as early as tonight; alert them to the government process about warrant articles.

Selectman Griffin: I have been on all the Boards and did all the approvals with the idea all the drains work, but they do not; from Winnacunnet Road to Boars Head are 11 drains that do not work.

Selectman Barnes: it is from development; something needs to be done and all the Boards need to work together to figure it out.

Madelyn Lynch, 8 Greene Street: understand there has to be a study, but what can be done this summer.

Chairman Waddell: that is what Phil was just talking about, being some kind of response formulated tomorrow and get back to everyone that are affected by this, on what can and cannot be done.

Madelyn Lynch, 8 Greene Street: short-term solution would be much appreciated. Director Jacobs: we will bring down pumps and equipment we have and see what we can accomplish.

Selectman Griffin: long-term problem that needs to be dealt with. Madelyn Lynch, 8 Greene Street: I agree, but would like to see some relief.

Town Manager Welch: go ahead and violate the statute; emergencies are emergencies. Director Jacobs: quote him on that; emergencies are emergencies.

#### VIII. Town Manager's Report (1:53:49)

1. Water main replace continues on Lafayette Road during the nighttime. Please be observant of detours and workers with their equipment in the roadway.
2. State DOT continues working on Route 1 from Hampton to Seabrook.
3. Work continues on completing paving operations on various Town roads including backing up new pavement and final driveway-roadway joining operations.

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4. Drakeside Road is scheduled to be closed starting July 5<sup>th</sup> for the purpose of removing the railroad abutments and reconstruction of the highway. Closure will be for an extended period of time to complete the required work.
5. There are a number of vacancies on Boards and commissions; two vacancies on leased land commission, one vacancy on mosquito control commission and one vacancy on the Recreation and Advisory Committee.
6. Had a request from the Precinct to place small safe into beach Fire Station; insurance company suggested having an agreement, town have no access, not liable, advise them to get own insurance; have no problem placing it there.
7. Had reports and complaints of flooding from Glade Path, Manchester Street and tide gate on Greene Street was inspected today and water is over gate.
8. Crosswalk on Route 1A which Board requested, asked state to paint, sent request to Concord for review and if approved will be installed

Selectman Barnes: the two sidewalk lights by Galley Hatch and another on Route 1, how much do they cost.

Selectman Bridle: about \$6,000.

Selectman Barnes: residents and business owners might be interested and offer to pay for all or most of it and place one on crosswalk Ashworth Avenue by L Street. Town Manager Welch: have to order them; if Board approves, not a problem.

Selectman Barnes: they do not want to see anyone get hit there anymore. Town Manager Welch: dangerous location.

Selectman Bridle: DPW is down on Drakeside Road filling the holes, but everything is wet.

Selectman Bridle MOTIONED to allow the Precinct with the Town Managers caveat to place a locker/safe in the Beach Fire Station SECONDED by Selectman Barnes.

VOTE: 5-0-0

Selectman Griffin: could you mention about the box again, did something happen

Town Manager Welch: no, they would like a secure location at night where they can deposit the receipts from the parking lot.

Selectman Griffin: who locks up the office/precinct room? Town Manager Welch: controlled by Fire Department and stays locked except when the Precinct is using it; firefighters check it.

Selectman Bridle: outside door is locked.

Chairman Waddell: had complaints on Lafayette Road nighttime work, residents told to go to a certain person and then told to go to another person, etc.; if nothing can be done then tell them.

Town Manager Welch: there is not really anything that can be done, when Board granted permission to Aquarion to do the work at night they tailored their contracts and bids to allow that to happen, so they would have to change all of those and go back to an arrangement with the contractor; out of our control.

Chairman Waddell: so the fact is it is going to continue.

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Town Manager Welch: hopefully, it is done as soon as possible; it is an aggravating situation as it is from 10PM-6AM; want to be clear when we do the sewer, it will probably be of the same nature.

## IX. Old Business (2:02:31)

### 1. Purchasing Policy and Procedures

Chairman Waddell: this has been extremely confusing; we voted to not approve a new purchasing policy, but to reinforce what we had done; let us clear it up and make sure it is clear and precise; nothing over \$15,000 has been signed off.

