

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

August 7, 2017

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

6:00 PM RSA 91-A:3, II, (a) Non-public session in the Town Manager's Conference Room.

On MOTION of Selectman Barnes, SECONDED by Selectman Bridle, the Board of Selectmen voted unanimously by roll call (5-0) to go into a non-public session at 6:01 PM under RSA 91-A:3, II (a) [personnel], (c) [reputation], and (e) [litigation].

[The minutes of the non-public session were duly voted to be sealed once the public session was reconvened].

At 6:55 PM, on MOTION of Selectman Barnes, SECONDED by Selectmen Bridle, the Board of Selectmen voted unanimously by roll call (5-0) to recess the non-public session.

Back in public session, on MOTION of Selectman Barnes, SECONDED by Selectman Bridle, the Selectmen by roll call vote voted unanimously (5-0) to seal the minutes of the non-public session under RSA 91-A:3, III on grounds that the minutes could affect adversely the reputation of any person, or render the proposed action ineffective.

At 6:56 PM, the public meeting was recessed to the Selectmen's meeting room.

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

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

SALUTE TO THE FLAG

- I. Public Hearing Pursuant to RSA 31:95-b
 1. To apply for, accept, and expend unanticipated monies in amount of \$267,543.46 or more from the NH Dept. of Transportation (NHDOT).

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Town Manager Welch: the Governor presented us with a check; legislature passed an enabling act SB38 for appropriations to additional highway block grant funds for \$267,543.46; the act requires us to hold a public hearing in accordance with RSA 31:95-b for the Selectmen to accept after dual notification; advertised more than 10 days before the meeting. Need to have a vote to approve to accept funds; DPW is prepared to tell you where the funds would be spent; this is a highway block grant that needs to be spent on highways and bridges.

Deputy Director Hale: we went through our list of paving streets; had original block grant from warrant article; the department recommends paving including but not limited to Woodland Road from Little River Road to the town line and the town road off Mill Road.

Director Jacobs: are prepared to utilize funding through the CIP process; a number of roads were identified and would move roads up the list; part of the monies would go to unplanned expenses.

Public Comments opened at 7:05PM

Mary-Louise Woolsey, 148 Little River Road: Little River Road does not touch the town line anywhere. Deputy Director Hale: correct, we are doing Woodland Road from Little River Road.

Mary-Louise Woolsey: is this the figure contained in the warrant article. Deputy Director Hale: no, this is unanticipated funds.

Mary-Louise Woolsey: so this is over and above what you stipulated in that warrant article. Deputy Director Hale: yes.

Selectman Barnes: we had discussions on people having flooding issues off Kings Highway, Brown Avenue and Ashworth Avenue is there any way to put some of that money to help them; existing circumstances are similar.

Director Jacobs: yes, if we do not solve some of the drainage issues down on Greene Street will have to turn around and repave the street when the paving falls apart; Water Company went down and installed service. We inspected our drainage line and they are perforated; this is roadwork money and the important things in roadwork is drainage. Aquarion had a CIP project to replace their water lines, so they have work done there as we do and we have reached out to other contractors who specialize working in the wet and are waiting for proposals to do the work.

Deputy Director Hale: we identified at the neighborhood meetings was there was definitely a need to prepare studies; cost; recommendations; short term things we can do to help, but not solutions to the big problem; funding cannot be used for the study; used for roadway actual work. Doing other short-term things; things we can do that are not tied to funding.

Selectman Griffin: I agree with what you said; in favor of spending some of the money for the roadway.

Public Hearing closed at 7:11PM

On MOTION of Selectman Barnes, **SECONDED** by Selectmen Griffin, the Board of Selectmen voted unanimously to apply for, accept, and expend unanticipated monies in amount of \$267,543.46 or more from the NH Dept. of Transportation (NHDOT).

VOTE: 5-0-0

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II. Public Comment Period (18:45)

Mary-Louise Woolsey, 148 Little River Road: illegal discharge of firearms on posted town land; brought up to Chief Sullivan several years back and did not seem terribly interested; had a call from resident of Mill Road who asked

Selectman Bean: point of order; do not want comments made about a former Police Chief Sullivan was not particularly interested, it is not suitable nor fair to Mr. Sullivan

Mary-Louise Woolsey: I have brought this to attention before; the resident on Mill Road asked if there was any supervision of the firing range behind her property and I said there is no firing range there; two hours of firing; she did not receive a call back from police. I mentioned the call to Fred, she made three subsequent calls to the police, and officer stood in her yard and could hear the shooting; told by member of Conservation Commission that they had a cleanup in June. There are signs on Whites Lane; says by the order of BOS the discharge of firearms on town property is prohibited; permissible for hunting during hunting season. We should not be treating town land that way; no excuse to have to pick up messes; woman afraid to walk dog for fear of being shot; for once make sure the area is patrolled appropriately.

