

July 24, 2017

6:00 PM RSA 91-A:3, II, (a) & (c) 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 6:05 PM under RSA 91-A:3, II (a), (c), & (e) [personnel, reputation, and litigation].

As the Minutes were not sealed, the following are the Minutes of the non-public session:

1. Grievance hearing – Local 2664 for Karissa Kerouac

Also, present Jed Carpentier, Karissa Kerouac, Attorney Jeff Brown, Assistant Town Manager Sullivan, and Intern Trevor McCourt

The grievance was presented by Local 2664 President Jed Carpentier for Karissa Kerouac. Mr. Carpentier presented a timeline, discussed contractual provisions, and cited a past instance. There is no debate about what pay scale Ms. Kerouac should be on and the only point of contention has to do with whether or not her allotted number of weeks of vacation should be gauged by her years of service for the Town in a prior, police position.

Assistant Town Manager Jamie Sullivan indicated there is no disagreement on the timelines but that the contract language is clear to him that unless the Board interprets it otherwise, there is no credit for time in service for vacation earning purposes in positions outside of the collective bargaining unit. He noted that had Ms. Kerouac been covered by the Town's personnel policies, credit for time in-service would have been credited for vacation purposes. There is no break in service for retirement.

Mr. Carpentier indicated that he felt the contract language gave the Selectmen the ability to allow for her years of service to be reflected in her vacation time, which showed as four weeks on the General Order 17-04 dated January 1, 2017.

The parties to the grievance departed and the Selectmen deliberated. On MOTION by Chairman Waddell, SECONDED by Selectmen Bean, the Selectmen voted unanimously to grant the grievance appeal conditioned upon there being a lateral move from one department within the Town to another, that is, for positions that are similar in scope.

The Board also indicated that the language in the contracts needed to be tightened up to reflect this result. The parties to the deliberation were called back in to hear the result.

2. Phone conference with Attorney George Moore re: Sansoucy Case

The Board conferred by phone with Attorney George Moore regarding the Sansoucy case and Attorney Moore asked for and received by unanimous vote of the Selectmen, on MOTION of Selectmen Bridle, SECONDED by Selectmen Barnes, authority to pursue, if necessary, any other potentially responsible parties for the Town's damages in this matter if deemed advisable in the discretion of Attorneys Moore and Dunn.

3. Discussions on evaluations for Town Manager and Assistant Town Manager

The Board did not make any decisions in this regard having reached a consensus that at their next meeting, the Board will have a discussion with Town Manager Welch and Assistant Town Manager Sullivan regarding their points of view as to future compensation and contract terms as well as their justifications for same.

On MOTION of Selectman Bean, SECONDED by Selectmen Barnes, the Board of Selectmen voted unanimously by roll call (5-0) to reconvene the public session at 6:45 PM.

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

SALUTE TO THE FLAG

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

I. Oath of Office

1. Full Time Officer Justin LeDuc

Chief Sawyer: proud to swear in Justin; his Dad was a former Firefighter and part time police officer.

Deputy Town Clerk Shirley Doheny swore in Justin LeDuc as a full time Police Officer.

Officer LeDuc thanked the Chief for this opportunity, his family and the Town for their support.

II. Public Comment Period (10:40)

Norman Silberdick, 70 Tide Mill Road: representing the Rational Taxpayers of Hampton; article that appeared regarding the Experience Hampton development and review of the downtown area; get \$1.5 million in the road improvement fund for use in the downtown area; warrant article passed in 1998 for purpose of improving our roads; continue to put money into it. List of roads that have been high priority; those should take precedence over what would amount to be a business development project. Ashamed warrant article was passed; pro-business; need to have thought process; strategic plan with cooperation of merchants

downtown; Board should put pressure on group before they spend money to identify strategy. Wrote an article concerning Cable TV Committee reduction of \$250,000 worth of revenue to the town to offset taxes; deliberative session went from 40% to 100%; far more money than needed; will be surplus; reduce fee from 4% to 2%; Board not to ignore and take up for review. The gas station sitting at corner of Lafayette and Winnacunnet; person wants \$600,000-\$800,000 and assessed for \$332,000, which is more than the active repair place across the street; if he is so adamant to get \$600,000, he should be taxed for \$600,000.

Colin Harrington, 6 Haverhill Avenue: had to call police for noise and profanity; complained to police officer, noise 65db; complained of profanity and officer replied freedom of speech; monitoring good idea; meter placed their for immediate reading

Patricia Murphy, 4 Haverhill Avenue: scientific evidence presented to Board two weeks ago, stated that Bernie's could not comply with 50db sound ordinance after 11PM; police report submitted to Board on July 10, 2017 indicates there were three separate occasions was 74-79db on Haverhill, clearly over the limit. Issue license on temporary basis and should be restriction as to dates and times where live music played; terminate at 10PM on work nights, Sunday-Thursday; Friday and Saturday until 11PM; hoping permit temporary.

Charlie Preston: fourth generation living at 63 Ocean Boulevard; asked Dad about Bernie's and he did not see a problem; he is 200' away and does not see problem; language problem. The nature of the Beach is a tourist destination; tolerance; Beach provides living to a lot of people; have to put up with some stuff; good luck to enforcing noise ordinance; everything is mixed in down there; lucky we have Beach to ourselves 9-10 months of year; share in summer. Do not want to see people suing; try to work together; trying to do many things; avoid litigation at all costs; if people sue, they are suing us all the taxpayers of the town.

Bruno Battistoli, 6 Bradford Avenue: June 25 attended concert at Bernie's, by about 10PM they were singing in my living room; complained and they dispatched officer with a meter; as Ms. Murphy wrote you have authority to amend license and restrict hours based on circumstances; family has owned more than 20 years; bought and rent because of family destination. Seriously request to limit hours per Ms. Murphy's recommendation and request; to allow midnight every night is concerning as far as my property and future of town; concerned about precedent set with a midnight entertainment license.

Jane Bradley, 26 Cliff Avenue: concur with the people who have spoken; believe there should be a cut off time, if not going to adhere about rules that have been set something should be done about the fact that it is an open-air facility. He should be forced to put roof on his place; should never have been granted in the first place.

Frank Depippo, Boars Head: worked at Beach many years and never had problem with noise, but this is new that has been accidently created by this license; if noise ordinance is not enforceable than permit should be revoked until law is corrected. If permit is issued should only be temporary; month by month review; music stopping at 10PM and all limits under ordinance enforced; profanity is degrading area and turning into Coney Island/Salisbury Beach. Causing problem for people who own property; losing property value, are you saying to them come in and get abatement, because we granted Bernie's this license get \$3,000 knocked off your taxes.

