

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

September 11, 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

7:30 PM Public Meeting

SALUTE TO THE FLAG

#### I. Public Comment Period

Skip Webb: would like to speak with water company as a representative of the Aquarion Water Works Advisory Committee; been on committee for 17 years.

Patricia Murphy, 4 Haverhill Avenue: was here two weeks ago requesting transparency regarding the noise ordinance, potential for committee to review for warrant article next year; request descriptor in the published agenda; notify public if a committee is to be formed and notify public in advance of that.

#### II. Announcements and Community Calendar (22:30)

Selectman Barnes: thank the Legion for their very touching memorial remembrance

Selectman Bean: the Governor spoke in memorial to those who have suffered, had important remarks to make on how well NH does business and how well this town does business. The duties of the town officers under Chapter 41, the NH Selectmen shall manage the prudential affairs of the town and perform the duties by law prescribed. Under the State Constitution; Article 8, Right to Know; there will be an attempt by some to hold hearings in private; Coakley; motion prepared tonight; State indemnification on state beaches, Article 28A.

Selectman Griffin: listening to Mrs. Healy was very inspiring and beautiful; congratulate John Nyhan on a successful Seafood Festival

Chairman Waddell: encourage everyone next year to go to the 9/11 Ceremony at Post 35; they honor all those who have fallen; congratulate the Chamber and John Nyhan at the Seafood Festival

#### III. Consent Agenda (28:00)

1. Release of Welfare Lien Map 155/Lot 41
2. Request of Town Clerk to increase part-time employee hours to 29.5 hours

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3. Appointment: Representative Edgar to the Seacoast Commission on Long Term Goals and Requirements for Drinking Water.

Chairman Waddell: the request by the Town Clerk.

Town Manager Welch: it is the result of the extra-long lines we have been suffering; we have employees that cannot work longer than 30 hours per week; she is requesting we work them 29.5 hours, which is over the increase of the 28 that the board had previously authorized.

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

VOTE: 5-0-0

#### IV. Appointments (29:10)

1. Chief Ayotte & Deputy Chief Kennedy, Fire Department
  - a. Departmental Update

Chief Ayotte: 12 firefighters went through rescue swimmer and rescue boat operator training; 3,132 calls for service; 15 structure fires; do not use gasoline to start any type of fire; mutual aid for structure fire in North Hampton and Seabrook. EMS-1,592 patient contacts; 33 for overdose; Narcan administered 46 times; hospital choice Exeter Hospital 48%, 30% Portsmouth Regional and 20% Seabrook ER; several providers exposed to Hepatitis C and are being monitored. The summer season-103-day period, we responded to 1,511 calls; 739 fire; EMS 772 patient contacts; approximately 14.7 calls per day. Fire prevention bureau performed 182 inspections; issued 114 permits; collected \$4,761.90; 15 fireworks inspections; Seafood Festival daily inspections of tents; 11,796 phone calls through Labor Day. We received the reserve engine; working to replace ambulance 3.

Selectman Barnes: thanks for everything you have done this year; what would it take to have an ambulance full time at the beach.

Chief Ayotte: three people at beach fire station, one being a paramedic; town can cover; call back staff; in order to have full time at beach need to staff appropriately; 10 people per day; maintain 9 all the time; 3 engine in town, 2 on ambulance, 3 on beach engine, 2 on beach ambulance. We have four groups that work on a rotating basis; each group would require a new fire fighter.

Selectman Bridle: good report; did excellent job at Seafood Festival.

Selectman Bean: great job.

Selectman Griffin: thank you for your report.

Chairman Waddell: great visibility at the beach; as of July 10<sup>th</sup> there were 10 fatalities, is that in Hampton.

Chief Ayotte: no statewide.

- b. Sale of 2002 Smeal Pumper to the Hampton, NY Volunteer Fire Department

Chief Ayotte: call volunteer fire department in Hampton, NY; as is offer, no warranty; offer for \$5,000; I would recommend.