Police Chief Sawyer: I live on 5 Blake Lane; not sure what illegal shooting you are referring too, it is lawful; it is lawful to discharge a firearm as long as you are 300' away from an occupied structure in the State of NH. I volunteered and took trash out of there; not unlawful; the people were explained this on Mill Road; they are leaving trash, cleaned up shooting range in June; absolutely lawful for them to shoot. The sign that says BOS, you will find it was not voted by the BOS to prohibit, as they cannot prohibit, would take a warrant article to prohibit shooting on Conservation land. I want to make sure I get this out as it was pretty adamant that what we are doing here; town employees not doing their job here is false; I took my own time to go in and help; DPW does their part; Conservation Commission did a great job to put this together. So to come in here and drop that out the way they did without doing homework, I am dismayed; do not think it is accurate and fair to the folks involved.

Mary-Louise Woolsey: why is that sign there; shooting at 10:00PM for two hours straight; problem here.

Selectman Bean: speak as member of legislature; two important council and committee appointments; July 31, 2017 to announce the appointments for the Seacoast Cancer Cluster Investigation; applicable with the Eversource PUC; motion for Remy Cushing appointment to the board. The general court recognizes the Department of Health and Human Services found the existence of the first cancer cluster ever identified in the State of NH; found higher than expected incidences of two forms of pediatric cancer in a five town area; committee to investigate and analyze the findings of the related materials. Had a three-hour meeting in Concord with many representatives; word to EPA and the Department of Environmental Services need to speed it up and take issue more seriously; bedrock and groundwater monitoring. Spoke about state parks; Lake Sunapee leased to big huge hedge fund; HB488 establishing commission; establishing a state parks advisory council; review statutes; capital appropriations; recommend changes and efficiencies that need to be improved. Review with the assistance of the Attorney General all agreements, memoranda of understanding, leases, special use permits, deeds and other legal documents to which the Division of Parks and Recreation or Department of Resources and Economic Development, or both.

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Chairman Waddell: need to wrap it up this is Public Comment

Selectman Bean: Sunapee, which is featured there, is now leased by a hedge fund and has been fined \$412,000,000 by the US Government for foreign services corrupt practice; they are the ones that have the traffic on the computer for the state park system; they are fined by the federal government and are leasing the state park.

III. Announcements and Community Calendar (31:05)

Selectman Bridle: had an opening of a playground on Five Corners; it is a great playground; cooperative effort by businesses, recreation department and Lions Club; come out so well that the recreation director is looking to do a similar one on Locke Road.

Selectman Griffin: having a great season at the beach

Selectman Bean: love the playground

Chairman Waddell: give thanks to the recreation department; individual businesses that provided labor, Bernie's, Wally's and The Goat, Lions Club, and Platinum Fence; beautiful park

IV. Consent Agenda (32:40)

1. Hampton Cemetery Deeds: Dolores Baldassarre, Joann Daniels
2. Cable Committee Appointment: Richard Canter
3. Entertainment License: New Owner Terence Daidone "Millie's on L Street" 17 L Street
4. Request of No objection for Restaurant - Cocktail Liquor License RSA 178:22 Terence Daidone – Member/ Manager "Millie's on L Street" 17 L Street
5. One Day Entertainment License: The Gather to End Hunger Festival at Smuttynose 08/27
6. Parade & Public Gathering Licenses: Firefighters Pipe Band Parade 8/21, The Gather to End Hunger Festival at Smuttynose 08/27, Reach the Beach Beer Tent Rotary Club of Hampton 09/16, Smuttynose Rockfest Half Marathon/5k 10/01
7. Seafood Festival Sidewalk Vendor Permits: Palm Psychic Reading 117 Ocean Blvd, Beach Basics 121 Ocean Blvd, B Z Gifts 169 Ocean Blvd, B Z Beach Supply 189 Ocean Blvd, Dudley's 203 Ocean Blvd, Jewel Box 215C Ocean Blvd, Tibet Boutique 239 Ocean Blvd, Sea Sweets 247 Ocean Blvd, Nam's Gift Shop 275 Ocean Blvd, The Surf Market 275 Ocean Blvd, Zac's Barn 275 Ocean Blvd, Mrs. Mitchell's Country Shoppe 285 Ocean Blvd

Selectman Bridle: Mr. Canter has recently moved to town; retired; helping Brian straighten out things; impressive background in TV and private systems; will be great help to the Cable Committee

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

VOTE: 5-0-0

V. Approval of Minutes (34:40)

1. July 10, 2017 [Correction and Approval]

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Line 19 after the word “that” add “recently you have been provided a report, even today from RPM Dynamics

Line 20 add “then the” before the word “report”

Line 21 after the word “demonstration,” add a “t” to “he”

Selectman Bean MOTIONED to APPROVE the Minutes of July 10, 2017 as corrected SECONDED by Selectman Barnes.

VOTE: 5-0-0

2. July 24, 2017

Selectman Bean MOTIONED to APPROVE the Minutes of July 24, 2017 SECONDED by Selectman Griffin.