Jillian speaking on behalf of Lawrence & Valerie Santilli, 10 Haverhill Avenue: they appreciate Mr. Fleury's attempts to lower noise; found Friday night to be vulgar; monitor content of music and entertainment.

III. Announcements and Community Calendar (30:30)

Selectman Barnes: Director of Parks and Recreation Ms. Martin wanted me to say there will be a ribbon cutting official opening at the Five Corners Playground, Monday July 31 at 5PM.

Selectman Bridle: same thing I had.

Chairman Waddell: she told everybody, I had the same thing.

IV. Consent Agenda (31:00)

1. Coin Operated Amusement Devices License: Seacoast United Soccer Club
2. Dance Hall Permits: Ashworth by the Sea, Victorian Inn & Pavilion, Wally's Pub
3. Modification of Deed Restriction: 4A & 4B Atlantic Ave, 911 Ocean Blvd
4. Parade and Public Gathering Licenses: Global War of Terrorism Monument Rededication 09/11, Seacoast Century Weekend 09/23-09/24
5. Use of Town Property: "Electronic Signs" for the Seacoast Century Weekend 09/23-09/24
6. Release of Welfare Liens: Map 143 Lot 12, Map 194 Lot 8, Map 222 Lot 22, Map 230 Lot 10
7. Seafood Festival Sidewalk Vendor Licenses: Shirts R Us 105 Ocean Blvd; Bargain World 235 Ocean Blvd

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

VOTE: 5-0-0

V. Approval of Minutes (32:20)

1. Correction to Minutes of June 26, 2017

Selectman Barnes requested the following corrections to reflect her vote in favor. "Board voted ~~23~~ (Barnes, Bridle and Waddell) to 0 to ~~32~~ abstentions (~~Barnes~~, Griffin and Bean)" SECONDED by Selectman...

Selectman Barnes MOTIONED to APPROVE the Minutes of June 26, 2017 Non-public Session as corrected SECONDED by Selectman Bridle.

VOTE: 5-0-0

2. July 10, 2017 not voted on.
3. Unseal Minutes of April 23, 2013

Selectman Griffin MOTIONED to APPROVE the unsealing of the Minutes of April 23, 2013 non-public session SECONDED by Selectman Barnes.

VOTE: 5-0-0

VI. Appointments (32:56)

1. Trustees of the Trust Fund – Norman Silberdick
 - a. Quarterly Update – 2nd

Mr. Silberdick: hit a record high of \$20,972,000 for the real estate fund, increased by \$367,000; projecting the revenue for the town of \$700,000, could be higher; no major adjustments to portfolio; the common Capital Reserves \$2,000,000, \$19,000 gain for quarter. This is my last term and I will not be running for election in March.

Selectman Barnes: sorry that you are leaving; have done a great job

Selectman Griffin: have done a great job; thank you

Selectman Bean: thank you for your 9 years of service

Chairman Waddell: thank you for your service; can you very quickly say what the real estate fund is and how it is managed?

Mr. Silberdick: we have \$20,970,000 invested in a portfolio of approximately in equity funds \$9.7 million; fixed income funds \$3.6 million; another fixed income funds category of \$7.5 million; 40% in equity and 60% in fixed income; will hold bonds until maturity; solid portfolio; generating 3.6% rate of return.

Chairman Waddell: how many other towns in NH has this type of a trust fund

Mr. Silberdick: a few, but not many

- ~~2. Angela Pochini—Did Not Show (38:00)~~
 - ~~a. Request for Accessible Parking Space at 10 Bragg Avenue~~
3. Kristi Pulliam, Finance Director (38:30)
 - a. Monthly Financials

Director Pulliam: target is 50%; revenue running slightly below target @ 49.06%; months target is \$736,212; motor vehicles @ \$332,257 over target; payment in lieu of taxes @ \$120,000; interest on taxes @ \$8,059; building permits @ \$19,780; departmental income @ \$105,421; parking lots @ \$71,187; real estate trust @ \$50,880. Expenses under budget @ \$987,905 or 4%; over 50% target; finance 50.44%; audit @ 72.71%; legal @ 122.3% over as a whole @ 68.7%; general government buildings @ 50.2%; police department @ 44.5%; fire department @ 44.7%; emergency management @ 221%; hydrants @ 49.06%; public works department @ 48.6%; patriotic purposes @ 61.53%; town beautification @ 73.35%. Fund 24 balance @ \$185,698; Fund 25 balance @ \$310,838; Fund 26 balance @ \$136,838; Fund 27 balance @ \$494,947; Wastewater System development charges, fees collected \$46,451 with balance of \$131,409.

Selectman Barnes: great job; you adjust quarter your budget amount, noticed two were lower for June; real estate trust income was explained by Norm; parking lot revenues in May were \$525,000 and now dropping , is that normally what happens.

Director Pulliam: this is the first year I adjusted after the auditors recommended; you have to estimate revenues for DRA in September; they recommended adding a column and adjusting the revenues as we go along.

Selectman Barnes: looks like you are pretty much right on.

Director Pulliam: the weather we have had this year there is a drop in the revenue in the parking lots; June 2017 is around \$50,000 less than June 2016.

Selectman Bridle: everything looks good; Fund 25 balance of \$310,838 for the cable committee and they are trying to get pricing for new equipment and have asked the school department to do the same thing.

Selectman Bean: thank you for your report; want to get more strategic with you; could you explain the bond.

Director Pulliam: I was asked to calculate the costs at the current interest rates what the cost related in regards to interest of a \$1,000,000 bond; NH Municipal Bonding had bond sale in July and it broke down the different interest rates; 5-year bond @ 1.76%, 10-year @ 2.34%, 15-year @ 2.34%, 20-year @ 2.67%, 25 year @ 3.15% and 29 @ 3.3%. A \$1,000,000 interest rate costs on a 10-year term @ 2.34% is \$128,700; 15-year term @ 2.34% is \$187,200 and 20-year @ 2.67% is \$280,350, this would be additional above and beyond the \$1,000,000.

