

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

September 25, 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  
Edward Tinker, Tax Assessor

6:30 PM Non-public session under RSA 91-A:3, II (e) in the upstairs conference room

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

[Minutes were sealed under RSA 91-A:3, III]

At about 6:50 PM, a MOTION was made by Selectman Bridle, SECONDED by Selectman Barnes, to leave the non-public session and return to a public session, which passed unanimously, and the public session was reconvened.

At about 6:51 PM, on MOTION by Selectman Bridle, SECONDED by Selectman Barnes, the Board voted unanimously by roll call vote to seal the Minutes of the non-public session under RSA 91-A:3, III on grounds that they 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.

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

7:00 PM Public Meeting

#### I. Public Comment Period

Mary Louise Woolsey, 148 Little River Road: request an appointment on a discussion on the 2018 Public Works Budget; suggestions and discussion; ok.

Chairman Waddell: we do not respond to public comment. Mary Louise Woolsey: do you want me to send you an email, how do you want me to communicate with the board. Chairman Waddell: same as always; email does it.

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## II. Announcements and Community Calendar (7:35)

Selectman Bridle: school is open and drive safely.

Selectman Griffin: I hope everyone is enjoying “Indian Summer”

Selectman Bean: Hampton Police Department laid to rest one of their own and our sympathies to that young lady and fine organization. Walter Kibbling called and wanted me to pass on what a fabulous Mr. Welch is doing; hello to Steve Arcieri a retired DPW employee and hope he is enjoying the summer; water and waves have been magnificent.

Chairman Waddell: ditto to all the weather stuff, it is beautiful

## III. Consent Agenda (8:43)

### 1. Hampton Cemetery Deeds: Allan C. Parson; Nancy C. O’Malley Estate

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

VOTE: 5-0-0

## IV. Appointments (9:00)

### 1. Chris Jacobs, DPW Director & Jen Hale, DPW Deputy Director

## V. Departmental Update

Director Jacobs: we have been busy; some of the report is metrics; solid waste disposal tonnage is up by 2 tons; recycling down 29 tons; wastewater treatment plant had to dispose of 100 tons more of sludge; 46 driveway permits; 50 excavation permits, 39 sewer connection permits; continue testing Tide Mill Creek. Numerous personnel changes; two employees retire by the end of the year. Landfill perimeter fencing extended as four wheelers were driving around on the landfill. Brush grinding done; compost contract executed; 33 trees removed and another 17 scheduled to be removed.

Deputy Director Hale: broke up paving into spring and fall; resurface High Street and replaced sidewalk; Acorn and Cusack were repaved; resurface Merrill Industrial Drive; Town Road (next to water tower off Mill road); Drakeside Road; portion of Woodland Road and Hardardt’s Way. Removed railroad abutments on Drakeside Road and hoping to have paved by end of next week. Implementing Asset Management Software, will link everything so all will be on one database; will receive training on how to use. Working with neighbors in the area of Greene and Gentian as well as west side of Ashworth; had neighborhood meetings; moving forward to help alleviate flooding; parking ordinance changed/emergency permit; storm alerts.

Director Jacobs: continuing to work with abutters for Mill Pond Dam; working with group; bid opening about November 1<sup>st</sup> to see if sufficient funds remain in warrant article; asked petitioners to come forward if there is a shortage. Ice Pond Dam will go forward; around 6 granite pieces from Drakeside were delivered.

Deputy Director Hale: working to replace seawall; gone through final design; ready for bid first week in October; have prices by November; cost in 2018 warrant.

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Director Jacobs: vehicle maintenance; truck taken off road, significant frame damage; pick-up truck frame not road worthy; vehicle maintenance spent in excess of \$180,000, but lines allowance \$172,625 and more will come out of lines; solid waste vehicles very high costs in maintenance, uses 33% of budget. Budget for highway vehicle maintenance is at \$80,000 and have \$91,000 in line; wastewater treatment vehicles \$32,000 on that line and used \$12,600; \$49,000 on solid waste line and have used \$88,000; side-arm packers are eating the budget alive. Snow fence on beach; pulling containers off beach; boardwalks been pulled off beach and collected; milling and patching potholes; salt spreaders mounted on truck. The Wastewater Treatment Plant facility study is due this week in final print for distribution to board; outlays some \$41,000,000 of improvement that needs to incur at the plant over a number of years in the future. Leave collection usually starts November 6<sup>th</sup>; have to be bagged.