VOTE: 5-0-0

VI. Appointments (34:59)

1. Chief Sawyer, Police Department & Deputy Chief Hobbs

a. Departmental Update

Chief Sawyer: 2nd quarter review/1/2 year; 34 full time officers; utilize three corporals; two will be graduating from the police academy; current part time at 32; 5 part time officers on leave of absence, bringing current working officers to 27. Continuing to produce best officers in state and are hired by other departments; talk in future to remedy the situation. Began testing process for part time officer candidates; 206 applications received; 36 registered for test; 25 took written test; 19 moved on to the physical agility test; 11 applicants were extended invitation to oral board interview; after extensive process 2 recruits remained for the part time academy. Ongoing issues with heroin; 4 overdose deaths; continued program to augment staffing level; department made 136 arrests over July 4th weekend; special thanks to all the departments that assisted with the pre-season and the 4th holiday. Assistance received from DOT allowing use of message boards; thank communities and agencies for assistance in traffic control plan. Motor vehicle stops +2%; DWI -7%; felonies -33%; parking tickets down.

Selectman Bean: thank you; God Bless your people.

Selectman Griffin: had woman comment on Whites Lane area; problem with lead bullets in conservation area. Chief Sawyer: we have talked about it; no prohibition; legal to shoot; I understand a group of citizens would propose a citizen sponsored warrant article to prohibit shooting in that area; they are okay with hunting, but the pleasure/target shooting, leaving trash everywhere; dangerous as many use town forest.

Selectman Griffin: I think it is the right way to go; get input from the Conservation Commission about the lead factor; heard issues in other towns with fire ranges. Chief Sawyer: if you are firing in an area with a water supply, could be a concern.

Selectman Barnes: are the drug offences better or worse than last year. Chief Sawyer: better equipped to deal with it; became part of a joint operation with the Portsmouth PD; expanding and potentially Seabrook is going to join us; help other agencies; mutual aid; arrests at lower level; have a handle on it

Selectman Barnes: great job.

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Selectman Bridle: been down to the beach many times; good job; fencing has done a great job on curbing people just walking out onto the street

Chairman Waddell: what is your ideal staffing, both full and part time?

Chief Sawyer: I will be coming to the board in the near future for a proposal for full time personnel; study done in 1988; deal with massive crowds and beach has changed for better; emergency management/how to respond to get people out, etc.; managing traffic control and crowds. Ideally if we could have part time personnel at the 50-55 range; have been operating around the 35 number; depletion in ranks of law enforcement across the state. Do not anticipate what we have seen in the last five years to change in the foreseeable future.

Chairman Waddell: great to see DWI down. Chief Sawyer: it is an improvement; we run big entertainment zone; see change; Uber cars have helped greatly, fewer people getting behind the wheel.

Selectman Griffin: many people like the fences and thank you for bringing that forward. Chief Sawyer: explore technology and equipment as opposed to manpower; bought small section of fence as a test; as we progressed we borrowed fencing; would like to try and make it a sustainable program throughout the summer and extend it; work on area from bridge to Casino. Fence is easily moved for businesses or emergency purposes; fences allowed to move for deliveries; keeps traffic flowing; shaving 20-30 minutes time off of traveling; issues have been raised and confident that we will work through the issues to make this work for next year; have alleviated concerns; fence will be taken down before Labor Day.

Selectman Bridle: fence has worked great.

Chairman Waddell: yes, worked great.

Selectman Bean: I have read the letter and spent time in 3 hour meeting with EPA and the staff leader at Department of Environmental Services talking about carcinogens that imperil our water supply potentially; seem to be more concerned about supervising/micromanaging your performance of duty about the fence than they are about our water supply. Lake Sunapee a state park generates no revenue; not impressed with leadership in Concord; have full confidence in what you do with the state park; discussing indemnification later on for the fire services we provide. New advisory council will take a strong look on what goes on; have much more confidence in your capabilities, you do what you want and if you need this boards support or my support as a legislator, or anybody else from the Hampton delegation you just let us know.

2. Chris Jacobs, DPW Director & Jen Hale, DPW Deputy Director (1:18:54)
 - a. Bid and Construction Phase Services for Lafayette Road Sewer

Deputy Director Hale: requesting approval of Wright-Pierce proposal for the bidding and construction phase of the sewer project; approved by warrant article in March; project has been put out to bid. This is the contract for services that they provide through the bidding process and through construction; includes on-site full time. We are recommending \$53,560 for bidding construction phase services; engineer of record who designed the sewer project; selected as result of RFQ process; ongoing coordinating with Aquarion. Complies with the purchasing policy 718-4, b as the engineer was previously selected under an open process for engineering services within the last three years.

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Selectman Barnes: the \$53,000 is coming from the budget. Deputy Director Hale: from the warrant article.

Selectman Barnes: has it been bonded yet. Town Manager Welch: no, we need an actual bid to bond

Director Jacobs: this work was included in the original estimate.

Selectman Bridle: following procedure; have no problem.

Selectman Bean: \$53,560 that complies with the purchasing policy reviewed by the town manager, submitted by you, reviewed documents; authorize.

Selectman Bean MOTIONED to AUTHORIZE \$53,560 to Wright-Pierce for the Bid and Construction Phase of the sewer project SECONDED by Selectman Bridle.

VOTE: 5-0-0

Deputy Director Hale: the award of contract for the paving bid; sent to ten vendors and received four responses; do in parts; Brock Industry was lowest bidder for \$680,188; recommendation before you is for less. Our recommendation is to award paving bid to Brock Industry for \$500,000 for parts A-I; part A as bid, but has been reduced to fit within the budget; 2017 warrant article

Selectman Griffin MOTIONED to AUTHORIZE \$500,000 to Brock Industry for the paving bid SECONDED by Selectman Bean.