Town Manager Welch: no, very fastidious about that; some of the confusion is proper bids that are received within the policy that are in excess of \$15,000 but less than \$50,000 do not come before the Board, they are just awarded provided they meet all the requirements of the policy. It is when something does not meet the requirements of the policy; it has to come to the Board, or if there is a question about the bid, it has to come to the Board. That is where the \$50,000 bid figure comes from, that is the maximum ceiling that I can sign the contract for if it complies with everything in the ordinance that is the way it has always been.

Chairman Waddell: that is the way it has always been, it has not been changed.

Town Manager Welch: it has never been changed; I did propose some changes to this particular revision. The process for purchases that equal or exceed \$15,000, I tried to put something into effect that people would understand the operational end of things, so we would stop having problems in those areas. There are clarifications in here about what you have to do; purchases that fall in this category are required to be either bid or a proposal under the purchasing policy of the town. Bids and proposals are different things, because they deal sometimes with federal contracts and state requirements. The following is clarification of the process to be used in accomplishing that task, the clarification is mandatory unless waived by vote of the Board of Selectmen. Items excluding from this clarification, items that are purchased by a state or federal bids and single source purchases, expenditures for legal matters and matters dealing with requests for qualifications are excluded from this policy clarification. As are any items waived by vote of the Board of Selectmen or items that are specifically voted under a town meeting warrant article that directs that a specific vendor be used for a specific purchase. Those using state and federal bids for purchases in lieu of bidding must attach a copy of the portion of the entire state and federal document that specifically authorizes a town to participate in the state or federal bid. These documents must accompany your purchase requisition for the Board's approval of the purchase. In the case of a sole source supplier, you must document the sole source in writing so as to demonstrate your inability to obtain the items from any other supplier. The process to be followed by departments, boards, committees, commissions wishing to purchase goods, materials, equipment, or other items, the estimated cost of \$15,000 or more, in which requires a bidding proposal shall contact the administrative assistant for required formats, prior to preparing written documents that conform with the purchasing policy. Once job bids for proposal have been completed, they are to be forwarded both electronically in a non-PDF format and in hard copy to the administrative assistant in the Town Managers office. Accompanying the draft documents will be a list of 10 prospective bidders, if possible, prepared by the bidding entity together with the address mailing envelopes and other prospective bidders. Drafts and proposals received will be reviewed for compliance

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with the purchasing policy and then referred to town counsel for legal review. Upon completion of final review, the administrative assistant will mail the bids and proposals to the designated respective bidders and forward a PDF copy to the bidding entity. The document will not be changed at this stage without permission in writing from the administrative assistant and town counsel; once mailed the bidding proposals will be added to the town website for public viewing and other perspective bidders. That is what we added to the policy and nothing else.

Chairman Waddell: we did not change anything else. Town Manager Welch: we did not change anything else; I would make a suggestion to the Board that we provide within the policy the definition of what a waiver is; with your permission we will draft that and bring it to the next meeting; we ask that you adopt this. In the next meeting, we will put in the requirement to define what a waiver is and how it operates.

Selectman Bridle MOTIONED to APPROVE the Purchasing Policy and Procedures SECONDED by Selectman Barnes.

VOTE: 5-0-0

## 2. New Hampshire Cost Sharing Ambulance Coverage (2:08:37)

Selectman Bean: I asked this to put on the agenda and then defer to Town Counsel. It is tax time in NH and we handle a series of challenges in this town, we had Stratham come in and they are the third richest community in NH and we support water, infrastructure, but they are granted access to what us hard working individuals have supported. Rooms and meals tax came out; Bedford which has household income of \$125,000 which is dwarfed by our \$200,000,000 that goes up there and the state and they will receive \$2.2 million, which far exceeds what we are going to get. Goffstown the same way they will receive \$1.8 million; in Hampton for everything we do will get \$1.5 million back; it goes on and on; appropriate allocation for reimbursement of services. Mr. Welch sent a follow-on for Commissioner Rose regarding fire assets; 1933 purchase document, which is deed or purchase/sales agreement; talks about specific responsibilities we have. Commissioner Rose called me back and I forwarded an email to Mr. Welch and Mr. Waddell and the Town Esquire to put this on the agenda. I asked the Commissioner if he had a response to the letter and he said no; I asked if he had an opinion on the letter and concept behind the letter and he said he had no opinion on that. I asked if he had a timeline to make the decisions on the concept of the letter and he said he did not. We are being ignored by people that make a lot of money in Concord and never come down here; operational standards; Mark will give us an opinion on the legality. We need an interpretation on our fire assets to include retirement costs, health insurance costs, depreciation of our capital infrastructure and depreciation of our fire assets; to include brand new fire stations we built; GATSBY was so important. Our depreciation expense is about 10% of our operation budget each year; state portion is free.