Deputy Director Hale: Lafayette Road Sewer Main replacement has begun; doing de-watering at the end towards Fast Eddie's; Jamco has multiple crews in to move along as fast as possible; goal to be done by middle of November. Ordered another blinking pedestrian flashing sign that will be installed at the crosswalk from the Galley Hatch to Fast Eddie's.

Selectman Barnes: how many people have left Public Works? Director Jacobs: I predicted somewhere around 7; 3 have retired already this year; 3-4 in the next 6-7 months.

Selectman Barnes: most of these people have 20 plus years of experience. Director Jacobs: yes, age is catching up to and they are looking to retire.

Selectman Barnes: the recycling you say we are still on track compared to last year. Director Jacobs: yes, always see a dip in the summer, as our visitors do not recycle as diligently as our residents; will probably go back up.

Selectman Bridle: are we going to have in the budget for next year some more of the solar powered crosswalk signs. Director Jacobs: I am sure we will find the money.

Selectman Bridle: the one at Logan's Run is being used quite often and people are slowing down.

Selectman Griffin: what about the \$41,000,000; how many years do you think that is going over. Director Jacobs: the work was divided into highest, medium and lowest priorities, which they did and it comes in at \$13,000,000, \$13,000,000 and whatever is left over; if the voters can give us a ten-year note for \$13,000,000 that would give it a good jump-start. I would never ask for all \$41,000,000; amount reasonable that budget can withstand or the town's lending and borrowing capability can withstand.

Selectman Griffin: what about taking in other people's sludge. Director Jacobs: when you build a regional wastewater treatment facility and the state gives you the design permit, part of the requirements are that you have to design the plant to accept sludge from not only your residents, other town's. The plant has to be sized to handle a certain amount of that; establish rates on what other towns and people would pay; upper limit of what we can accept physically within the plant and we have seen an increase, because the Epping facility can no longer accept.

Selectman Griffin: sounds like we have to do something early into the spring season to let people know more about the recycling; rental units; be more diligent. Director Jacobs: maybe we can make up flyers and through the rental agencies hand out.

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Selectman Bean: the \$41,000,000 that is on the horizon; will ask Director Pulliam to crank out how much of the \$700,000 that has not been challenged perennially by this town would fund a substantial portion of the burden that is imminent. We get to the downsizing and downshifting of this waste effluent and there is no charge; would you share your experience of value enterprise systems for charges for the effluent and what the Town of Hampton does.

Director Jacobs: we are one of the few towns in the state that does not send out regular sewer bills; when I lived in Dover, when I got a water bill I also received a sewer bill; they were based upon the percentage of the water you use. All the sewer and water fees were collected went to enterprise fund, which were intended to be self-sufficient; there would be an incremental increase to offset projects that need to be done. For instance, replace motors/pumps; 2 of our pumps operate 24/7; had the middle pump serviced as seals started leaking; the pumps have been in there since 1974. We have aged equipment in there; without enterprise fund we are left with the only other opportunity which is bonding; we do have a sewer access fee; only intended to offset the people using up the capacity; new condos, new homes. If we try to go towards an enterprise fund, we would have to revisit how we have a tax structure in the Town of Hampton.

Selectman Bean: going forward that notion/platform is something the Town of Hampton should investigate. You talk about the drain on your budget with the garbage trucks; the hospitality/commercial nature of beach dictate there is stronger involvement from the municipal platform. Looking at some real hard analysis of speaking of the west side, speaking of alternatives; platform that chews up your budget; platform that takes your manpower away from highway; do not have enough men/women working on the roads. Very expensive notion to take all the trash from commercial enterprises; something to look at; seeking to address the \$700,000 shortfall; having a budget eaten up with Public Works and yours with your sewerage operation is the largest municipal platform in the town.

Chairman Waddell: why do we want the recycling up? Director Jacobs: number show we are paying \$150 per ton to get rid of trash; only \$120 per ton to get rid of recycling; one of only two communities in the state to pay nothing to get rid of trash; do not pay disposal fee. We still have transportation and vehicles to maintain that is why it costs \$120 per ton; significantly, less than trash; the more you can recycle it really helps with the budget.

Chairman Waddell: monitoring on Tide Mill Creek; what do we monitor for. Director Jacobs: fecal count; quality of water; if there was raw effluent coming out of our drains that will be the first place it would show up; agreement with State to keep on top of situation.