VOTE: 5-0-0

Selectman Bridle: GMI did a great job last year, but Brock is working on the state road. Deputy Director Hale: this is not representative of the work GMI has done; put forth purchasing policy and this happens sometime.

Director Jacobs: when we combine the state's money with another \$300,000 and request \$600,000, the bigger firms submit bids, as it is worth their time and effort, that is how you get good competitive bids

Chairman Waddell: High Street. Director Jacobs: pave Wednesday weather permitting.

Selectman Bridle: truck 82 is broken down. Director Jacobs: yes, we were offered \$20,000 last year; frame is gone; \$21,000 to repair truck, not worth putting the money into it; let it go at auction; reasonable miles on engine. Three of the five trees on Academy Avenue had limbs and tops taken off; crane to come Wednesday to take the rest of the trees down.

Selectman Bridle: had a call and they thanked us for doing that.

Selectman Bean: end of hostilities on Route 1, when will it be done and paved. Director Jacobs: end of August; then we get right in there for a sewer replacement award, which will take all of September and October.

Deputy Director Hale: our end date with the sewer contract is November 15.

3. John Nyhan & Doc Noel, and Taylor, WHS Senior (1:00:48)
 - a. Seafood Festival

Doc: have new general chairman, John Nyhan.

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Mr. Nyhan: 28th Seafood Festival scheduled September 8-10, 2017; working closely with all the department heads; obtained all special permits; have a website; slides airing on channel 22; over 50 restaurants; 60 arts and craft vendors; hundreds of merchants offering end of season sidewalk sales; entertainment with 15 bands and orchestra's; lobster roll eating contest; fireworks; skydiving. Personal goals to get community back involved; downsized kiddie land as children's festival is around the corner; kept two special vendors; relocated culinary tent. Knights of Columbus and Rotary Club of Hampton; asked for WHS to be involved and have an intern, Taylor who is a senior at WHS, part of the Extended Learning Opportunity program; works 15-20 hours per week; opportunity to train her; ROTC was brought in and will be acting as crossing guards; member of WHS choral group to sing National Anthem. Contracting with town through Parks & Rec to supply handicap transportation; recruited individuals from departments and boards; hire paid supervisors and laborers for setup and during festival; continue to reach out to town employees for part time workers; 400 volunteers; still need a few volunteers for Sunday. First Student will be offering free shuttle services; \$5 Friday, \$10 Saturday, \$8 Sunday, children under 12 free. We need the board's approval on four areas; traffic pattern; closure of A-H Street; keep town parking lots open; message board usage.

Selectman Bridle: abstaining.

Selectman Griffin: sounds like you are doing a good job; glad to see some changes; doc you are on board with everything. Doc: changes are always good; reaching out more to the locals.

Selectman Griffin: great that Taylor has this opportunity.

Selectman Bean: Doc thank you for your leadership; provided great mentorship to the community; John that equally goes for you and thank you for stepping in; Taylor you epitomize the great people, like the ELO program, fabulous asset in this community. John, is the state doing anything for you, as it is a state park; are they providing any marketing; Cannon Mountain gets \$300,000 worth of marketing from the state; what are your efforts to secure additional advertising, promotional exposure on the web platform.

Mr. Nyhan: we will be working with Phil Bryce and their marketing team; power point presentation on their website; we have agreed to recognize each other as partners; we plan to ask them to have active seafood festival bullet point information on their website and ask them to have a link from theirs to ours on their front page.

Selectman Bean: all through the summer it has been Sunapee, nothing about Hampton; dissatisfied with how bad that operation is run; discussed with Governor; secure support; for better relationship; keep me informed and if you need help be happy to provide.

Selectman Barnes MOTIONED to APPROVE the traffic pattern, road closures, keeping town parking lots open and usage of message boards SECONDED by Selectman Bean.

VOTE: 4-0-1(Bridle)

Selectman Griffin: is anything going on about putting advertising signs on the fences. Mr. Nyhan: had a conversation with the Chief and we have seven community organizations and are at the point for securing logos for all the organizations and found a vendor to do them; unfortunately will not have them for this year. A number of the organizations will be ordering them this year under their 2017 budgets; will have banners for next year.

VII. Town Manager's Report (1:32:10)

1. Work on the removal of the railroad abutment and rebuilding Drakeside Road is progressing. It is anticipated that the roadway will remain closed until August 18, 2017 due to all of the granite blocks that were in need of removal.
2. Public Works Unit 82 has been placed out of service. The repairs that the unit is in need of exceed the budget for vehicle repair account for the Waste Water Treatment Plant. This vehicle is used to haul sludge from the treatment plant to the turnkey landfill. Replacement cost is at least \$160,000. We do have a second vehicle for this hauling purpose.
3. The State Department of Natural and Cultural Resources has responded to our letter on ambulance calls indicating that they received the communication and anticipate having a response before the end of August.
4. Bids for the replacement of the Lafayette Road Sewer Main are due for opening August 18th with work scheduled to begin after the Seafood Festival, if the bid prices are accepted and within the appropriation approved by Town Meeting.