Attorney Gearreald: the Board's meeting on June 5, 2017 voted 5-0 to send correspondence through the manager to the Commissioner of DRED regarding cost sharing for the ambulance service; not addressed in the 1933 session law as an obligation that the town is to assume with regards to the operations of the state park. Some things that are is maintaining law and order, but ambulance service is not addressed; it is critical to a healthy functioning of the state park, which they derive a great revenue from. For the safety of the users of the state park that the ambulance service be equipped with both ambulance and personnel to run it and located at the

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beach fire station; not funding in house on our part to do that. The Fire Department developed two additional personnel, the cost including all benefits to staff an ambulance at the beach Fire Station for quicker response time. The cost was passed along with the Manager's letter of June 6, 2017 and June 21, 2017, to which no response has been received. My recommendation is a deadline be given to the DRED Commissioner for a response to these letters, so it will not be hanging out there; I recommend August 1, 2017 be the deadline to be given. With regard to the other aspect of this, I would recommend to the Board having examined this, there is an aspect that has not been addressed before and will require staff checking on this. In the past, we have received ambulance calls from state employees; lifeguards mainly on the beach, to which we have responded and is believed a significant number of those ambulance calls although billed to the patients have not been paid, leaving them unpaid. These are people using the state park; we believe the caller, namely the state, should pay a fair share of the bill; examine to develop the costs, which may in fact exceed the unpaid bills already incurred for service mentioned in the Manager Welch's letter. I would like the Board's permission to dedicate some staff time to develop that.

Selectman Griffin MOTIONED to APPROVE staff time to research unpaid ambulance billing costs called in through state employees SECONDED by Selectman Barnes.

VOTE: 5-0-0

Selectman Griffin: if this is not addressed in the 1933 agreement, why can't we do a side agreement for the things that are not in there; need to investigate? Attorney Gearreald: that is the intent of the Manager's letter seeking for them to pay.

Town Manager Welch: he is saying other points in addition to that.

Selectman Griffin: yes, other points; maybe this is the time we need to go to court about this; this is something I think is valuable; we have kicked the can down the road since 1933 and it is time. Town Manager Welch: we have run out of road, it has gone too far.

Selectman Griffin: something needs to be done; we just need to do it; we do not get any response; I believe it could be different, but I have not seen it change.

Selectman Barnes: I think it has gotten worse.

Selectman Griffin: we have people who are in charge that live 3-4 hours away, they should live around here; department heads living in town; another person just retired, given up his job during the middle of the summer when needed the most. Someone that works down there says the bathrooms are filthy; told a senior citizen cleans all the bathrooms and he cannot keep up with it; hired kids that they hired and all they do is stay on the phone and not interested in cleaning bathrooms; issues here; they need to keep up.

Selectman Bean: assertion by Mr. Cushing was the seawall alluded to in the 1933 agreement comes under the Highway Department, responsibility of the state. House Bill 302 to study the leasing of the park, it was stepped on and gained no headway; excessive government. The question was how can Hampton lease the state park and my response was we police the beach, take trash, take sewage, respond to fires, our infrastructure contributions have exceeded the state's and they take all the money; a lot of room for improvement. We have a town attorney for this type of issue.

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Selectman Griffin: had numerous complaints from people about the wall; has handicap child and wants to park in the handicap spaces that are there and he said the spaces have been filled with sand or debris; has any of the spaces been unavailable; are there more than two? Director Jacobs: not to my knowledge; not more than two.

Selectman Griffin: I told them to call you; talked to Jamie Sullivan today and numerous people complaining on the numbered streets where the mail is not being delivered because of the cars parking on the street and post office will not deliver. Another case that Police were called due to confrontation of neighbors; many issues; unhappy people, not sure what we can do.

Town Manager Welch: if we receive complaints, we will look at each one.

Selectman Griffin: I tell the people they have to complain, they all want me to complain.

Town Manager Welch: call us.