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Selectman Bridle MOTIONED to Approve the Sale of 2002 Smeal Pumper to the Hampton, NY Volunteer Fire Department SECONDED by Selectman Barnes.

VOTE: 5-0-0

- c. Waiver from Sections 718-9 & 718-16 (Sole Source) of the Purchasing Policy and Purchasing Procedures award to Zoll Medical Corp for X Series Monitor /Defib

Chief Ayotte: looking to purchase another monitor for \$23,000 and will come from the EMS account

Selectman Bean MOTIONED to Approve the Waivers from Sections 718-9 & 718-16 (Sole Source) of the Purchasing Policy and Purchasing Procedures award to Zoll Medical Corp for X Series Monitor /Defib SECONDED by Selectman Bridle.

VOTE: 5-0-0

- 2. Chris Jacobs, Director and Jen Hale Deputy Director DPW (45:50)

- a. Green Street Flooding Corrective Action Contract

Director Jacobs: continue to negotiate Swamp Inc. for a plan to do a dredge behind Green Street; received range proposal \$45,000-\$75,000; asked for firmer proposal \$44,730; Wetlands Bureau is working with contractor; emergency permit.

Selectman Barnes: this is a firm number. Director Jacobs: yes.

Chairman Waddell: when the company is working in the wetlands, who has the liability if something goes incorrectly. Director Jacobs: they do; they are responsible to the NH Wetlands Bureau to follow their rules.

Selectman Bean MOTIONED to Approve the Green Street Flooding Corrective Action Contract of \$44,730 SECONDED by Selectman Bridle.

VOTE: 5-0-0

- b. Salt Bid for 2017-2018 Winter Season

Director Jacobs: we go through this every fall; state bids out salt prices Granite State Minerals is their low bidder and same firm we used last year; price is \$53.30 per ton delivered.

Selectman Bridle MOTIONED to Approve the Salt Bid for 2017-2018 Winter Season to Granite State Minerals for \$53.30 per ton SECONDED by Selectman Barnes.

VOTE: 5-0-0

- c. Request to open pavement of Towle Farm Road – NH School of Mechanical Trades

Director Jacobs: beginning of October a new school that wants to move into town; the water line is on the opposite side; resurfaced Towle Farm Road a year ago; in the past we had people come back in and do a better job of the final patch.

Selectman Barnes: great addition for town.

Selectman Bean: ordinance 769-5(A). Director Jacobs: actual process they would use to repair the road.

Chairman Waddell: positive for town, great addition; this is depending upon acceptance by the Planning Board. Director Jacobs: yes.

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Selectman Bridle MOTIONED to Approve the Request to open pavement of Towle Farm Road – NH School of Mechanical Trades SECONDED by Selectman Griffin.

VOTE: 5-0-0

d. Bid 2015-030 Mill Pond Dam Restoration - Addendum #1

Director Jacobs: went through process to find engineer to design restoration of Mill Pond Dam in 2016; they have come forward with Addendum #1 unforeseen work; historical site; request from NH Historical Society to do exploratory pits, hand dig looking for early artifacts; was used as mill site. Archeological phase needs to be done; we support this addendum; what we need to do to go forward

Selectman Bean: concerned about the mushroom factor; did you discuss with the contractor. Director Jacobs: that is generic; construction and post construction monitoring; their scope of work including construction services has been entered in.

Chairman Waddell: the dam has been going on for how long.

Selectman Barnes MOTIONED to Approve Bid 2015-030 Mill Pond Dam Restoration-Addendum #1 for additional engineering for \$16,600 to serve in addition to previous contract funding from approved Warrant Article 38 SECONDED by Selectman Bridle.

VOTE: 5-0-0

e. Extension of work hours for the Lafayette Road Sewer Project

Deputy Director Hale: discontinue this to another point in time as we are still working through the details. Since I am here, Brox Paving, who was awarded the small paving contract for the town, have asked if they could work three Saturdays, in addition to their weekly work; September 23, September 30 and October 7.

