

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

September 18, 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

7:00 PM Public Meeting

#### SALUTE TO THE FLAG

Moment of Silence for Marcia Hess who was a 30 year employee at the Police Department, unexpectedly passed away over the weekend.

Open Public Hearing at 7:01PM

I. Public Hearing pursuant to RSA 41:14-a Proceedings “4 7<sup>th</sup> Street Release portion of Town owned Deed Restriction #4 on formerly Leased Land” First Hearing

Charles Demos, 4 Seventh Street: need waiver because existing setback rules are 20’; current setback is 4’7””; like to replace brick and sandstone steps; need waiver in order to erect.

Town Manager Welch: this has been heard by the Conservation Commission and Planning Board who issued a response in favor of request; remove portion of deed restriction; overhang on front door and replacement of existing brick stairs and iron rails.

Public Hearing Closed at 7:03PM – will meet in two weeks for second hearing.

Public Hearing Opened at 7:03PM

II. Public Hearing pursuant to RSA 41:14-a Proceedings “230 Exeter Road Donation of Land to the Town as shown on Sheet A-1, and donation of drainage easement to the Town for drainage pipe and outlet as shown on Sheets A-2, and C-3” First Hearing

Peter Ross, 230 Exeter Road: will answer any questions.

Town Manager Welch: request has been approved by the Conservation Commission and Planning Board; easement for drainage; donations of 12 acres to the Town of Hampton.

Public Hearing Closed at 7:04PM – will meet in two weeks for second hearing.

III. Public Comment Period (10:00)

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Mary Louise Woolsey, 148 Little River Road: asked for a public appointment and was turned down and asked for non-public appointment and was turned down; serious concerns need your attention and have addressed concerns in the form of a memorandum; gave a written memorandum to Chair and expects response and opportunity to discuss; gave copy of memorandum to Max Sullivan.

#### IV. Announcements and Community Calendar (11:45)

Selectman Barnes: thank you to Max Sullivan for his article on the closing of Mama Leone's.

Selectman Bridle: congratulations to Dyana, Rene and Brendan from the Recreation Department attended the NH Recreation & Parks Association annual state conference; all three won awards; Brendan won the High Five Award; Rene won the NH Parks & Recreations Professional Development Grant Award; Dyana won Wink Tapey Professional Award.

Chairman Waddell: congratulations to our Recreation Department.

Selectman Griffin: congratulations to our Recreation Department; congratulate Gus and Linda for their time at Mama Leone's and the newspaper did do a good job commenting; took exception to the comment in the newspaper that everything is going young and the old people are dying out; Hampton has oldest population in the State of NH; beach for family and children.

Selectman Bridle: Dave Lavoie was injured in a pedestrian accident in May and just returned back home.

#### V. Consent Agenda (16:35)

##### 1. 2018 Board of Selectmen Meeting Schedule

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

VOTE: 5-0-0

#### VI. Appointment (17:30)

##### 1. James Murphy, Environmental Protection Agency a. Coakley Landfill

Mr. Murphy: here to talk about the meeting we scheduled with the Coakley Landfill Group (CLG) has been on the superfund list for about 25 years; search for responsible parties; polluters should pay; many sites are abandoned; identified a number of parties for the CLG. We have been meeting on a regular basis; have not been asked to have a public meeting; response was not a public meeting; trying to be transparent in all proceedings; CLG have been very cooperative since PFC issue has come to our attention as well as the communities in the Seacoast area.

Selectman Barnes: our concern was the EPA was getting together to make all these decisions, when we are the ones that have to deal with the consequences; you are saying it is more of a technical session. Mr. Murphy: we have an agenda; sampling fish in water bodies around landfill; address lichen; PFC issue at Aquarion wells; moving ahead with investigation of

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bedrock as we do not have an idea how the contamination is moving once it gets down deep into the bedrock; communication with public; meeting in October; take action after meeting.