Chairman Waddell: when you said one test was 2,419 MPN. Director Jacobs: it is a fecal count.

Chairman Waddell: no explanation why that would happen; is that over what it usually is. Director Jacobs: what I think happened somebody started their RV and they opened up the sillcock in the back and did not realizing that it had not been emptied and got on the lawn area and it was washed into the creek; one day of high count in the area and then was gone.

Chairman Waddell: Lafayette Road sewage will be done when. Deputy Director Hale: November 17.

Chairman Waddell: what will happen when you are finished? Deputy Director Hale: everything will be paved; take out humps and bumps.

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Director Jacobs: will be smooth for the traveling public and will be smooth for plowing.

Selectman Barnes: on the sewer bill, would it be possible to do it. Director Jacobs: in the solid waste area, you can bring up to 1000lbs to the transfer station at no charge, after we start to charge; can do the same with wastewater; high volume users would need a way to meter their water usage or have Aquarion send us water bills. There are rules within our present ordinance that you cannot enact a surcharge fee.

Selectman Griffin: the electric company charges you more if you use more electricity; when you have a commercial account every time you get to a certain point you go into another classification and it is a higher rate.

## 2. Kristi Pulliam, Finance Director (52:26)

### a. Monthly Financials

Director Pulliam: August financials; target is 66.7%; tax revenue is slightly above target at 68.96%; month's total income \$797,668; motor vehicles @ \$342,835 over target; interest on taxes \$21,213; building permits @ \$19,171; highway subsidy @ \$94,869; state water pollution @ \$64,701; departmental income @ \$83,442; parking lots @ \$109,287 and real estate trust @ \$44,261. Expense side under budget by \$369,425 or 1.5%; town manager supplies and expenses over target @ 107.9%; election under @ 65.02%; finance under @ 64.42%; management information systems 95.64%; legal expenses @ 201.37% over target @ 103.03%; cemeteries electric @ 104.33%; replacement equipment @ 84.3%; parking administration over @ 88.45%. Police Department @ 64.4%; Fire Department @ 60%; Public Works @ 65.9%; Parks & Recreation @ 65.47%; Patriotic Purposes @ 85.19%; Town Beautification @ 73.35%. Fund 24 balance @ \$152,109; Fund 25 balance \$397,906; Fund 26 balance \$126,021; Fund 27 balance \$551,229; Wastewater system fees collected \$51,886 balance is \$136,872 with \$43,100 approved expenditures.

Selectman Barnes: pretty much on target. Director Pulliam: right in line with 2016.

Selectman Bridle: excellent report.

Selectman Griffin: thank you for your report, as always very informative.

Selectman Bean: thank you for your data to include government accounting; appropriate to applaud Mr. Silberdick for managing the town's assets, benefits the town to about \$700,000 a year, is that correct. Director Pulliam: yes.

Selectman Bean: talking strategically about your effort, in this civil effort with the State; the \$20,000,000 that is provided from the trustees and the land is about \$700,000, so you have an asset base that the Town of Hampton owns; our asset base is crumbling to about \$2,000,000 per year; our personnel cost is increasing. Appreciate the attention to detail to address this matter; thank you for your great work; thank you for your service to the town.

Chairman Waddell: the parking lots are we in line/ahead or behind. Director Pulliam: behind by about \$80,000.

Chairman Waddell: do we track that to find out if it is weather related. Town Manager Welch: shows ups and down; weather was bad in the spring. Director Pulliam: have detailed records of how many days the lots were open every month; weather on all the sheets

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Selectman Griffin: how much was the Chamber of Commerce charging. Director Pulliam: I do not know off the top of my head; have data upstairs.

Chairman Waddell: legal expenses overage, what kind of figure does that represent. Director Pulliam: their section as a whole is @ 103%; general government is just under target @ 67.16%; just slightly over.

Chairman Waddell: when you talk about Waste System development charge. Director Pulliam: Chris was just explaining that to the board; a fee is assessed by DPW since 2012; money collected and held in a special account; earns interest; can only be used for certain projects; board's approval.

Chairman Waddell: only on new properties, correct. Director Pulliam: I believe it is only on new properties; maybe additions.

Selectman Griffin: new lots of origin. Director Pulliam: I was listening, but I guess I did not retain enough.

Selectman Bridle: we may want to look at automating our parking lots; would still need people in the lots to make sure it is picked up; people have questions.