Chairman Waddell: your recommendation on that. Deputy Director Hale: to move forward; the roads we are looking at are Drakeside Road, Merrill Industrial Drive and Woodland Road; get them in and have them complete the work at once, to our benefit.

Selectman Griffin MOTIONED to Approve Brox Paving working three additional Saturdays, September 23, 30 and October 7 to pave Drakeside Road, Merrill Industrial Drive and Woodland Road SECONDED by Selectman Barnes.

VOTE: 5-0-0

3. John Nyhan, Experience Hampton (57:55)

a. Discussion on Experience Hampton's Petitioned 2017 Warrant Article 44

Mr. John Nyhan: honor our commitment to Warrant Article 44 contribution from Experience Hampton of \$30,000.

Mr. John Tinios: 2020 is approaching; the addition of the renovation of the Shell, bath houses, and accessory buildings, restoration of the wall has brought incredible development to the beach; increased tax base; 2020 vision; Route 1 corridor; diverse group of citizens brought together; make Hampton better; bring other events to town; a lot of community involvement in Hampton. Plan to make Hampton user friend, community accessible; shop; recreate and ability to grow the community; rejuvenate the area; ask for support; understand it is ambitious, but feel have the skill set, enthusiasm and passion to make this a successful project.

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Mr. Nyhan: on behalf of Experience Hampton and some board members that are present Bob Preston, Dyana Martin, John Tinios, Kristin Russell, Dean Merrill and Rusty Bridle present a check for \$30,000 and hope we will be able to move forward with the work being discussed between the Town of Hampton and the utility.

Selectman Barnes MOTIONED to ACCEPT the check from Experience Hampton for \$30,000 SECONDED by Selectman Bean.

VOTE: 4-0-1 (Bridle)

Chairman Waddell: this was part of the warrant article; raise \$30,000; raised and given to town; money be spent going further with this endeavor; we appreciate all you have done. Town Manager Welch: contracts signed tomorrow.

4. John Herlihy, Aquarion's Vice-President of Water Quality, Environmental Management and Government Relations & Carl McMorran (1:05:50)
  - a. PFCs in Aquarion's Water

Chairman Waddell: Board of Selectmen, Town Manager and Town Counsel have been very aggressive in making sure the citizens of Hampton has safe clean water; had meetings with Aquarion and have been very transparent and they also have the same goal to provide safe clean water; working with Selectman Barnes and Selectman Bean

John Walsh, VP of Operations introduced Carl McMorran, Manager of Operations in NH; Dan Lawrence, Director of Engineering & Planning and John Herlihy, VP of Water Quality & Environmental Management; presenting information about PFCs in the ground water and drinking water; multi-faceted approach to address this emerging issue. We are as concerned as you and our customers; provide high quality water is highest priority; committed to understanding the extent of PFCs concentrations, sources and risks to all wells; committed to sharing all of the information readily and addressing concerns of customers and public officials.

Chairman Waddell: could you explain what a PFC is?

Mr. Herlihy: power point presentation:

Agenda: where does Aquarion get the water it provides to its customers; what are PFCs; what concentration of PFCs are in the drinking water; what concentration of PFCs are in the groundwater; what actions is Aquarion taking to address PFCs? Supply customers in Hampton, North Hampton and Rye; 14 wells; 7 wells on Winnicut Road; Mill Road 6 wells; 3 single source supplied wells.

What are Perfluorochemicals (PFCs)?

- A large group of manufactured compounds widely used in products as water and oil repellents, and for heat and chemical resistance
- PFCs have been found in water, air, soil, house dust, and food
- As an emerging contaminant, health agencies are investigating the health effects, testing methods are being developed, and treatment alternatives are being assessed
- PFCs are measured in parts per trillion (ppt)
- Limits have been set for two compounds, PFOA (Perfluorooctanoic acid) and PFOS (Perfluorooctanesulfonic acid) by USEPA, NHDES, NJ and VT

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- The EPA and NHDES limits are 70 ppt

Part per trillion is a small level to test for; most parameters test water are at the part per million or part per billion level; part per trillion is a million times lower than a part per million; methods used in infancy; testing for 14 PFCs; science early stage and evolving

What concentration of PFCs are in the drinking water?