Selectman Bridle: my concern is to listen to people in the area; we should be involved in part of that as our citizens are; many people polluted including US Government. Mr. Murphy: our goal is to protect the citizens, human health; superfund program; drinking water program with DES; trying to move ahead as quickly as we can; we do not have the authority to tell CLG to start sampling wells until contamination hits a certain level; a lot of rules and regulations we have to follow. CLG has been open to suggestions we have made to them; have communication with CLG; work through a process; protect people from drinking contaminated water. We do not have the proof that CLG is responsible for all the contamination in the area; trying to track from landfill; want to meet with Aquarion about the wells; still have a lot of information to gather; taking seriously; hoping to make progress.

Selectman Bean: you are the team leader for government relations and community involvement. Mr. Murphy: yes. Selectman Bean: are you a scientist? Mr. Murphy: no. Selectman Bean: do you have a degree in sciences? Mr. Murphy: no. Selectman Bean: are you familiar with what is going on in Bedford? Mr. Murphy: not specifically.

Selectman Bean: they are past testing phase; experiencing challenges with the water system; wealthy community; drinking out of plastic bottles; more than 100 property owners were given tax abatements; cost town \$166,000 in revenue; what has your organization done in Bedford? Mr. Murphy: I am not familiar enough with it.

Selectman Bean: strictly factual; nothing personal; not a scientist; people down the road drinking out of plastic bottles; you are the EPA; discussion points; do not have a good idea what is going on. The EPA is like a lot of federal agencies; Camp Lejeune water commission and water study; between 1957-1987 people were drinking water that caused 8 deadly diseases; EPA not active in that. In 2016, they finally got cooperation from Federal agencies. Do not have confidence the Federal government is going to protect us; you said consent decrees out there; Mr. Gearreald does the town have copies of this? Attorney Gearreald: we do.

Selectman Bean MOTIONED to have the Consent Decrees placed on the Town Website SECONDED by Selectman Barnes.

VOTE: 5-0-0

Selectman Bean: you have the USAF, USN, USDOT that have polluted; what has your government agency EPA done with situations going on like in Bedford; what have you done to protect our water.

Mr. Murphy: as far as dealing with other agencies that was when we were gathered with for the consent decrees; responsibilities and shares owned; we talk with executive committee; we have worked closely over the years; no excuse what happened at Camp Lejeune for that length of time. Science is still advancing; we do not talk enough to each other; we are going to talk to Aquarion; we are in contact with CLG close to once a week; talk with DES multiple times per week.

Selectman Bean: this Board sent a letter to Mr. Sullivan who is also the City Attorney for the CLG; needs adult supervision; water is getting polluted; not doing enough work to test; I have less confidence; took 30 years to protect Marine's and Sailor's from bad diseases. CLG

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is yesterday's news; what have you done in communication with our legislative delegation from NH in Washington DC to include senators for a final cost for remediation in securing a ring of steel around the CLG that destroys any potential of these carcinogens coming into the water supply. What have been your most recent discussions with them; further addressing a cost; some 30 years later after it has occurred have you fixed any point of a figure that some of these leaders in Washington could attach to a defense bill as an appropriation to provide money to secure the safe water supply. Mr. Murphy: as a Federal agency we are prohibited from lobbying.

Selectman Bean: let's not play games; there are congressional liaison officers; get back to answering the questions and stop talking about lobbying. Mr. Murphy: we have congressional liaison officers, we respond to the US Senator's offices in NH multiple times per week on a wide range of environmental issues; get them answers for what they are asking for; would not have an answer for cost; ask about public meetings and was someone going to attend the meeting tonight. We respond as best we can to state legislators; need to get special permission.

Selectman Bean: I do not find those staffers have a grasp on it; nothing personal, strictly business; interested in testing wells being drilled immediately; interested in CLG paying for it; Federal Government paying for it; after 30 years your agency does something; you said the scientist is going to Puerto Rico? Mr. Murphy: yes, our lead scientist on this site is from Puerto Rico and is scheduled to go there.