Town Manager Welch: received a letter from Department of Environmental Services dealing with a permit application for Aquarion Water Company well 22 off Woodland and Little River Road; they have turned down the application stated 3½ pages of things that need to be fixed; not moving forward at this point. We sent a letter to Aquarion dealing with hydrants, escrow and their work on hydrants; withheld money-pending explanation from Aquarion with regards to why a large number of fire hydrants were not maintained during the previous year. We were talking to the people off of Ashworth Avenue and Brown Avenue a discussion came up about the new tax relief program for coastal properties subject to storm surge, sea level rise and extreme precipitation. The Town had accepted the provisions in RSA79, e which deals with giving tax credits to properties; tax credits can be given by the Selectmen under that statute if they decide to rehabilitate their individual homes.

Selectman Barnes: at that meeting, we talked with people about making an amendment to municipal parking regulations; in the flooding conditions, they could go to certain designated areas. Town Manager Welch: any town owned parking lot; also have begun research with our IT Department to set up an automatic response for flood tides, or tides above 10' and for severe storm surges to give them advance warning to get their vehicles out, so they will not be destroyed.

Selectman Griffin: so you are saying the tax credits instead of an abatement. Town Manager Welch: I am not saying that; there are several different means to do that and one means would be to use FEMA funds. In the last week there have been two instances that the rock has been exposed with 20' of sand around the rock exposed at the jetty; using tax credits maybe one of the means the boards chooses, abatements maybe another means.

Selectman Griffin: are the tax credits available today. Town Manager Welch: yes, as you have accepted RSA79-e.

Selectman Griffin: each one would be dealt with on an individual basis. Town Manager Welch: yes; years ago in Sun Valley, they wanted to replace all the seawalls and they hired an engineering firm and hired a massive joint application for all those; that could be done here; would be something they would have to plan out.

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Selectman Barnes: thank it would be more beneficial if they all do it together; major health issue down there; no way a fire truck would get down there 4' of water; they are working on writing a letter to state agencies. Town Manager Welch: they are trying to work together to get something done; we should continue to aid and assist them; help sponsor these before the federal/state government; they will form an organization to bring momentum forward to help them achieve their goals to address the flooding and save their homes.

Selectman Bean: legal on 79-e; adopted a much more limited and restricted provisions; real estate values increasing; the last time 79-e went through here gave \$175,000 to people that bought luxury condominiums at Hampton Beach; National Flood Insurance program is \$25 billion dollars in the red. I have severe concerns about providing tax relief to properties in one section of the town at the expense of other citizens and taxpayers in the town; could incur damage to their homes from any number of things, but they remain unaided, without financial support, do not receive federal subsidies. When we gave away the \$175,000, the rest of us paid for it. Town Manager Welch: the rest of the people in town paid for it, plus interest

Selectman Bean: lived in communities where homes were swept away, they were rebuilt; if there is an issue with the valuation of a home that is destroyed, that is between the Assessor; if property is destroyed there is insurance through flood insurance, through homeowners, .insurance for commercial property

Selectman Griffin: so you are against doing this.

Selectman Bean: I have severe concerns; we have adopted 79-e that was formerly enacted; this bill Senate Bill 185, effective 9/3/17, but needs legal to look at.

Selectman Griffin MOTIONED to APPROVE the amendment to Chapter 805 Section 805-9 to add a new subsection 805-9.M. Parking of Certain Vehicles during Periods of Flooding SECONDED by Selectman Barnes.

VOTE: 5-0-0

VIII. Old Business (1:46:08)

Selectman Barnes MOTIONED to give the Town Manager and Assistant Town Manager a rate increase of 1.65% SECONDED by Selectman Waddell.

VOTE: 5-0-0

Selectman Griffin: it is the same as all the other employees.

Town Manager Welch: thank you.

IX. New Business (1:46:50)

1. Fire Lane Designation - South side of Dustin Avenue

Town Manager Welch: the Fire Chief has requested this fire lane designated; had a call there a week ago and the fire engine had great difficulty coming around the corner because of the number of people parked on the south side of the road; parking allowed on north side of the street

Selectman Bridle MOTIONED to APPROVE the Fire Lane Designation - South side of Dustin Avenue SECONDED by Selectman Barnes.

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VOTE: 5-0-0

2. Appointment to Seacoast Cancer Cluster Investigation Commission (1:48:17)

Selectman Bean: I sit on that committee; Representative Cushing is seeking the post as a member to be appointed as a Hampton representative; he sent an email to the board; he is interested in continuing to be part of the work and respectfully submit his name for your consideration as an appointee to HB484.

Selectman Griffin MOTIONED to APPOINT Representative Cushing to the Seacoast Cancer Cluster Investigation Commission HB484 SECONDED by Selectman Bridle.

VOTE: 5-0-0

3. 2020 Census Local Update of Census Addresses Operation (LUCA) (1:50:27)

Town Manager Welch: we did not participate due to the amount of work load required and the census went off very well; I do not see the need for the town to do all that work, would put a lot of burden on various town employees to complete this. They do ask questions and we will work closely with them.

Selectman Bridle: have no motion and we do not do it.

4. NHDOT Letter regarding the Steel Pedestrian Barriers, NH-1A, Hampton Beach

Covered under Chief Sawyer's appointment above.