- Aquarion has tested its wells for PFCs since 2014
- 2014 & 2015 – testing was required for nationwide study of EPA
- 2016 & 2017 – Aquarion performed voluntary testing
- Range of 2017 results PFOA + PFOS: 2-7.35ppt
- Range of 2017 results Total PFCs: 3.9 – 15ppt

Currently have two distribution results and expanding area; Winnicut wells 2ppt of PFOA & PFOS; blending occurs within system due to where the demand is located; total is very low compared to standards

What concentrations of PFOA and PFOS are in the groundwater?

- Aquarion has tested its well for PFCs since 2017
- 2014 & 2015 – testing was required for nationwide study by EPA
- 2016 & 2017 – Aquarion performed voluntary testing
- Range of 2017 results PFOA plus PFOS: ND – 25 ppt
- Range of 2017 results Total PFCs (14): ND – 88 ppt in Well #6

Total of 14 PFCs were tested; 7 of the 14 tested have never been detected in the testing; two samples from Well 6 were 25ppt for PFOA & PFOS combined; need to look further into it; all results will be given to officials and posted on website

What actions is Aquarion taking to address PFCs?

- Action 1 – Continuing and increasing testing for PFCs in Aquarion wells
- Action 2 – Investigating the extent and source of PFCs at Mill Road Wellfield
- Action 3 – Collaborating with stakeholders to investigate the extent and sources of PFC around all Aquarion wells
- Action 4 – Evaluating treatment for wells at Mill Road Wellfield

In contact with NHDES weekly; begun monitoring of test wells; retained hydrogeologist to identify additional sources of contamination; identify sources of contamination; determine if need to put in additional monitoring wells; identify where contamination is coming from. Looking into different treatments, preliminary assessment is due in about 6 weeks from consultant.

Selectman Barnes: had meeting this morning with all officials and feel a lot better listening to presentation; happy you are working with us and being proactive to have clean water; can I get the presentation.

Selectman Griffin: who does your testing? Mr. Herlihy: Eastern Analytical, Inc., they sub the work out to a lab in CA.

Selectman Griffin: do you feel this is something the state should be doing, but do not have the manpower?

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Mr. Herlihy: I am not qualified to answer that, but they do use some of the labs we use; NH doing the right thing, do not know what would entail to get the expertise in-house.

Selectman Bean: State of NH held hearings with the PUC, Commissioner Bailey asserted our right that we have direct access with the PUC and can address the issues that are of concern with us directly to the PUC; Hampton independently will pursue what is in the best interest of our citizens. NJ in 2015 established lower limits for the carcinogens in the water; Hampton is going to ascribe to the lower limits; you are half way to the NJ maximum limit on some of these wells and I do not think it is safe; activated carbon; would not agree with your ascertains that it is a safe level; robust testing. Coakley Landfill group is a united front; Aquarion did not pollute this water, Eversource did not pollute this water; meeting September 21, 2017 with the Coakley Landfill group and they are trying to hold this private; would say that is a violation of the state constitution; not transparent.

Attorney Gearreald: despite the fact in this emerging field, the levels set so far have not been met; Aquarion has shut down Well 6 out of an abundance of caution. The meeting on September 21, 2017 is a meeting of the Coakley Landfill Group; Coakley is the nearest potential source of PFCs to the north and west of this wellfield that is showing these levels. So far it has not been studied whether or not there is flow coming in this direction; monitoring wells are needed; should be responsibility of the Coakley Landfill Group; do those explorations at their expense and that is what we are urging the EPA and the DES to do. If the meeting is conducted in a nonpublic session, we will not know what EPA is requiring; should be conducted in public. I have written the EPA and DES that we strongly want this meeting to be conducted in public in the Seacoast area, so the public can have a meaningful insight into what is going on; urge Aquarion to join with us and urging that the meeting be a public meeting.