Selectman Bean: we all feel for the people in Puerto Rico, last year they declared bankruptcy; we pay our bills and want clean water. We expect you to task people with science; expecting you to task people with the CLG to do the drilling and solve the riddle of where these PFCs are coming from, so we do not end up like Bedford. Thirty years ago, they took the attenuation route, which was the low-ball effort and now we have carcinogens; we have a huge problem; that is why we have the EPA; you are not earning your paycheck. I would defer to Representative Mindi Messmer; she is a hydrologist and ask that she be allowed to ask Mr. Murphy questions. Mr. Murphy: our scientist may be going to Puerto Rico and if he goes on the hurricane response down there the work on Coakley is not stopping; we have other scientists who are at work on the Coakley project.

Representative Messmer: heading up the Coakley Landfill subcommittee for the Governor's task force for the last 1½ years; investigating the possible causes of cancer cases in the five-town area. The first issue that came up was Coakley Landfill; been involved very actively as a hydrologist looking at this issue. For the last 1½ years, the EPA has mischaracterized some of the comments I made; ground water flow is radial; if it is flowing radially, it is flowing to the south towards Hampton. My concern has been that PFCs would migrate; sent email to EPA and DES talking about the recent results that were taken in May from wells by Aquarion; there is a migration component to the south; preferential flow path that has been partially identified and sampled. What authority you have to address these issues. Mr. Murphy: those are questions I cannot answer you can submit them to the appropriate people at the EPA.

Representative Messmer: about a year ago, I submitted a comment response letter to the EPA having PFCs the selected remedy is no longer applicable, get response by end of September and have not seen; would like to see when it is coming. Talks to whether or not the remedial measure implemented is appropriate or not; we are seeing migration of these chemicals to the

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south? Mr. Murphy: we agree that the remedy that existed is not adequate, but what is to be done about it is not, you may have a better idea about it; we do not feel we have enough information to design a system; I think you would agree with that, we could use a lot more information.

Representative Messmer: no, because the 1994 Management of Migration (MOM) for this site had four alternatives; they picked MOM2, which was one of the cheaper approaches, which included a cap and just watching to see what is happening with the chemicals. Mr. Murphy: the contamination that was designed to address.

Representative Messmer: that is not appropriate anymore, as we know it is not working; brush off the 1994 MOM; take MM4, which is the active remedial measure to control migration; stick in the GAC; only increase budget by about \$380,000 over the \$3.2 million and should be good to go. Mr. Murphy: I am not a scientist, but what I am told by our scientist that we do not have enough information; do not know if this system addressed ground water that was migrating radially or in one direction.

Chairman Waddell: not letting EPA off the hook at all, but if he is not a scientist and if we are peppering him with questions, he is unable to answer that is not right; he came here specifically to talk about why the meeting was not public.

Selectman Bean: I would offer this that the questions go on the record; Representative Edgar is here and asks pointed questions for a detailed response from a government agency that we pay for.

Chairman Waddell: just trying to keep this meeting on task.

Selectman Barnes: you keep saying you do not have enough information; what is happening to get you the information that you need. We have a private company testing everything for us; if they can do it for their municipalities that they serve, but why the EPA is not doing it for the region that is in peril of becoming dangerous water. Mr. Murphy: we have asked the Coakley Landfill Group to install additional wells at the site; there are a lot of parameters and steps; maybe not happening quickly enough; not that simple, asking Coakley to do more; they have proceeded on most of the things we have asked them to do. As far as what Aquarion is doing with their wells as a private water supply company, different regulatory scheme, not sure what they are required to do by DES or even our drinking water program.

Selectman Barnes: they are going beyond what they are required to do. Mr. Murphy: so isn't the CLG at the moment.

Representative Edgar: it appears we are not getting answers, almost seems one obstruction or reluctance to give a timeline on what is going to happen, keeps on stretching out; would help if we could get more commitments or a timetable on when certain things are going to happen. You can test the heck out of this, but there is not a thrust to take care of this problem; very serious; going to affect the State quite a bit too, because the beach is right there.

Representative Messmer: frustrated as there are basic technical things to continually be questioned and has impeded the process; happening to the south, east and west; now we have an issue in Rye; no wells to the east; migrating to Rye. Concerned as have been talking about this for a while; saying not have enough information; continual effort to be right or not understand the technical issues; CLG has not sampled some of the wells; have been asked by EPA to do this and they have not. We do not have the answers or a timetable.