Selectman Bean: talking about State Park; meter transfer at the Beach; if we look at \$1,000,000 on a 20-year note @ 2.34% is \$90,000; some people have said this is hog wash and we need to cooperate more with the state, I say the state needs to cooperate more with us, it is our Beach; 16 times the \$1,000,000 would be what we transfer to the state just on the meters in this state would be \$16,000,000; the meters alone would pay for it. You can see our infrastructure needs and the amount the state is taking and anyone that opposes that needs to have a sit down and would be happy to sit down with anybody on that. There are vacancies on a commission that oversees all of the state parks and NH needs some Hampton representation on that. If you go to the NH State Park website, you have Mount Sunapee, which is leased by a private corporation on the website in the middle of summer; Hampton is not on the website for the NH State Park system; insults go on and on. Need to look at what it is costing this town, the Junior High School \$24,000,000 could have substantially been paid for by meters. These types of numbers dwarf what the \$20,000,000 that sits in our real estate trust fund brings in which is about \$700,000; the battle goes on, knowledge is power. The data that you bring outside of the monthly financials is very important; thank you Director.

Selectman Griffin: thank you, I enjoyed your report, great as always.

Chairman Waddell: revenue for motor vehicles still coming in high. Director Pulliam: yes, there was a line there today, busy.

Chairman Waddell: building permits still up. Director Pulliam: yes, was down a little last month, but it is back up.

Chairman Waddell: departments that are over, you keep them apprised. Director Pulliam: yes, they receive their portion of this report

Chairman Waddell: you use initials DRA is what? Director Pulliam: Department of Revenue Administration.

4. Dyana Martin (55:00)
 - a. Donations and work approval

Director Martin: here for donations acceptances and approval for work I would like to do; toddler park at Tuck Field needs surfacing repair and the cost is higher than anticipated, so looking for donations; wood on outside rotted and need more surfacing. Loco Sports said

would donate \$2,500; hoping for vote to accept donation. We are running out of storage space, would like approval to knock out window in the Eaton Park concession stand; window rotting and hoping to replace window with overhead door; have quote from Overhead Door Company of \$1,325 and have anonymous donor to give that amount of money.

Chairman Waddell: the approval for donation is \$1,000. Director Martin: yes, asking for approval of donation for \$2,500 from Loco Sports for the playground and approval for \$1,325 to build a door where a window is in the Eaton Park Concession stand.

Chairman Waddell: the donation from Loco Sports will cover the work. Director Martin: yes, I am going to add money I already put into the budget for the toddler park and kids kingdom.

Selectman Griffin: what is Loco Sports? Director Martin: they are the company that runs road and bike races; Smuttynose road race; Rockfest at Beach; they are all road races that they run in town.

Selectman Griffin: what is the Rockfest? Director Martin: it is a half marathon and 5K at the Beach.

Selectman Griffin: they are the ones that always cooperate with us. Director Martin: yes, they are excellent.

Selectman Barnes MOTIONED to APPROVE the Acceptance of the donations and the work requested SECONDED by Selectman Bridle.

VOTE: 5-0-0

Chairman Waddell: there was an email sent concerning all the signs at Plaice Cove. Director Martin: I have not seen the email.

Chairman Waddell: plethora of signs.

Town Manager Welch: in the past 10 years, the Board has directed us to place the signs.

Director Martin: the only sign our department puts out is the No Lifeguard on Duty.

Chairman Waddell: the access stairs; can we do anything about the last step. Director Martin: I do not know anything off the top of my head, but will look at it.

Chairman Waddell: people who have mobility problem will have hard time to get down to the Beach and no other access there. Director Martin: thank you for announcing the ribbon cutting celebration for the Five Corners Playground on Monday night; have short ceremony, light refreshments and hopefully everyone will come out.

Chairman Waddell: playground is beautiful.

5. Chris Jacobs, DPW Director & Duncan Mellor, Tighe & Bond (1:01:11)
 - a. Bicentennial Park Seawall Progress Report

Director Jacobs: preliminary design on progress for the Bicentennial Park Seawall; we are also presenting this to the Conservation Commission, and thought we would go to the Planning Board as a way of reaching out to the community to get any input.

Mr. Mellor: aerial view shown of area; seawall 300' long; thought seawall could fall over last winter; photo shows footing of seawall exposed; placed rock revetment in front for stabilization. Overall picture to bring height up to match State's adjacent wall; raising 2-2 ½'

higher; concern was blocking peoples view of ocean; put walkway behind seawall to maintain view and seating. Would like to get input from the public on the visual portion of wall actually look like; what type of railing would you like to see; seating wall granite cap or hardwood. Curve corner on eastern end to allow seaweed to pass; incorporate ramp for access to parking lot; meet elevation DRA is at right now.

Selectman Bridle: good plan; need to do something for wall; cost for having seats.

Selectman Bean: great initiative, great creativity, beautiful park that has been sadly neglected and quite dangerous. I like the concept of the additional revetment stone; more aesthetic. State access their repair of the state seawall using this part of the Beach, so liaison with them to share in some of the cost; highly erosion prone; I would like to see a substantial contribution from them to contribute to that specific part.

Selectman Griffin: long overdue and needs to be done; like idea of curve at the end.

Chairman Waddell: like the idea asking for input from people on what it should look like; State seawall not very appealing; beautiful area and like idea that will have some visual appeal.

Selectman Bridle: damaged drainage in the area the State has, are they stepping up to fix? Director Jacobs: reached out to the local inspecting engineer; put them on notice with verbal and written communication; putting in on their 2018 Capital Improvement Plan; needs to be done on their dime/their cost. Tighe & Bond recognized we need to put in a concrete sidewalk on the backside, so when splash over does not erode sand/seawall; wave hits and tips wall backwards. We are leaving a majority of the seawall there in place; taking off top 3'; the section not aligned with either wall will be removed.

Selectman Griffin: are there any other drains, like that one that drain from the boulevard to the ocean. Director Jacobs: two others that I know of.

Selectman Griffin: there is one just south of Boars Head and saw State working on it; so wondering why they do not put all the drains into their Capital budget. Is there going to be a meeting on Thursday night about flooding. Director Jacobs: Greene Street is Thursday night.

Selectman Griffin: where, here? Director Jacobs: yes, here.

Selectman Griffin: is it just for the people at Greene Street. Director Jacobs: yes, because the solution and problems are different from the people off Brown Avenue, that meeting is the following week at the Police Station, as theirs is a radically different solution.

Selectman Bean: going back to bond issue; if you do a \$20,000,000 bond the annual payout on the high end is \$76,000; just the meter transfer bonds \$20,000,000 of capital projects; just for the meter transfer; we pinch pennies.

Chairman Waddell: trees. Director Jacobs: some trees on Academy Avenue should be removed; submitted to ask for it to be on the agenda.

Town Manager Welch: wants it to be done before school starts.