Mr. Walsh: with respect to this meeting we believe in all parties sharing information; stakeholders are up there and Coakley Landfill is one of the stakeholders; we would like to know the results of the meeting and would assume the information would be shared with all of us.

Selectman Barnes: have you ever had a polluter that you found out about.

Mr. Herlihy: yes, leaking underground storage tanks; worked with state, put in monitoring wells; tanks containing gasoline were pulled out and we are still monitoring

Selectman Barnes: did you end up treating for that.

Mr. Herlihy: no, the traces that were found went away, but threat is still there.

Selectman Bean: Seacoast media group article on this meeting; EPA and DES meeting; City Attorney Bob Sullivan who serves as the CLG Executive, subsequent to that meeting would propose an update of Coakley activities to the City Council in public session. Attorney Sullivan is going to talk as the City Attorney; conflict of interest; want to hear what is going on in this closed meeting. Mr. Murphy from the EPA said it is a pretty in-depth investigation and usually takes a couple of years. Attorney Sullivan acknowledged any request for CLG to install a pump and treat system would be a significant and expensive proposition; ominous; one sided; strictly serving the interest of Portsmouth, no mention of Hampton. I would ask that you support us in opposing the meeting being private; if we pursue any legal actions to open that meeting you join us.

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Mr. Walsh: just heard about this meeting this morning, not knowing the goal or agenda of the meeting; I understand EPA, NHDES and CLG; do not know of any other parties. Presuming it is a technical session; we want to know the results/outcome of meeting, expect it would be a continuation of the public meetings that happened recently and information would be shared at a public meeting. Without knowing the specific goals and the agenda for that meeting, I do not know if I can support it as enthusiastically as Selectman Bean is requesting.

Selectman Bean: EPA says this is going to take a couple of years; a 30-year problem; unknown plume heading towards our wells; they took the shortest and cheapest way out of this 30 years ago; expects with the DES and EPA discussions with the agencies concerning the expansion of group responsibilities relating to emergent contaminants, such as PFCs. I would think you would join us; ominous and threatening.

Mr. Skip Webb, 28 Seabury: Aquarion Water asking if I would speak in their behalf; had meetings with them; the Selectmen and Water Company need to be complimented on the way they have protected our water supply. Increase in Well 6 is a spiking, happened recently, not materialized over a period of time; might be permanent or temporary; testing put into place will tell us that. I took the approach of what has happened; large aquifer; North Hampton to Route 1 to center of town to the edge of our own landfill; what has caused the changes. We did a large change of groundwater flow; putting in pipes as residents on Mill Road were flooding; might have changed the flow from Route 1 to where these wells are. Another one is on Whites Road and the conservation property; put in subdivision; businesses on Route 1/have a couple of gas stations; have our own landfill; no evidence; the possibility is low. The water company said they will also look at those locations in their determination to where the PFCs are coming from.

Selectman Barnes: Aquarion is going to be testing everything; they have a plan in place and are confident they will do what they need to do; put procedures in place.

5. Bryan Provencal (1:58:40)

a. Discussion on the Petitioned 2012 Warrant Article 35

Chairman Waddell: on this appointment; well discussed issue at one of our meetings; hot dispute; will try to make sure things are evident on the agenda going forward

Mr. Provencal: I just want to speak on the warrant article that I put through (148); it moved over to 149-15 when it was amended; the decibel I had was 80 until midnight; amended at Selectmen's meeting to go until 1AM, which was not my intent; the reason I picked 80 db is that is what the ambient sound is. After midnight is when it actually drops off; unenforceable ordinance, not going to work, people talking, cars going by and activities taking place. People not in the business seasonal zone that contested my warrant article wanted it to be 50db; you cannot have 50db; 50' from property line and take a reading; ambient sound is between 77-80db. Everybody would be in violation by changing it to 75db; 50 db at 11PM is unobtainable, as there is not 50db anywhere in Hampton Beach in the business seasonal zone; did a study; DJ worked in 12 different businesses; unobtainable and no one will be able to enforce, will just be argument.