5. Intervention in PUC Aquarion Acquisition Proceedings (1:51:09)

Attorney Gearreald: June 29, 2017 a joint petition for approval of the acquisition of Aquarion Water Company by Eversource Energy was filed with our Public Utilities Commission and there will be simultaneously similar proceedings in MA and CT, because Eversource is seeking to acquire the assets. We have received a notice from the utilities as ordered by the PUC indicated by August 15, 2017 any party wishing to intervene need to file a petition to intervene. A prehearing conference will be held August 17, 2017 at 1:30PM at which time each party will provide a preliminary statement and immediately following a technical session will be held to review the petition. The prior boards of Selectmen from 2008 on have authorized my office to file petitions to intervene in every single rate proceeding and every matter in which Aquarion has sought to change its operation; ¾ of residential customers of Aquarion; ½ public hydrants and we have critical interests in the operation of this particular utility. Imperative to file a petition to intervene, but also set forth the concerns from our experience with this utility are things that should be taken into account whenever there is a change in ownership; I have provided the board with a draft petition; with many questions and concerns. I do not know how much Eversource, which is an electric utility, has gotten into any of the issues, but they need to go into this with their eyes open and know we have these concerns.

Selectman Barnes: I would be willing to bet that Eversource does not have an idea of the current Aquarion functioning or managing. As far as Well 22 and Well 7; mention these things to them; taking river rising into consideration. Representative Messmer requested to have a public hearing on this acquisition; possible to have a regular Selectmen board meeting with some of the individuals here, to come up with a game plan for the PUC hearing. They are new to water and will be entering into this type of situation and make sure they know what is going on.

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Selectman Bean: reading the NHDES Well 22 correspondence of August 3, 2017, does the denial of that come into any consideration and incorporated into your response. Attorney Gearreald: it will be.

Selectman Bean: can you explain to the public what is going on with that. Attorney Gearreald: there was a public hearing held regarding Well 22; this was a well dug in 2012, but never implemented; deep bedrock well 500' down; being in bedrock the well has the ability to influence many different aspects of water; rivers; ocean; salt water intrusion; Well 7; could affect neighboring wells; pumping rate. A public hearing was held on June 5, 2017 and for 45 days the record was open for comments; hired Professor Thomas Ballestero to provide comments on proposal; he explained the concerns with various affects the well could have and what protected measures need to be implemented. DES issued a document dated August 3, 2017 that adopted many of Professor Ballestero's comments, could not approve the application at this time, and asked for additional responses for certain comments.

Selectman Bean: the water company Aquarion is billing North Hampton for services that they have habitually not performed; escrowing \$131,000 for maintenance and flushing of fire hydrants; what we doing to mimic that effort. Attorney Gearreald: the Town of Hampton on a twice of year basis receives a bill for hydrants; bill is not based on volume of water used, but rather the availability of water for the firefighting purposes. The availability depends not only on having a proper water pressure at the water tank, but also depends upon each individual hydrant being properly maintained and being identified as to its supply capability. We are billed the sum of \$1,800 per hydrant on an annual basis; involves around \$460,000; we have over half the hydrants in this system. Back in 2008, the Town of North Hampton focused on the issue of hydrant maintenance and developed a settlement agreement with the water company regarding certain things based on an engineering study it was supposed to with regards to hydrants; obligations have not been met entirely. Mr. Welch has sent out a letter to Aquarion outlining where it is believed the steps that were supposed to be taken have not been; suggesting we are going to withhold part of the semi-annual bill coming up; to reflect a proration as to those hydrants that have not been maintained.

Town Manager Welch: did an analysis of entire report that they filed with the PUC on hydrants; over 200 hydrants not serviced; not listed on report; found hydrants that had to be pumped, because the drain is broken or drain does not exist; need to be winterized; hydrants can freeze.

Selectman Bridle: drain at bottom of hydrant is in water; make sure drain or fill with anti-freeze so they do not freeze. Town Manager Welch: requirement in the PUC regulation that hydrants must be flushed every year; they did not apply to the PUC for a waiver during the drought; required by law to flush hydrants every year; looks like 12 hydrants in their entire system were flushed, that is it. They had listed on the report that 24 hydrants that were damaged, but they did not fix them all; a lot of work that goes into a water system; hydrant flushing is one. We sent a letter and received an email response back, who said their system conforms in every way to the PUC regulations; if true then the report they filed with the PUC is substantially incorrect. I spoke with the officials in North Hampton who have the same problems; hydrants are supposed to be color-coded; they refused to comply with that order; had to provide them with a copy of the order and they still have not painted the hydrants properly.

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Selectman Bean: read letter from North Hampton to Carl McMorran; stated have invoice for \$131,000 for hydrant service; reviewed maintenance records of hydrants; directed Finance Director to send in \$7,377; they are withholding because services have not been performed. We have more customers than North Hampton; I move we follow a similar pattern; join in effort and escrow the money; send letter.

Selectman Bean MOTIONED to withhold money and place in escrow for Fire Hydrant Maintenance not completed and send letter SECONDED by Selectman Bridle.