Director Jacobs: a number of trees have core thicknesses and those are the trees at red hearted; center mass more pulpy, which means unsolid wood; there are 5 trees; 3 classify at risk and two definitely need to come down; have money in budget.

Chairman Waddell: so you need permission from us to proceed and you would like it to be given tonight. Town Manager Welch: yes, if possible, as he does not want to be doing this at the same time as construction of school and opening of school.

Selectman Bridle: someone mentioned they were memorial trees, but could not find they were planted as memorial trees; if dangerous get rid of them.

Selectman Bridle MOTIONED to take down the five trees mentioned and replace them SECONDED by Selectman Barnes.

VOTE: 5-0-0

Selectman Griffin: read two letters that came and they focus on public health and safety to barrels being left out at Bernie's; find solution to garbage situation; no room to place garbage barrels; too many barrels; greasy, dirty and smelly. The decision was made to limit him to 27 contains of both types; was to keep contains beside the structure; agreed that he could keep contains below structure; Al agreed to have staff move in and out prior to and after unloading; should be tied to entertainment license. It is very clear from pictures the sidewalk is not accessible to wheel chairs at 5:55PM this evening; trash has been picked up and around 20 barrels lined up; never intention that people leave barrels out and not put back out of sight. I have been down there every morning this week and not only checked this establishment, but checked others; Bernie's, Sea Ketch, Boardwalk, Wally's and others; all other barrels are out of sight, so they have removed and put them somewhere. Would like to know why you are allowing these barrels to sit there, what do we need to do so they are not sitting there. At the Goat were almost 20 barrels just sitting there, not removed from site line, no back of building; how are we allowing this to be this way; voted best Boardwalk in the U.S. Boxes are not even in the process of being broken down; everybody needs to follow rules; Christy's pizza place have a barrel and no trash on ground; if town will not do anything, will the state. I was approach by people while taking photos; swill on the sidewalk is excruciating; lady renting across the street; smell unbelievable; vomit on the street; barrels not even closed. I suspect the barrels are being moved between Bernie's and Wally's; on Friday were many more barrels at Wally's, today Wally's looked great. There is a problem here and no one is doing anything about it; do we need code enforcement, is that what it is going to take.

Director Jacobs: there are a number of things here; my jurisdiction is to determine the number of barrels; ordinance states all refuse has to be in containers, if not we send our foreman by to work with the property owners. Carts staying on sidewalk 24/7 we have worked with businesses in the past that they need to be taken in off the street after they are emptied in the morning. One instance on H Street had to physically pick up all the carts because I could not get the owners attention, only instance where we have taken back our carts; this town gave the dwelling two carts, so town property and could take them back. But when comes to a business that bought 10-15, I would have hard time taking back what they physically paid for.

Selectman Griffin: why are they not out of sight and in the back? Director Jacobs: the Planning Board called for them to be out of sight and not stored on the sidewalk; met with this particular property owner and agreed of another location to help meet a concern that the abutter directly behind had, we have worked with them.

Selectman Griffin: was problem with previous owner of this property; this lot always a problem; why aren't the barrels where they should be? Director Jacobs: I see it as a health problem.

Selectman Griffin: it is a terrible problem; as a citizen of Hampton, I do not want to live in a town that allows this; another business that has 40 barrels, they wash the barrels and immediately stored and stacked after they are picked up and they wash their sidewalks. The ones at Bernie's are stacked right now, but they are sitting on the town sidewalk and wheelchair would not be able to pass. Not acceptable being a Beach resort and walk through vomit and slime. Director Jacobs: suggestion is for manager, code officer, police and myself review.

Selectman Griffin: who is the code officer? Director Jacobs: Kevin Schultz.

Selectman Griffin: the Health Department that checks the restaurant does not keep track of the fact you cannot get to their back door, due to amount of trash piled up. Director Jacobs: I would be guessing and presuming things outside of my jurisdiction.

Selectman Griffin: we need to look at whom we need to report this to; obviously, it is something the town is not able to cope with. If we are going to be doing anything in the future we need to make sure that we invite other people in to talk about this; I want to point out that everybody else seems to be doing exactly what they promised to do and what is expected of them. Director Jacobs: understood.

Selectman Griffin: did you get a copy of this. Director Jacobs: I did not get onto my computer this afternoon, I am sure they are there and the manager will make them available to me.

VII. Old Business (1:39:18)

1. Bernie's Beach Bar Entertainment License

Chairman Waddell: we have had a number of meetings on this, people commenting on the noise, experts on both sides, reports from Police Department on the issues; Board needs to make a decision on this

Selectman Griffin: I will be glad to make a motion.

Chairman Waddell: Phil, are you stepping down?

Selectman Bean recused himself and left the table.

Selectman Barnes: looks like there are still issues primarily after 11PM but to single out one establishment is wrong and cannot be done, I do not see any direct proof that shows violations per where the ordinance says they have to occur. The Board needs to consider that the ordinance needs to be reviewed completely; time needs to be applicable for all; cutting off Al Fleury at one specific time and not doing it to all other businesses is not going to work; I have a motion in mind but would like to hear from Board members before I state it.

Selectman Griffin: I have a question for Fred.

Chairman Waddell: go ahead

Selectman Griffin: in the DPW Director's letter he wrote, he is asking that this be tied to the entertainment license; can the health issues be tied to the entertainment license? Town Manager Welch: in my opinion they cannot be; separate issues dealing with different codes

Selectman Bridle: I spent at least five nights at the Beach, specifically on this issue; Saturday night I went down to Bernie's at 10:30PM; listened, they had a very large crowd; had a conversation while standing at the rail and could hear that person talking back and forth. I walked across the street to my car and listened for a while; went to Haverhill Avenue and Bradford Avenue and the noise was not obtrusive. The band playing there was not my style of music, but the noise was not loud; did this back in early June and was sitting on Haverhill Avenue and the music coming from one of the homes was louder than the music being played at Bernie's. The fact is you have ambient noise all over the place; motorcycles going by, people yelling and hollering. I agree with the Police Chief and he has addressed that yes something is there, but cannot tell if you put up meters where the sound is coming from. The ordinance is not clear enough; some say it is at the business owner's property line and other say it is at the property line of the person who feels offended. We definitely need to work on ordinance; would like to see us form a committee to address this ordinance; business people and residents look and see in fact if it is something we need to address, I think it is. When I watched one of the decimal meters, conversation is almost at 50db; lived and worked on the Beach for a long time, just ambient noise is over 50db, unless there in January or February, but wind could be that noisy too. I am waiting to see what happens with a motion; let everyone have their talk before we decide to come up with a motion.