Selectman Barnes: I knew he had done this study; I would like to see something like this occur again, with the way the beach is now.

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Mr. Provencal: it does not matter the place you are in front of or where you are, that is what the ambient sound is then; if you are creating a business and the ambient sound goes over, then you are in violation. You need to get baseline; that is where I came up with 80db that was basically the ballpark of where it is. The opposition was people in the RB zone wanted it to be 50db and could not be 50; just by the amount of traffic, and people it is unobtainable, unenforceable and does not work. It slows down around midnight; could not make it 11PM; could not make it 50db.

Selectman Barnes: when we get prepared to do the ordinance, we need to consider everyone; in my opinion; he sits on the zoning board; need to figure out what we want and the same rules apply to everyone. You cannot just pick a number; if the ambient noise is 77-80 and our ordinance does not even reach that.

Mr. Provencal: I tried to make it blanket, if you have somebody outside or inside you cannot violate the noise no matter what it is.

Selectman Griffin: I do not think anyone is going to be comfortable with him being part of any group that decides this; I feel like we are showing favoritism by having him in tonight; this is a mistake. I never have seen anyone else that wrote a warrant article and have it voted on come in here and discuss it like this I think it is wrong.

Chairman Waddell: we decided to have him in with as an appointment.

Selectman Griffin: that was a mistake on your part.

Chairman Waddell: we have not decided how we are going to do this with the article yet; have not come up whether it is going to be a committee, a group of experts or what it is going to be; still in the decision process.

Selectman Griffin: I am under the impression that we are not having a committee.

Chairman Waddell: there have been discussions, but it has not been decided; rehashing old stuff right now.

Selectman Griffin: other people have not given their chance to talk; this was a mistake tonight.

Mr. Provencal: I did not want to speak to the committee; I own my own business.

Chairman Waddell: thank you for coming in; we are going to cut it off now.

V. Approval of Minutes (2:07:58)

1. Minutes of August 21, 2017

Selectman Bridle MOTIONED to Approve the Minutes of August 21, 2017 SECONDED by Selectman Bean.

VOTE: 4-0-1(Griffin)

2. Minutes of August 28, 2017

Selectman Bean MOTIONED to Approve the Minutes of August 28, 2017 SECONDED by Selectman Bridle.

VOTE: 4-0-1 (Barnes)

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VI. Town Manager's Report (2:08:19)

1. With regards to the June 6<sup>th</sup> communication to the Commissioner of DRED regarding the request for the reimbursement of funds for ambulance services at the Hampton Beach State Park. His reply communication of July 27<sup>th</sup> indicated that he anticipated a reply by the end of August. This is just to report that as of this date, I have not received his reply.
2. The State Department of Transportation, our Executive Councilor and the Regional Planning Commission will be holding a public hearing on the State 10-year Transportation Plan on Monday, October 16, 2017 at 7 PM at the Seashell Complex, Ocean Front Pavilion Room, Hampton Beach State Park.
3. Public Works has announced that the painting of the center and fog lines of the streets will be performed at night beginning on September 13<sup>th</sup> weather permitting.
4. Paving activities will commence for Drakeside Road with the milling and grinding of the existing surface on September 20<sup>th</sup> weather permitting.
5. Academy Avenue has been posted for no parking on the west side. School Bus loading and unloading during the day will occur on the street. To avoid long delays during loading and unloading periods, it is suggested that alternate route be found.
6. State filed application to allow the Selectmen or the Planning Board to hold a meeting to present the plan for the Court House; suggest Planning Board

Selectman Bridle MOTIONED NOT to hold a meeting to present plans for new Court House construction refer matter to Planning Board SECONDED by Selectman Bean.