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Mr. Murphy: I agree it is frustrating; they have sampled some wells and DES has sampled some wells; the sampling is going to continue.

Chairman Waddell: is this stuff that Jim can answer, or does this need to go to somebody else.

Representative Messmer: I want the Board to understand where the frustration lies.

Chairman Waddell: we totally understand where the frustration lies and we are in favor of finding solutions and getting to the correct people to do that; in favor of the meeting being in public; are we questioning somebody that does not have the answers.

Selectman Bean: thanks for coming up and sitting in the hot seat; is there a commitment that the meetings that you hold with the CLG are open to Eversource, Seacoast communities, Aquarion and our town attorney that there is no violation of federal or state law with closed meetings about the threat and conflict of interest. Would you give us that pledge now that our designated representatives and us can attend these meetings and have access to data? Mr. Murphy: I cannot say that; our opinion is that it is not a violation of federal law.

Selectman Bean: it is a manner of common decency and public safety and you are a government employee that is paid by citizens of U.S.A.; what is your basis that you would not want this open, so the situations that are occurring in Bedford do not happen here. Mr. Murphy: we have meetings with GE and many major companies and if it was open they would not come to the meetings, or they would come and not say anything, the meetings would not be productive; we can ask CLG if they would participate in a public meeting and maybe they would; not the case in the past. Trying to get this one done, so we can get agreements and move ahead and do all this stuff that everyone wants us to do and we want to do that CLG needs to do; to have a big public meeting is not the way to make it happen. It is not that we are trying to hide anything, some meetings are better done not in public, not that we are trying to hide anything; willing to come to Hampton and do a public meeting; one we are planning right now will be in Greenland. Our legal folks are saying we cannot be required to do that; does not make sense to have a productive meeting where we have a list of things we want to get agreement with them to have them take action.

Selectman Bean: you have had closed meetings and secrecy and the situation is getting worse; we urge you to have these meetings to have access to data; you are everybody that works for the citizens of American are not beholding to corporations. The corporations have no special privilege that ranks above citizenship and safe drinking water; change the mantra and maybe you need to tell these corporations what they need to do. Mr. Murphy: the data is public and available.

Attorney Gearreald: at the Board's authorization demand to the EPA the meeting in Chelmsford be open to the public; they responded that the Federal Sunshine law does not cover this particular agency. What is at the bottom here is the public interest; CLG conducted a public meeting in North Hampton on August 15 and how it does business. We have corresponded to Attorney Sullivan in Portsmouth and he has indicated if this invites him to a meeting he will come and address this Board in public with their project manager and with their groundwater hydrologist, as he would like this Board and the public know more about the CLG. It is possible even though the law does not require the EPA be subject to the Sunshine Act, this could be conducted in public and you have seen just a sample of the

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important items that can be brought to the agency, for the benefit of the agency. Hampton and North Hampton have hired a hydrologist who has worked with EPA and the state before; it behooves the agency to allow that kind of participation as well; have other with resources that are willing to help. I would urge the agency to allow technical people who can help give you information and another perspective attend.

Mr. Murphy: I think those are good suggestions of getting additional resources; on agenda so we can move forward in a more public way; meeting is not going to happen on Thursday, going to come up with another date

## VII. Town Manager's Report (1:07:50)

1. I am pleased to report that the Commissioner of the Department of Natural and Cultural Resources has responded to the Selectmen's request of June 6<sup>th</sup>.
2. A reminder that the State Department of Transportation, our Executive Councilor, and the Regional Planning Commission will be holding a public hearing on the State 10-year plan for transportation needs on Monday, October 16<sup>th</sup> at 7 PM in the Hampton Beach Seashell Complex.
3. Drakeside Road is scheduled for milling and re-pavement application starting September 20<sup>th</sup>, weather permitting.
4. Please avoid using Academy Avenue during school hours as buses are discharging students on the street causing long traffic delays.
5. Starting on September 20, subject to weather, will be a detour on Hardhardt Way; traffic will be going down Tide Mill Road.
6. September 25 will start on Woodland Road, subject to weather

Selectman Griffin: thank you for your report.