Selectman Griffin: in my opinion, it should be 11PM for everybody; when it was 11PM, there were people then that played after 11PM and no one complained, there was no problem and it could still be the same way. People should be able to complain until 11PM if there is a problem, I think 10PM is unreasonable because this is a Beach resort, but by 11PM, there should not be any noise that is totally annoying other neighbors; whether they are far away or close. If they can play after 11PM and no one is going to be concerned I would not have a problem with that, it is the way we did it for years. This went to 11:31PM, the one year I was not here in the last 15 years, this law was changed, before that was always 11PM, we did not really have problems. I can think of two places had a problem in all those years and one there were so many complaints with the liquor commissioner that no one ever questioned, it was just a problem. I think we should make it 11PM and if they can play louder and there are no complaints so be it; the police do what they can, as long as no one is complaining I do not have a problem with it. I definitely feel we need to redo this ordinance; the last time it was done, it was done exactly like you are suggesting Rusty. The public involved, Al was very much involved in it; everybody was excited, everybody thought they were doing the right thing, the Police Chief thought he was doing the right thing and I guess it could not have turned out worse. It did not solve one thing and it has done nothing but waste this Boards time ever since. The first time before we got to that, there was a lot that went in and a lot of public hearings, so this is obviously a hard problem. We have a responsibility to the people; I still want to know what is going to be done with these trash cans; they do not belong there, no one has given them permission, why are they there, this is not right.

Selectman Barnes: I know Rick is concerned about the trash and I believe Mr. Fleury is well aware of the trash conditions.

Mr. Fleury: I would love to talk to you.

Chairman Waddell: ok, that is a separate issue.

Selectman Barnes: I agree with Rick; the more you get involved into something, sometimes the more problems it creates, so we had it at 11PM and it was fine, now we have it at 11:59PM; we have 50db after 11PM, sorry 50db is ridiculous, it is unenforceable. Yes the police can go down, but by the time they get down there 15-25 minutes have gone by, the reading is not going to be the same that you took, running around in circles. Bernie's is new, new music people are not used to, but I am at the Beach, I work down there two nights per week and am down there 3-4 nights per week. I was there the same night Rusty was, we were up on the deck, had a conversation, I walked over to Haverhill Avenue, used my phone and the highest reading I got was around 62db or 63db on the Haverhill side of the bathrooms, think it was around 10:30. I went over later in the night and it was lower to that, I apologize, I should have kept better track of it. I have gone to every bar on that Beach and Bernie's is no louder if not less loud than the other bars down there.

Chairman Waddell: for clarification, you work at the Beach, but you do not work at Bernie's

Selectman Barnes: I do not work at Bernie's; I work at Mama Leone's.

Chairman Waddell: to the fellow speaking about the vulgar language, I agree with you 100% on that, but also a free speech issue. I worked at a school where they made kids take off their t-shirts that were vulgar and the parents sued the town and won; it is protected speech. All I can speak for is myself; went to Bernie's Friday night, my wife and I stood at the railing and had a conversation, an easy conversation, my wife said I have been at weddings and you could not talk like this; were right in front of where the band was playing. We went over to Haverhill Avenue and sat on the bench and could not distinguish noise that was excessive; drove to Boars Head and got out of car, sat for a while listening and can only speak for myself, that is what I experienced. Been in a lot of music venues that were a lot louder than that, could not have a conversation, drove you crazy; we could have a normal conversation without yelling at each other. I agree with the other issue, the whole trash issue, it has got to be cleaned up and deal with it if it does not. But on the noise issue, all I can speak I listened to experts and what I heard with my own ears; my wife was with me and what she heard.

Selectman Griffin MOTIONED that the noise ordinance go to 11PM like it always was when we did not have any problems, let the police take care of it, let them get out and deal with the people – no second – motion failed.

Selectman Bridle: the motion we need has to deal with granting Bernie's license, so what you are saying Rick is to grant Bernie's until 11PM.

Selectman Griffin: if everyone is at 11PM, let them all be that way, why should they all be different.

Selectman Bridle: but we are dealing with Bernie's license right now.

Selectman Griffin: it should be 11PM.

Selectman Barnes: can we change the ordinance. Town Manager Welch: no.

Selectman Griffin: I still say it should be 11PM and we should work toward that goal.

Selectman Bridle: so, we cannot change the ordinance.

Town Manager Welch: what the Board can do under Section 149-9 subsection A; outside entertainment; activities should only be allowed between the hours of 12PM to 11:59PM or earlier if specified by the Board of Selectmen; those are the parameters

Selectman Griffin: so that is the motion I want to make 11PM and I think it is reasonable; some people here want 10PM he wants 12AM, somewhere more in the middle 11PM; we compromise and I think we should work to make sure it is that way everywhere. We should sponsor an article to be put forth, that it is 11PM for all entertainment licenses and then if they can play later and not have a problem, who cares, that is the way it is everywhere. We are not looking to have a bigger government, we are just looking to make sure the government takes care of what is happening and that is not what is happening here.

Selectman Bridle: right, if you say he can play until 11PM.

Selectman Griffin: he can play later, but he just cannot be making noise; he cannot be playing a full band until 12AM that is a problem; if you have not heard that you are deaf.

Selectman Bridle: I agree and I am not deaf Rick; I heard.

Chairman Waddell: we are going to keep it civil amongst the Board.

Selectman Bridle: I am trying to do that; if you are saying it is until 11PM then that is what it is until 11PM; you cannot say well we can do it after as long as it does not bother anybody; you cannot say that, it is not part of what this motion has to be; am I correct Fred. Town Manager Welch: right.

Selectman Griffin: well, it can be 11PM; you do not have to continue the loud noise.

Selectman Barnes: I have a problem having one rule for Bernie's.

Chairman Waddell: hang on, we have a motion, do we have a second; we do not have a second; motion does not pass; do we have anybody else making another motion.

Selectman Barnes MOTIONED to APPROVE the Bernie's Beach Bar Entertainment License

Selectman Griffin: I think this is terrible you are not listening; we need to discuss this.

Chairman Waddell: wait.

Selectman Barnes: we are going to fix the ordinance, so it applies to everyone.

Selectman Griffin: remember.

Chairman Waddell: do we have a second; we have to make some kind of a decision.

Selectman Griffin: the voters are going to ultimately make the decision.

Chairman Waddell: ok, would you hold on Rick, I know you are getting angry, but hold on we are going to have some decorum here.

Selectman Bridle: seconded for discussion.