VOTE: 5-0-0

Town Manager Welch: we have pro-rated both the January and July bills.

Chairman Waddell: have we written a letter to them. Town Manager Welch: yes.

Selectman Griffin: Rye has done nothing. Town Manager Welch: do not know what they are doing, have not heard from them on this matter.

Selectman Bean: has Eversource ever run anything in terms of a water supply. Attorney Gearreald: I understand this is their first foray into water.

Selectman Bean: do you think there is a need to expand Professor Ballestero's role to assist the Town of Hampton in ongoing pollution efforts; address this issue, which is the purchase; water quality issue. Attorney Gearreald: Mr. Ballestero has extensive expertise in handling of storm-water and well water; have dealt with issues of large ground water withdrawal wells. We had him examine the particulars of the Aquarion system and what questions to ask about their capability.

Selectman Bean: is he participating in this intervening that we are discussing right now; is he coming up as an expert witness. Attorney Gearreald: I am sure he would be involved.

Selectman Bean: do you have enough money to pay him to do that. Attorney Gearreald: no.

Selectman Bean: what the monetary needs are with the cancer cluster issue; expand it and bring him onboard as an assistant to you. Attorney Gearreald: both towns of North Hampton and Hampton have agreed with the project he has just done; cost about \$7,500 total; we pay 60% of it; the cost to us \$4,200. I think there is follow-up needed on that; my budget for legal expenses is \$5,000; we will have exceeded that with this work on this. I think as a cushion want to raise the sum to \$20,000; ground water withdrawal will take up more time; address Eversource acquisition; dealing with appeal from DES to make permanent interconnection with Stratham wells, that have been plagued with arsenic.

Selectman Bean: for the record, he is a Dr. and a Professor at UNH. Attorney Gearreald: yes, he is an engineer, licensed in several states and has been a professor at UNH for many years.

Selectman Bean: the total of \$20,000, is that on top of the \$5,000 or \$15,000 more. Attorney Gearreald: \$15,000 more.

Selectman Bean: how do we go about doing that, Mr. Welch? Town Manager Welch: by order from this board.

Selectman Bean MOTIONED to authorize the expenditure up to an additional \$15,000 for Dr. Ballestero assistance in intervention of purchase by Eversource, assist Town Attorney with

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EPA, well safety, water quality safety, cancer cluster commission, and part of the large ground water withdrawal **SECONDED** by Selectman Barnes.

VOTE: 5-0-0

Selectman Barnes: this is what we need outside experts on.

Selectman Bridle: are we going to be able to find this in the budget. Town Manager Welch: we will find it; deals with the public health of everyone in this town.

Selectman Griffin: I hope this is the right way to do it; I do not know how effective it is going to be, if we are going to achieve anything, from what I have seen in the past. Attorney Gearreald: I would say when Dr. Ballestero talks DES listens; as you will see by their response to his comments are reflective of how much they respect him

Selectman Griffin: so what about the PUC. Attorney Gearreald: the PUC has a joint petition with a bunch of confidential documents; not sure Eversource knows what they are getting into.

Chairman Waddell: the first thing you asked for was just permission to be involved. Attorney Gearreald: yes, to file a petition to intervene.

Chairman Waddell: we have two issues here; you would engage him only when necessary. Attorney Gearreald: he already is; our contract with him is a joint contract with North Hampton on an hourly basis; the sum of money is to provide the ability within the budget is to cover whatever is expended for that reason; not to say we will definitely expend it.

Town Manager Welch: we build the line in Mark's budget that refers to this particular matter; falls to the bottom line of the town budget, always have money left over if over expend a particular line

Attorney Gearreald: receive monthly statements by the Finance Department, by statute, it allows to make an expenditure that exceeds a particular line; do not need to identify a place to get it from.

Chairman Waddell: is North Hampton going to go along with this. Attorney Gearreald: I would go back to North Hampton to the extent of involving Dr. Ballestero in the acquisition by Eversource; I am sure they will follow along.

Chairman Waddell: when you send the petition to intervene, what happens? Attorney Gearreald: the Commission on August 17 will rule upon that.

Chairman Waddell: so they can say no. Attorney Gearreald: they have never said no; they never have denied us the ability to articulate; the document goes to everyone on the service list.

Selectman Barnes **MOTIONED** for Attorney Gearreald to file a motion to intervene **SECONDED** by Selectman Bridle.

VOTE: 5-0-0

Selectman Bean: can we have Dr. Ballestero on the purification and quality control infrastructure; standards are appallingly low. Attorney Gearreald: proposal that they centralize their water treatment infrastructure to one particular place.

Selectman Bean: what are you doing to go back and make sure that services we paid for were actually rendered? Attorney Gearreald: in terms of actually monitoring, this is our first time

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we will escrow the money; had to engage with Aquarion on many aspects before; requires a lot of attention.

Chairman Waddell: can we claw back. Town Manager Welch: we have twice requested for the reports for the last three years, but have yet to receive them.

Chairman Waddell: are we going to take some action.

Selectman Bridle: escrow the rest of the money until they provide.

Selectman Bean: this could be hundreds of thousands; put on the agenda for our next meeting; consult with North Hampton and if necessary get this before a judge to get the records.