Selectman Bean: have you had a chance to review the letter from City Attorney Sullivan, who is also a key member of the CLG. Town Manager Welch: yes.

Selectman Bean: comments please.

Town Manager Welch: I suggested this Board invite him to talk and expand on his letter; the original letter dealt with a potential conflict of interest, he said he does not have one; know where the City if Portsmouth is going in their relationship with Coakley and getting Coakley corrected.

Selectman Bean: he declares there is no conflict of interest; he said it is my role on the committee to advance the interest of the City of Portsmouth.

Town Manager Welch: that supposedly is his goal and he says so in writing; I think you should have him come in a thoroughly explain it.

Selectman Bean: Attorney Sullivan can say whatever he wants; if the Board and you would agree, I would be interested in extending it to a public hearing, have Representative Edgar, Representative Messmer, Dr. Ballestero and Town Attorney. I do not think this is an appropriate venue, it rises to the level of a hearing and not to be scheduled on a Selectman's meeting. Town Manager Welch: we would hold it here, so it would be on camera and everybody could hear it.

Selectman Bean MOTIONED to hold a Public Meeting SECONDED by Selectman Bridle.

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VOTE: 5-0-0

Chairman Waddell: does DPW have plans if we are hit with a major storm? Town Manager Welch: yes, the State and Town have worked together on the plans; we expect to see the sea rise, heavy rip currents; will put out a notice, advising people to prepare to evacuate, move their vehicles and go to some place safe.

Chairman Waddell: how do the warnings go out? Town Manager Welch: email and telephone.

Chairman Waddell: do people have to have requested the emergency telephone? Town Manager Welch: yes, call the DPW and ask to get on the emergency telephone list for flooding; it is on our website.

Chairman Waddell: I advise everyone to do that; stay off Academy Avenue many other ways you can go.

Selectman Griffin: close it except for local traffic. Town Manager Welch: we can do that, but you specifically voted not to do that.

Selectman Griffin: particularly during school hours, it should be that way. Town Manager Welch: we would be happy to close that just above the library, so it would not be affected.

Chairman Waddell: should we check with the school first.

Town Manager Welch: the only problem I could see is parents bringing their children to school, there is a drop off spot on Academy Avenue.

Chairman Waddell: why don't we check with the school first.

Selectman Bean: and the Police Chief.

#### VIII. Old Business (1:17:07)

Selectman Bridle: we received the response from DRED; DRED can only go so far, it is a legislative problem; push our legislators and have our senator; tough uphill battle.

Selectman Barnes: our Representatives are supposed to be our voice, but this has gone on and on; revising the letter I sent out and sending to all our Representatives and Senators; on one hand I agree with Rusty, should be more of the elected officials. The response we got back from the Department of Natural and Cultural Resources was a little bit disappointing; do see how it is out of that department's hands, but we should not give up on what we are trying to do; we are trying to prove what this town does annually for the State of NH.

Selectman Griffin: one of the problems could affect the Town; we are talking about something that was done in 1933; 84 years ago; yet the people who live on the east side of Ocean Boulevard; the sidewalks are unbelievable, completely flattened, no curbs; nobody can get an answer from the State of Town, yet we continue to pay taxes. The letter that Jeffrey Rose wrote about maintaining highway; nobody gets answers; nobody knows what to do; need answers and needs to be defined; we need to know who is going to do what needs to be done on the east side of the street.

Selectman Bean: we took a vote last week 4-1 to take legal action; a bureaucrat in Concord responds to us two days after we vote to take legal action; hope we do not rescind motions that carry; especially we are talking \$700,000; advance Hampton's interest. Former

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legislators in this town have attacked me for absurd ideas; if they are happy to let the \$700,000 of taxpayer money go, then so be it. Do not ask for any pay raises, capital expenditures, pay raises for people, union negotiations if we are not going to fight for \$700,000 then this budget is going to be flat. We all have our issues that we spend dozens of hours on; the State of NH with its revenue camp in this town with tolls, liquor stores, insurance premium tax, real estate transfer tax, rooms and meals tax, court fines, meters at the beach, it is a \$200,000,000 haul. Advisory council for the parks recreation has just been set up and I was appointed to that commission; first report due out in November, sent out an email and have not heard a word back. No way am I walking away from \$700,000, just because a bureaucrat writes a letter.