Chairman Waddell: ok, now we are open for discussion.

Discussion

Selectman Barnes: the problem I have talked to every single person, except for John who lives behind Patricia, but everyone has told me it is better, now they have problems, which appears

to be happening after 11PM. After 11PM you walk on boulevard at 10:30PM you have traffic going by that is muffling the noise from Bernie's; I am down there and notice it I walk around, ride my bike AM and PM; you cannot hear Bernie's. Something is happening after 11PM whether it is people being in the bars, back at their cottages, having less noise outside, whatever it is it is making the noise coming from Bernie's the only thing that the people on Haverhill Avenue can hear. We know there is a concern; Al after 11PM something has to happen, whether it is profanity, which is unfortunate; has to be a way; how long is Bernie's open for.

Mr. Fleury: we close.

Selectman Griffin: what is going on here?

Chairman Waddell: Regina has the floor.

Selectman Barnes: I want to know what time frame we have left.

Selectman Griffin: From the audience?

Chairman Waddell: we will let her speak.

Selectman Barnes: I wanted to know how much of a time frame Bernie's has left.

Chairman Waddell: Regina we are not having a back and forth here.

Selectman Barnes: say he has three months left until the end of October, why can't we make it after 11PM, we schedule some type of monitoring to go down there and if he is out of whack, we let him know right away.

Chairman Waddell: I am sure Chief Sawyer will say he does not have the manpower to provide monitoring after 11PM. Selectman Barnes: can I ask the Chief a question? Chairman Waddell: why don't you ask the Town Manager?

Selectman Barnes: can I ask you something; is it true that sometimes there is a detail at Bernie's on Friday and Saturday nights for police. Town Manager Welch: when the Chief considers it to be an essential function, yes.

Selectman Barnes: if he considers it an essential function, can he ask that officer to do a random testing. Town Manager Welch: if he gives that order, the officer would do it.

Chief Sawyer: would you like me to come up? Chairman Waddell: yes, go ahead.

Chief Sawyer: to answer Regina's question, we have had a detail at Bernie's at the request of ownership; unfortunately, with the depleted ranks we have we are not always able to fill that; Saturday night we had two officers, but Friday night we did not. We have a lot going on at the Beach with different assignments and actually bringing in officers from other towns to accomplish the mission; State Police are not able to provide us with the resources they used to; used to get 8-10 troopers and on Saturday night, I had one. It is not an essential function; using the word essential we are talking about life safety; this is a nuisance and I understand it is a real one, but to say that I can dedicate an officer, cannot commit to that. On Friday night knowing I was not going to have detail officers there, I did send a corporal down with a sound meter to make some measurements. The profanity issue; there is a freedom of speech element, but also a disorderly conduct element; if somebody is using profanity, the police cannot be the offended party; if somebody drops an F bomb I cannot arrest them. If somebody is offended by it and it is reasonable that they are offended by it and willing to testify and give a statement

that is something I may be able to curb that type of activity; Mr. Fleury does not want to be known for that anyway. In the future, we can take a report, but the person who is offended, has to come to court as a witness.

Selectman Bridle: on a usual entertainment license that is indoors, what is the time go to on that.

Town Manager Welch: let me read the licensing procedures; hours of operation; the Board of Selectmen may vary the hours of entertainment activity based upon the circumstances of the application i.e. more restrictive hours or additional hours. The using, operating or permitting of an entertainment activity shall not be allowed between the hours of 1AM and 12PM on any day of the week. Outside entertainment activity shall only be allowed between the hours of 12PM and 11:59PM or earlier if specified by the Board of Selectmen.

Selectman Bridle: by granting it as unrestrictive, he is good until 11:59PM. Town Manager Welch: correct; you have at least one restrictive license in town.

Selectman Bridle: what is that? Town Manager Welch: the Chief will have to refresh my memory.

Chief Sawyer: Stacy Jane's.

Selectman Griffin: 10:00PM.

Selectman Bridle: so we have history of restricting some. Town Manager Welch: and you have denied some.

Selectman Bridle: I have been down there specifically for this specific case at least five times I can remember; went different nights and different times; I think Al has done a much better job this year over last year; he is trying to work with the people in the neighborhoods. When they brought it to his attention, he has met with those people; I take Al at his word that he is going to continue to try to do that; that is why I seconded Regina's motion to allow it. I can understand the people Sunday-Thursday wanting it earlier; I could see doing 11PM on those nights and go to 11:59PM on Friday and Saturday. We need to work on this ordinance, but I think 50db is way too low to expect in the Beach district; Residential A butts up to the Beach district and you are always going to have that problem when two different zones meet up with each other. I would rather see 11PM Sunday-Thursday and then the 11:59PM.

Selectman Barnes: then we revisit the ordinance.

Selectman Bridle: we revisit the ordinance in the fall and work on it.

Selectman Barnes: we make it 11PM and then we do not have to worry about this 50db anymore; 75db to 11PM and that is it.

Selectman Griffin: yes, I do not have a problem with it; I never had a problem with 11PM.

Selectman Barnes amended her MOTION to APPROVE Bernie's Beach Bar license to the following restrictions: Sunday thru Thursday Outside Entertainment to end at 11:00PM; Friday and Saturday Outside Entertainment to end at 11:59PM SECONDED by Selectman Bridle.

VOTE: 4-0-0

Selectman Griffin: I feel better about that; I intend after we are finished here to talk about the other issues that I mentioned earlier, not just for here, but for all of the places. I agree with Regina, something is going on after 11PM, everyone is going to bed; people watching the news, people live in this area. There will be no more telling people when they call to complain well “the Board of Selectmen agreed to that, so that is just the way it is and cannot investigate”; that was a big problem for a lot of people; that is not going to happen; if they have an issue they can still call and complain. The season is almost over and we can see how this works and can work to make something better; in the end the voters will decide.

Chairman Waddell: I looked at the report from the police; it states complaint-received level not in violation, it does not say the Selectmen said we could do this, it says no violation of ordinance were identified and is from 5 different instances.

Selectman Griffin: that is from last year.

Chairman Waddell: 2017.

Selectman Griffin: Right now, he does not have a license that is why they did not have to say it; last year he did have a license and people were told that.

Selectman Bridle: no, he has a temporary license.

Selectman Griffin: last year he did not have an unrestrictive license.

Chairman Waddell: I am talking about right now, complaints right now; there have been changes made to the venue; changes made to speakers and a lot of stuff.

Selectman Griffin: I know and he did not have a license; last year people came here and said they called the police department and were told that.

Chairman Waddell: we have to talk about current.