Selectman Barnes: it is hundreds of thousands for North Hampton.

Selectman Bean: right and we are much larger.

Town Manager Welch: the next step for us is the PUC and request the reports that Aquarion is required by law to file with them for this information.

Selectman Bean: we have a threat; cancer clusters; huge problem if we are not careful could imperil our water supply; what are we doing for ground water and bedrock testing from Coakley to here. Town Manager Welch: they have test wells at Coakley which have the highest concentration of PFCs in the world; other than that they have not test wells; should have test wells out ½ mile out, 1 mile out and 1½ miles out; plume moving. Plume of contamination that we do not know where it is moving to as there are no test wells out there. I asked Aquarion if there are any PFCs in their water supply; they indicated that there are some background PFCs under the federal limit. PFCs are manmade, they come from some place, and the only source is the Coakley Land Fill that means there is a potential for PFCs to be moving in the direction for the water supply for this town; bad thing to think about and do not want anybody to be poisoned. If you are going to take a deep bedrock well and we already know that the PFCs are in the bedrock; if we are going to start pumping, would we pull more of the material into our water supply and contaminate the wells. We need to have some means to require appropriate tests around the Coakley Land Fill particularly in our direction to show if a plume is moving in this direction; my understanding is Aquarion and the Coakley Land Fill does not intend to do that.

Selectman Bean: I spent three hours in the meeting with the representatives; people homes are worthless and they have a serious issue; trying to head off; employ Dr. Ballestero and what he thinks is the appropriate scheme and mandates that in our intervention. Town Manager Welch: there is a concern that this well is within the groundwater influence of our former landfill; several hundred feet below the level of the salt water line; once you pollute the aquifer with salt water, you will not get good water out of the aquifer without some sort of treatment.

Selectman Bean: the DES and the EPA did not have the sense of urgency when they were going to get to the testing.

Selectman Barnes: this board's priority is to redo the entertainment ordinance; think it is important that the history is explained and would like Brian Provencal, Vice Chairman of the Zoning Board into explain.

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Selectman Griffin: I have a problem with this; if we are going to do that then the Police Chief come with him as he worked on this; might as well have Al come in also because he worked on it with Brian

Selectman Bridle: good idea to get the history

Selectman Barnes MOTIONED to have Brian Provencal, Vice Chairman of the Zoning Board appear to explain the history of the current entertainment ordinance SECONDED by Selectman Bridle for discussion

VOTE: 1-3(Bridle, Waddell, Griffin)-1(Bea)

Selectman Bridle: I agree with Rick, the two come in.

Selectman Griffin: Al worked on it too?

Selectman Bridle: the Police Chief is one of our officials.

Chairman Waddell: I thought this was to come up at another time.

Selectman Griffin: needs to happen after the seafood festival.

Selectman Barnes: so we cannot do anything for the rest of the year, then it will be the fall and all the seasonal people who have concerns will be gone.

Selectman Griffin: does not work like that Regina; we have something that is broken and has to be fixed; cannot just rush into things; we need to come up with a plan before people can speak on it. If we are going to be asking for the input of people then we need to have public hearings.

Selectman Bean: we have discussed this; there is a court proceeding coming up. Attorney Gearreald: following the boards last vote where the board changed the entertainment hours for the rest of the year; two temporary licenses for Bernie's; there was an hour cut back from Monday-Thursday; court action filed by Bernie's where it sought to have the court restore the hour. There was a court hearing on Monday, the judge issued a decision upholding the board's decision; have spoken with Bernie's counsel, and this board has authorized me to enter into a stipulation where the action is going to be dropped in court; not facing a suit at present. The board needs to decide going forward with the shortcomings in what we have by way of the ordinance we have now and how do we address it for the next meeting.

Selectman Bean: important issue; judge said the board did a good job; I had to abstain from this issue and feel on a vote tonight I have to do the same as we still have a court issue and it muddies the waters. You made the motion and won in court; let the dust settle; people agreed with you; doing it in the next two weeks is not going to make people happy; people will be happier later on.

Chairman Waddell: take a vote (see results above).

Selectman Barnes: all I am asking for is to have Brian Provencal come here.

Selectman Bridle: I do not disagree with what Regina has said; he is an elected official in this town; the police chief also worked on it.

Selectman Griffin: so did Al?

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Selectman Bridle: he is not an elected or appointed official; at some point in time we do need to address this.

Selectman Bean: when we want people on the agenda you simply have to get with the Town Manager and get with the Chairman, you do not need to ask the board.

Selectman Barnes: it was denied.

Selectman Bean: after this all clears, going forward you will be successful.

Selectman Griffin: I would like to take this opportunity to take this up after the Seafood Festival we will have information to learn about noise and let Al demonstrate that he can do a great job; have not heard too many complaints now; let's hear about the noise from the Seafood Festival, we have a lot to learn.

Selectman Griffin MOTIONED to take up the noise ordinance after the Seafood Festival in three weeks SECONDED by Selectman Bean.

VOTE: 4-0-1(Waddell)

X. Closing Comments

XI. Adjournment

At 9:43PM, the meeting adjourned on MOTION by Selectman Bean, SECONDED by Selectmen Waddell.

VOTE: 5-0-0

Chairman