Chairman Waddell: if somebody were to make a motion to revisit that vote that was taken last week that is legitimate. Town Manager Welch: the Board can do what they want.

Selectman Bridle: I do not disagree with Mr. Bean in many of his points, however, one of our big points was needing to hear from DRED; as far as the other points go, they have nothing to do with DRED.

Selectman Bean: it is not DRED anymore.

Chairman Waddell: you had the floor, let him keep the floor.

Selectman Bridle: the Department of Natural and Cultural Resources; we have heard from them and got our answer from the, may not be the answer that we like; the rest of it when it comes to rooms and meals tax, liquor tax, tolls and property tax, that has nothing to do with the Department of Natural and Cultural Resources. There was never any mention of suing; we wanted to get more information; we can still go after the rest of it; what was written in the paper was not quite factual and I take offense to it. We can still go after that stuff, but it is going to take our legislators to do that; we have come a long way and still a long way to go and I still think we need to go after that.

Selectman Barnes: I am not rescinding anything I did last week; \$700,000 is a lot of money; I agree with Rusty we got an answer, not what we wanted to hear; we got it in writing and we use that and continue with the legislators, not just the State ones, but the DC legislators. We gave them \$200,000,000 last year, what are we going to give them when we do not have a wastewater treatment plant; wastewater pipes taking the crap from the beach; we do not have water that we can drink. Water leads into the ocean where people do not want to swim; we need to get the US Senators listening to us; Hampton needs help; you have taken hundreds of millions from this town as far back as I can see. I have not received a response from my representatives; we continue the fight, whether or not we sue is a different category.

Chairman Waddell: ask for clarification of the vote last week was.

Attorney Gearreald: to authorize the Town Counsel to initiate a declaratory judgement action in the State Court in the State of NH to obtain an adjudication of any and all aspects that are in dispute as to responsibility.

Chairman Waddell: so it was to take a legal action. Attorney Gearreald: authorize, yes.

Chairman Waddell: and was 4-1

Selectman Griffin: If it does take a lawsuit, all I care about is an answer to who is in charge of what, particularly when it comes to the road; someone appeared before the Planning Board from Ocean Boulevard about detaining wall; barn; water drains off road into their yard and

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now it is filling up with water. Just like my front door, water rolls in off street and into the front door; the street is elevated so much that the water does not go where it is supposed to. We need responsibility from the State on what they are going to do with their road; flood insurance bill and it has gone from \$300 to this year \$5,100 and next year \$6,200; who is going to take care of sidewalks, and drains; they are in charge.

Selectman Bean: three constitutional cabinets of government; when laws are made, the citizenry are aggrieved; the process is broken; and he is a bureaucrat and I have called for his resignation and he is not qualified for the job. This same bureaucrat writes a letter; no answers; no timetable; people are dying; Camp Lejeune; government people; diseases; not held to standards we are; real results; real answers. They have come out on the pollution control exemption, cost this town millions of dollars; I put in the legislation and did not make it out of committee. This is revenue and what leadership is about; \$700,000 and Mr. Rose and his bureaucratic career is not empowered to say that we have no recourse; because two days after we authorize a court action, he produces a letter. When we say that meals and rooms has nothing to do with revenue and our expenses; it has everything to do with our expenses because those people consume water, and we have to produce the water and manage that as effluent going into the Atlantic Ocean; sewer system will have to be taken care of some day. The 9% goes to state; we do not get money back; cost and depreciation under GASBY 45 is 10% per year; \$2,000,000 until last year no one was keeping track. There was a vote last week to bring relief to the people of Hampton, and it is far more than \$700,000; we want to get along with the State.