Selectman Griffin: I do not care.

Chairman Waddell: well that is logic.

Selectman Griffin: I do not want it to go like last year that is what I am saying; my logic works just as well as yours; just because you went down there when it was not noisy, that is your deal, not mine and not these people.

Chairman Waddell: I agree 100%; have you gone down.

Selectman Griffin: yes, I did not hear the band either, but I could hear the people talking and I found it offensive; it was very noisy; what you are happy with does not mean that is what these people are happy with; you are not holier than thou that is the only point I want to make.

Chairman Waddell: that is good thank you; I would rather see it say Friday, Saturday and Sunday until 11:59PM.

Selectman Barnes: what is the motion; give Al his license, the restriction is Monday-Thursday end at 11PM for this season only and the whole ordinance is getting revisited on the Town Warrant for March 2018.

Chairman Waddell: if there are excessive complaints that are back up, we can always revoke the license, right. Town Manager Welch: yes, you can.

Chairman Waddell: at any time. Town Manager Welch: yes.

Selectman Griffin: why were people told last year that they could not complain.

Town Manager Welch: I do not know, I did not tell them.

Selectman Barnes: I did not even find out about the complaints until the end of the season.

Motion amended to include the following restrictions.

“Monday thru Thursday Outside Entertainment to end at 11:00PM; Friday, Saturday and Sunday Outside Entertainment to end at 11:59 PM”

VOTE: 4-0-0

Selectman Griffin: I would like to make a motion; we got a letter from the DPW Director and he said this is a health issue; I want this investigated and want to find out why the carts are not being put behind the building. Maybe it was hard before but they bought the other property behind there; has to be other places to put barrels that are not on the Town right-of-way and does not affect people that are in wheelchairs to go up and down the sidewalks that we invested and the taxpayers paid for so that they would be handicap accessible. By the time we come back here, are these things going to be addressed? Town Manager Welch: I have already addressed these issues with the health officer, and he is going to inspect the property and if there is a health violation, there will be a summons issued.

Selectman Griffin: these barrels are going to be removed from the sidewalk. Town Manager Welch: the ordinance requires the barrels to be removed from public property as soon as they are picked up and the material taken out of them, on the regular collection date

Selectman Griffin: so tomorrow, when I go down there, they will not be there.

Selectman Bridle: we hear what you are saying Rick, the Town Manager has already spoke to the Public Works Director and left a message with the health officer and would hope that within a week we can have a report back from them with some resolution. I am sure the property owner would like to talk with both of them and between the three of them can come up with a viable solution and have a note back to bring up again.

Selectman Griffin: when you go down and take a look, it is amazing how people try to do the right thing.

Selectman Bridle: some businesses powers wash their sidewalks.

Selectman Griffin: they need to if someone throws up, as that is a health issue.

Selectman Bridle: I do not disagree with you; there is more than just this one issue at the Beach and I would like DPW take a look at all of it.

Attorney Ells: Mr. Fleury would like to have a copy of these letters; everyone has been advised of these problems except him; this is more appropriately handled between the owner, his manager and the Health officer; it just needs to be brought to his attention.

Chairman Waddell: I am sure the Town Manager will inform Kevin Schultz and any complaints that he has and relay the violations to Mr. Fleury to be taken care of

Attorney Ells: that is all we ask for and he will fix it

Selectman Bridle: If he can do that and work with the property owner, as I am sure, the property owner is more than happy to work at correcting the situation; again he should have been notified

Selectman Griffin: go down right now and view it was there at 5:55PM

VIII. New Business (2:16:58) - Representative Mindi Messmer

1. Coakley Landfill PFC Issue

a. Letter to Environmental Protection Agency

Selectman Barnes: we sent a letter to the EPA because we are concerned with trace amounts of PFCs found in Aquarion wells

Representative Messmer: 28 years' experience in environmental consulting; started working on this issue when we identified a cancer cluster in the Rye/Newcastle area; task forced formed by Governor Hassan and started looking at environmental issues in the seacoast and Coakley Landfill came up as one of the issues. The Coakley Landfill started in the 1960s as gravel pit operation; hole filled in with lots of stuff; in 1970s they had license approved for municipal waste and noticed more than municipal waste coming in and made it a hazardous wasteland; in 1990 it was capped on top and left; 90 acres total and 27 acres capped. To the west of landfill is a rail bed and west of that are several surface water bodies, one Berry's Brook flows to north; one is Norton's Brook and flows to west; and Little River flows down through Hampton. Those surface water bodies are receiving flow and contamination, especially Berry's Brook; map showing where Coakley Landfill is in middle and shows the landfill on a hill and groundwater is flowing away from the landfill to surrounding towns. Overtime the areas around the landfill were developed: the golf course and residential developments. For a while the landfill seemed okay, but in 2009 emerging contaminant were detected, which do not degrade; identified significant contaminants. Discovered that kidney and testicular cancers are associated with ingesting high concentrations of PFCs that are in the water; the concentrations levels last year at which the PFC's were acceptable was 600 PPT, but the levels have now come down to 70 PPT; one of PFC concentrations that is not regularly regulated by the State is the third highest in the world for that one particular PFC, and is in our water in Berry's Brook and the Coakley Landfill; these concentration will likely to migrate away from the landfill in all directions, spreading away from the landfill. There have been some elevated PFC numbers showing up in the wells that serve Hampton; three-year study, in 2014 and 2015 no PFC levels detected; 2016 started to see some in most of the wells, the levels are low but they are increasing, it tell you that they are migrating south from the landfill. HB 431 Seacoast Drinking Water Commission and made sure there was a seat on Board for Hampton; HB 484 Establishing a Commission on the Seacoast Pediatric Cancer Cluster; HB 511 Chronic disease study to create a Public Health Oversight Program. I've submitted a letter on Hampton's behalf regarding Aquarion's Well 22 identifying her concerns; and where well is located a real danger of salt-water intrusion; overlap on the capture zone itself have concerns.

Selectman Barnes: mailed letter to Department of Environmental Services and Fred formulated a letter to go to the US Environmental Protection Agency relating to PFC, and I ask Board to sign tonight.

Representative Messmer: last week the DES responded by saying putting signage up; look at potential issues with fish; address remedial solution to stop flow into the brooks; meeting this week to find out when they plan to do this stuff.

Selectman Barnes: ask permission to forward Dr. Tom Ballestero's most recent comments to Rep Messmer; Dr. Ballestero is the expert we hired from UNH to look at the implementation of Well 22.