VOTE: 5-0-0

7. Drakeside Road will be closed on September 12, 2017 from 7AM-4PM
8. We appropriated funds to start process of doing traffic signal cameras, the first one at Stickney Terrace the price was \$17,880

Chairman Waddell: avoid Academy Avenue, easy to get different route

VII. Old Business (2:12:53)

1. Hampton-Exeter Sewer Agreement – Revised

Town Manager Welch: board authorized me to do a draft of the new Hampton-Exeter intergovernmental agreement for the disposal of sewage for Roberts Drive/Warren Lane area of town; with permission will send to Exeter

Selectman Bridle MOTIONED to approve forwarding the Hampton-Exeter Sewer Agreement – Revised to Exeter SECONDED by Selectman Barnes.

VOTE: 5-0-0

2. Ambulance Services Costs for Hampton Beach State Property

Town Manager Welch: based on GASBY we had the Fire Department review all the calls they received for Hampton Beach, for fire and ambulance services and all the calls to all State property in the town for ambulance and fire service. Had them compute all the costs for firefighters including health insurance, workers compensation, life insurance, taxes, NH retirement system, ambulance depreciation, engine depreciation; all the factors that we put into

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the budget; the master bottom line was \$731,787.17, it encompasses the years 2014-2015-2016 and 2017.

Selectman Bean: it is in violation of the state NH constitution regarding mandated programs; tired responders create a scenario for injury; every year, increasing cost burden us. It is not written in the RSA in the statutory transfer of title of the beach to the State by the Town of Hampton in 1933; there is no legal basis for us to provide the services; \$165,000 per year. I have had discussions with the Governor and asked for removal of DRED Commissioner and the State Parks Director; sent letter and told we would receive response by the end of August; no courtesy of response. This should move to the legal arena; would like Attorney Gearreald to propose a motion for us to seek legal remedy.

Attorney Gearreald: focusing on the fact that in a number of areas we have a dispute with the state concerning responsibilities at Hampton Beach; with reference to the 1933 law; these should be tackled as a package; equal protection clause of the NH Constitution. The Town of Hampton provides services that enable the State to make some of the largest revenue in the entire State; parking; rooms and meals taxes. There are a number of aspects involved that need redress; whole picture be taken on.

I have prepared the following motion:

Town Counsel is hereby authorized to initiate a declaratory judgement action in the State Courts of the State of NH to obtain an adjudication of any and all aspects that are in dispute as to the responsibility for State Property in the Town of Hampton and for services in connection with use or maintenance of said property and for entitlement to revenues that are generated at Hampton Beach that the State of NH is now retaining.

Selectman Griffin: does this include the sidewalks, roads and drains. Attorney Gearreald: yes.

Selectman Griffin: it is time to do something.

Selectman Barnes: all for it.

Chairman Waddell: what happens in other areas where there are State Parks; talking about services provided by police, fire, etc.; do the towns respond and do they get reimbursed or not. Attorney Gearreald: not to my knowledge, but will explore.

Chairman Waddell: everything should be explored; what is this going to cost us. Attorney Gearreald: obviously, this is a major initiative; had a major problem for years, roads, drainage, been plaguing us for years without a resolution; if someone gets hurt on Ocean Boulevard the State says talk to the Town; it is not our road; one of these days the responsibility needs to be resolved. There is a lot of cost; advantage for having inside counsel; not having the \$300-\$400 per hour cost for outside counsel; my cost is \$95-\$100 per hour

Selectman Bean MOVED to APPROVE Counsels MOTION SECONDED by Selectman Griffin.

VOTE: 4-1 (Waddell)-0

Chairman Waddell: I totally agree with everybody, but do not want to jump into something we are not prepared to jump into, not well prepared with going forward; we do not know how

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it is dealt with in other areas of the state; probability of winning very small. I want to make sure all our homework has been done, well aware of what we are going to do.

Selectman Barnes: the way I look at it is we are out \$732,000; try to get back.

Chairman Waddell: we provide service for people who are in Hampton; talking about police, fire and ambulance; they are in our Town; on state property maybe, but in our town.