Chairman Waddell: the vote was to begin legal action. Attorney Gearreald: authorize to initiate a declaratory judgment action on all aspects in dispute.

Chairman Waddell: so that is what is happening? Attorney Gearreald: that is what the Board has indicated and I intend to do that.

Chairman Waddell: so that is your intention. Attorney Gearreald: yes.

Chairman Waddell: I want to go on record that I was the negative vote last week against it.

Selectman Bridle: Mr. Bean I do not disagree with you, but part of the conversation last week was we had not heard from the Department of Natural and Cultural Resources; all I am saying is we have heard from them, it is not against just them. The way it was produced in the paper, it made it appear we were going after them in particularly.

Selectman Bean: I did not read the article; what is going on here is basic government 101; unless the Director for Natural and Cultural Resources had a \$700,000 check attached to his letter; there is a motion and it will take some research and it has been neglected since 1933.

Selectman Bridle: I do not disagree with that, but it is all departments of this state; I agree with Mr. Griffin and DOT needs to come up with some responsibility on what needs to be done with the drainage. We also need to hear about the rooms and meals tax, but it has nothing to do with the Department for Natural and Cultural Resources; alcohol tax, road tax does not have anything to do with this; that is my purpose on bringing it up tonight.

Chairman Waddell: we took a vote last week; directive given; if somebody has a motion they want to bring up right now; if no motion; move on.

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Selectman Griffin: concerning the Ocean Boulevard issue, all the board members voted to support these people; all they were trying to do was raise their existing driveway to avoid the run-off. The study we are doing at the HBAC is this particular area and a lot more have been left out of the 10-year plan.

Chairman Waddell: clarification; was a 4-1 vote and there was a directive to you and you are following through on that directive. Attorney Gearreald: that is the authorization; Selectman Griffin asked last week does this cover all areas like the one he just mentioned and the answer is, yes; things have festered for years.

Selectman Bridle: I just wanted to make sure this covered all areas.

Selectman Griffin: is there some way mediation can be done; is there such a thing as mediation between the Town and State.

Chairman Waddell: the vote was to take court action, true. Attorney Gearreald: yes.

Chairman Waddell: the vote was not to go to mediation.

Selectman Bean: when we had these votes, it is serious issue; serious amounts of money; pattern of abuse is perennial; consider this a legal issue; Mr. Gearreald will take time to research it; he has been ordered to execute this.

Attorney Gearreald: the answer to Mr. Griffin's question is yes, it is part of litigation in the State Court system; there is a mediation process.

Selectman Griffin: so we do not have to be hard-nosed, we can talk about it.

#### IX. New Business (1:49:55)

##### 1. Establish School Zone 20 mph: Winnacunnet Road Easterly from Academy Avenue to Mill Road

Town Manager Welch: we have had a request; we have a pre-school located across from the Fire Station; several requests for a school zone in that area to protect the children

Selectman Bean: how does that work from Centre School towards Winnacunnet; are there gaps. Town Manager Welch: there are no gaps, we are adding to that area.

Selectman Bridle: I agree with Mr. Bean, we are stopping it a Mill Road and then we are putting in another one for the High School; why not put one to Landing Road.

Selectman Bridle MOTIONED to Establish School Zone 20 mph from westerly of Centre School to Landing Road SECONDED by Selectman Bean.

VOTE: 5-0-0

At approximately 8:55 PM, on MOTION made by Selectman Bean, SECONDED by Selectman Barnes, the Board voted unanimously by roll call) to go into a non-public session under RSA 91-A:3, II (a) and(c) [personnel and reputation].

Minutes Sealed.

At 9:04 PM, on MOTION by Selectman Bridle, SECONDED by Selectman Barnes, the Board voted unanimously to adjourn the non-public session and rejoin the public session.

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At 9:05 PM, on MOTION by Selectman Bridle, SECONDED BY Selectman Waddell, 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 9:06 PM, the meeting adjourned on MOTION by Selectman Bridle, SECONDED by Selectmen Barnes, which passed unanimously.

VOTE: 5-0-0

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Chairman