Chairman Waddell: I think the Board is fine with anything we can do to help with this; issue crucial to everybody's health; state reps doing a great job and great service to community; keep on top of water issue.

Representative Messmer: working together is very helpful.

Selectman Barnes: our Town Manager had emailed Carl McMorran about this concern and I have forwarded the response from Carl to Mindi and she is not in 100% agreement with that response; having her up to date on our issues would help us be proactive on this. I ask the Board to appoint myself as the Seacoast Drinking Water Commissioner from the Town.

Selectman Bean MOTIONED to APPOINT Selectman Barnes as the Seacoast Drinking Water Commissioner from Hampton SECONDED by Selectman Bridle.

VOTE: 5-0-0

Representative Cushing: important to have someone who understands the science in all of this, the fact the DES finally acknowledged it is leaking is the result of Rep. Messmer.

Town Manager Welch: how many test wells; distance out. Representative Messmer: there are not many wells.

Town Manager Welch: then they do not know what they are talking about. Representative Messmer: exactly, that has been my point.

Town Manager Welch: they have PFCs in some Aquarion wells, so it is migrating; where is the plume moving too; closed landfill in NH; dangerous stuff; only one way to fix it; dig whole landfill up, move it and seal it.

Representative Messmer: they have talked about an interceptor trench with wells form a barrier; have to be combined with bedrock wells, it is in the bedrock.

Town Manager Welch: if it is in the bedrock, you need to dig up the entire landfill and move into a sealed vessel; landfill with leach into groundwater; Aquarion planning on pumping 1,350,000 gallons of water out of well 22 for a week; have no idea what flow ratios are coming out of the cracks in the bedrock; could contaminate every well in the region

Representative Messmer: yes, that could certainly exacerbate the region; it is not everywhere, have to follow the science to know where it is going.

Selectman Barnes: explains what we have talked about, requesting Aquarion to do testing; sign letter; landfill is still leaking and we have wells right there.

Selectman Griffin: honor to meet you and have heard about you from many people; nice things to say about you; refreshing to know there is someone with your knowledge and your ability to do this; everybody is talking about this; very happy you are there to do it. What happens if you wash with the water; clothing, body?

Representative Messmer: we do not think it is an issue.

Selectman Griffin: what about the people that are fishing.

Representative Messmer: yes, huge issue; concern with children playing in the brooks; 5000 fish stocked in Berry's Brook; big issue with people eating the fish; same thing happening at Pease.

Selectman Griffin: what about crops that are grown with the water.

Representative Messmer: do not have enough information to know yet.

Selectman Bean: the NH Department of Environmental website has an investigation into PFA's; thank you for your service; you bring scientific skill set; many reps are following your lead; alarming phenomena with child with high levels of PFC's; can you discuss how receptive or not receptive a responsive the DES has been to your efforts

Representative Messmer: they have been difficult to bring along; frustrating process; look in terms of science; frustrated that science is pointing at the answer and the answer is not followed by the state, don't know why there is resistance. When the brook samples were taken, they said there has to be a difference source it is coming from; do not understand what the resistance is. DES attacked my bills all the way and thwarted the effort; when you see people acting against what you believe is to protect the public health and protect children when you know there is a cancer cluster in our area that is very upsetting to see that your regulators are not enforcing the same values. I do not understand a lot of what they did and why they are doing it; I see things said that are incorrect and counter every one of them; happy that we have the letter saying they are going to do these three things.

Selectman Bean: Representative Cushing has your back, support for your very important work. Selectman Barnes does great work, as does Mr. Welch. We have a heightened sense of awareness of Representative Messmer's communications with DES, to the director and subordinates of the director including other legislators; think it should extend to the Town website and Chairman Waddell, Mr. Welch, Attorney Gearreald, the DPW Director, along with Aquarion should be involved and think there should be a concurrence amongst the Board. Aquarion needs to be held to a higher standard of information and more scientific data flow to the Town; not satisfied with their response or the state's response. At the PUC, we were prohibited from speaking; they shut down communication; pandemic phenomenon's up there; there is a need for increase information flow.

Selectman Barnes: I formulated a letter to all state elected officials; as we do not get responses from commissions, directors, and regulators; addressed to Governor Sununu and our State Senator; cc'd all our local representatives, U. S. Representatives and U. S. Senators; we need to get all the elected officials to get together. You said 50% of total revenues, \$2.2 million in parking, 70% gets transferred out; majority of State Rooms and Meals Tax comes from Hampton, but we do not know the amount because they will not give it to us. Wants to gather the information from business owners as to what they pay and I don't wants to know if they hotel or restaurant. Hampton sustains the State of NH, financially exceptional; budget exceptional.

Town Manager Welch: I am distressed at how you indicate the State is not responding; I tackled one of these landfills in the 1980s and they gave us the same response, it is our problem, they do not want to know about it and cannot give us any help or information, then all of the

sudden they lowered the boom. We actually went to the legislature and cut the DES appropriation off; it took that person to threaten not to process their bill to get them to do something. They had all the information and knew all the answers but would not share it; have to break that chain because they do not want to tell you.

IX. Town Manager's Report (2:54:00)

1. The water main construction on Lafayette Road is progressing forward. The new water main has been installed, flooded, and sanitization, and has not been tested. Once the sanitization test results are approved, Aquarion Water Company will commence changing the building services over to the new water main. The total project is slated for completion by Labor Day.
2. The Drakeside Road railroad abutment removal is progressing forward with at least 25% of the stone abutments has been removed. Reconstruction of the drainage and the roadway will commence following the completion of the abutment removal.
3. A number of the railroad abutment stones have been placed aside in order to replace the Ice Pond Dam in the future, subject to appropriate approvals.
4. The 2017 paving bids have just been opened this past Thursday. Following analysis and the approval process, paving schedules will be developed for the late summer and fall paving work.

New Business continued

2. Amendment to Purchasing Policy and Procedures (2:55:30)

- a. New Section § 718-5.1 Policy Waivers Purchasing Policy and Purchasing Procedures

Town Manager Welch: we had an amendment so you could do waivers; gives the Board unquestioned authority to waiver if it is in the best interest of the town

Selectman Barnes MOTIONED to APPROVE the Amendment to Purchasing Policy and Procedures to add a new section § 718-5.1 Policy Waivers SECONDED by Selectman Bridle.

VOTE: 5-0-0

X. Closing Comments

XI. Adjournment

At 9:52PM, the meeting adjourned on MOTION by Selectman Bean, SECONDED by Selectmen Barnes.

VOTE: 5-0-0

Chairman