3. Conflict of Interest Letter regarding Portsmouth City Attorney Robert Sullivan, Coakley Landfill Group Leadership (2:24:15)

Selectman Bean: letter has been sent with unanimous consent of board; Seacoast Media Group on line article I read; major concerns.

Attorney Gearreald: following the direction of the board; had to learn a lot about the Coakley Landfill Group and how they run, what their function is under the consent decree that was developed by the EPA, DES and Federal Court. The CLG is in charge of the site and its remedial efforts as guided by EPA and DES; so far has not been much effort to ascertain what is flowing from Coakley in the southerly direction; in the direction of the wells we talked about tonight.

Chairman Waddell: are you talking about the conflict of interest. Attorney Gearreald: no, I am talking about now something else.

Chairman Waddell: are you talking about the conflict of interest; maybe I am confused.

Selectman Bean: I touched on that briefly and then referred to the motion to authorize the pleadings to open those proceedings publically on September 21, 2017.

Attorney Gearreald: there has not been much effort on the part of the CLG to study what is happening from its site going to the south; that is a known source of PFCs; needs to be studied, as there are not many identified sources in this area for PFCs. This is something that has come up recently with the EPA, DES and the CLG; Aquarion had some ideas at the expense of the CLG; public not aware of what is being decided, we are at a disadvantage. Last Friday I sent to EPA and DES copying the CLG the Aquarion results.

Selectman Barnes MOTIONED to APPROVE Town Counsel is hereby authorized to initiate such proceedings in the U. S. District Court for the district of NH as are necessary to ensure that meetings of EPA, DES and CLG are open to the public and are conducted at a location in the Seacoast area of NH SECONDED by Selectman Bean.

VOTE: 5-0-0

Attorney Gearreald: I asked EPA to get back to me tomorrow as to their intentions.

VIII. New Business (2:29:00)

1. 2017 Annual Report

- a. Waivers from Purchasing Policy and Purchasing Procedures §718-3.A (1); §718-4.A (1)-(4) for the award to The Country Press for printing

Town Manager Welch: would like to have a waiver and award the continued printing to the Country Press, Inc.; we use them every year and they provide excellent service.

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

Selectman Griffin MOTIONED to Approve the Waivers from Purchasing Policy and Purchasing Procedures §718-3.A (1); §718-4.A (1)-(4) for the award to The Country Press for printing of the 2017 Annual Report SECONDED by Selectman Barnes.

VOTE: 5-0-0

IX. Closing Comments (2:30:00)

Selectman Griffin: in my opinion that whatever happens when Mr. Gearreald takes on the State if it does not work the taxpayers have nothing to lose. They are losing all the time now because what the State will not do, the Town will not do either and the people who live on Ocean Boulevard; like I do, they pay their taxes and they get nothing.

Selectman Barnes: it was my idea to have Brian Provencal in tonight because he has lived in this town his entire life; he has worked in businesses at the beach; owns business at the beach and is an elected official in this town.

Non-public session at 9:55PM.

On MOTION made by Selectman Barnes, SECONDED by Selectman Bridle, the Board voted unanimously by roll call) to go into a non-public session under RSA 91-A:3, II (a),(c), and (e).

Minutes Sealed.

At 10:13 PM, on MOTION by Selectman Barnes, SECONDED by Selectman Bean, the Board voted unanimously to adjourn the non-public session and rejoin the public session.

At 10:14 PM, on MOTION by Selectman Bridle, SECONDED BY Selectman Barnes, under RSA 91-A:3, III, the Board of Selectmen voted unanimously by roll call (5-0) to seal the minutes of the non-public sessions as it could affect adversely the reputation of any person other than a member of this Board, or jeopardize the effectiveness of the action to be taken.

X. Adjournment

At 10:15 PM, the meeting adjourned on MOTION by Selectman Bean, SECONDED by Selectmen Bridle, which passed unanimously.

VOTE: 5-0-0

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Chairman