Selectman Griffin: the woman that does not get her mail is a mild, meek person and does not like to complain, but has gone on a long time; I advised her to bring the information she gets from the post office. Town Manager Welch: bring it down and we will check with the post office; if the mail boxes are on one side and parking has been designated to that side we can move the parking to the other side.

Selectman Griffin: there are other issues; investigate to have parking meters. Town Manager Welch: it would be an additional source of revenue that would decrease taxes; sizeable undertaking; require research; consider impacts everywhere.

Selectman Griffin: just throwing out for the future.

Selectman Bridle: if somebody has a handicap placard, they can park at any state spot.

Town Manager Welch: they do not have to pay.

Attorney Gearreald: the administrative assistant noted in the minutes of June 5, 2017 on page 8 of 11 was a motion by Selectman Bridle, seconded by Selectman Barnes to approve the release of the CIP to the CIP Committee; vote not taken; clear up and vote on motion

Chairman Waddell: vote taken – 5-0-0 unanimous.

Selectman Bean: Mr. Nyhan represented an interest on rehashing parking on the intermodal parkway; rampant community dissatisfaction; inquiry was for beach parking; parking lots associated with crime, drugs, prostitution, increase policing, flooding, degradation of environment. We voted on this issue once, diesel fumes, daycare for children, athletic fields, pollution, carcinogens; heavily opposed; town planner has heard talk about it; not revisit issues of this magnitude; would request from Board members to be immediately informed if they hear about this from anyone.

## X. New Business (2:31:07)

### 1. Approval of the Dog Warrant

Town Manager Welch: in accordance with RSA 466 section 14, the dog warrant has been prepared; there were 393 dogs unlicensed in 2017 and 38 in prior years; a dog warrant by statute has to be issued.

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Selectman Barnes MOTIONED to APPROVE the Dog Warrant SECONDED by Selectman Bean.

VOTE: 5-0-0

2. Speed Limit 30 mph Cusack Road (2:31:48)

Director Jacobs: we had an email request from a citizen to place additional signage on Cusack Road; designate as 30 mph; always been a quick route to the beach; use as a speeding zone; many pedestrians walk to beach

Selectman Bridle MOTIONED to APPROVE the Speed Limit of 30 mph for Cusack Road SECONDED by Selectman Barnes.

VOTE: 5-0-0

3. School Zone / 20 mph speed limit (2:33:30)

- a. High Street, both sides, Easterly from Mill Road to Hobbs Road; Westerly from Hobbs Road to Mill Road
- b. Mill Road, North bound side from High Street for a distance of 175 feet, South bound side from Emery for a distance of 50 feet

Assistant Director Hale: another bookkeeping thing

Selectman Bean MOTIONED to APPROVE the School Zone / 20 mph speed limit for High Street and Mill Road SECONDED by Selectman Barnes.

VOTE: 5-0-0

4. 482 High Street, Beachwalk Condominiums Construction Cost Estimate, Acceptance

Town Manager Welch: has been approved by Planning Board and Public Works for \$24,637

Selectman Bean MOTIONED to APPROVE the acceptance of the 482 High Street, Beachwalk Condominiums Construction Cost Estimate for \$24,637 SECONDED by Selectman Barnes.

VOTE: 5-0-0

Attorney Gearreald: go into non-public session RSA 91-A:3,II,e Litigation

XI. Closing Comments (2:34:50)

At 9:12PM, on MOTION of Selectman Barnes, SECONDED by Selectman Bridle, the Board voted unanimously by roll call (5-0) to go into a non-public session under RSA 91-A:3, II (e) [litigation].

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

[Minutes Sealed]

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On MOTION of Selectman Barnes, SECONDED by Selectman Bridle, the Board of Selectmen voted unanimously to reconvene the public session at 9:35 PM.

At 9:36 PM, on MOTION of Selectman Bridle, SECONDED by Selectman Barnes, under RSA 91-A:3, II (e), the Board of Selectmen voted unanimously by roll call (5-0) to seal the minutes as they could affect adversely the reputation of any person other than a member of this Board, or jeopardize the effectiveness of the actions to be taken.

At 9:36 PM, the meeting adjourned on MOTION by Selectman Barnes, SECONDED by Chairman Waddell.

VOTE: 5-0-0

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Chairman