Director Pulliam: the auditor's would love us.

Selectman Bridle: we have three lots.

Selectman Barnes: I agree.

Selectman Griffin: been brought up many times before, the time is here.

Selectman Bridle: you can change the price from here; done by computer.

Chairman Waddell: is that something the BOS can do, or has to go to warrant article. Town Manager Welch: budgetary constraint; warrant article.

Selectman Griffin: do in conjunction with the precinct.

Selectman Barnes: spoke with the precinct businesses; still doing research; went back 4-5 years, whether it was sunny, number of lots; warrant article this year for a study to have a parking garage down there.

Selectman Griffin: never going to happen; too expensive; private people have been looking at it for years and too expensive; what Rusty is talking about is more likely.

Chairman Waddell: can we hold up and bring it back up when it is on the agenda.

### 3. Chief Ayotte (1:08:20) & EMS Officer Nate Denio

- a. Waiver from Purchasing Policy and Purchasing Procedures Waivers from §718-3.A (1); §718-4.A (1)-(4); & §718-16 for the purchase of the Stryker PowerLOAD System for Ambulance 3

Chief Ayotte: we purchased Ambulance 1 and came before you to purchase a power/load system, which is a hydraulic lift system; we are looking at replacing Ambulance 3 and will need another stretcher and lift system. Stryker notified us that as of September 30 they will be raising their prices by 3%; will let us lock in at current price, savings of \$1,205.40. If we are able to secure purchase through your grant of a waiver; can make call and be locked in at price.

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Selectman Barnes: what is this power system? Chief Ayotte: power system that goes into the back of the ambulance and the new stretcher; this would come out of the EMS account, which has a total of \$551,229.

Selectman Bridle: at \$24,000, we have spent more than that on injuries; support this. Chief Ayotte: the total cost is \$40,180.05.

Chairman Waddell: the money is coming out of the EMS account; where does this money come from. Chief Ayotte: if a patient is transported; receive day sheet and sent out to billing; billed through patients insurance; payment comes back and goes into the EMS account.

Chairman Waddell: what is the average weight of the people? EMS Officer Denio: they are not getting any smaller.

Selectman Bridle: big difference by picking up Regina or picking up me. Chief Ayotte: 37% considered morbidly obese; stretcher capable of holding 700lbs; the lift is able to lift 870lbs.

Selectman Bridle MOTIONED to Waiver from Purchasing Policy and Purchasing Procedures Waivers from §718-3.A(1); §718-4.A (1)-(4); & §718-16 for the purchase of the Stryker PowerLOAD System for Ambulance 3 not to exceed \$41,000 SECONDED by Selectman Griffin.

VOTE: 5-0-0

## VI. Approval of Minutes

### 1. Minutes of September 11, 2017

Selectman Griffin MOTIONED to Approve the Minutes of September 11, 2017 SECONDED by Selectman Barnes.

VOTE: 5-0-0

## VII. Town Manager's Report (1:14:40)

1. Public Works has a contractor milling Hardardt's Way, Drakeside Road, Merrill Industrial Drive, and Woodland Road; paving of these streets will proceed this week and next subject to weather. Once paving is completed, the roadway shoulders will be adjusted.
2. Public Works is working with the work crews attempting to keep open Hardardt's Way and avoid using Tide Mill Road as a detour.

## VIII. Old Business (1:15:55)

Selectman Barnes: Town Manager's office is currently working on a letter that will be addressed to all business owners who pay Rooms & Meals Tax; totally anonymous; totally optional; blank line where you can write the number of the Rooms and Meals Tax paid from July 1, 2016-June 30, 2017; all will be outlined in letter. Tax Assessor got us the detailed list of all the addresses from the State who pays the Rooms and Meals Tax; goal is to determine Town's percentage of total Rooms & Meals Tax paid in the entire State of NH.

Selectman Griffin: the place was teeming with old people at the beach; made me wonder where they came from; with grandchildren.

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Chairman Waddell: you mean mature people. Selectman Griffin: made me feel younger, although I am probably older than they are.

Selectman Bean: I was one of the young people swimming at the beach; we had discussion on the CLG; document that CLG participation agreement; secretive document; place on website; alarming document; proclivity to talk about protective and secret issues, but none to talk about the end state of remediation of testing of the pollution thread. This is dated September 1991; private company; very little transparency. Paragraph 3: Each member and any individual serving on behalf agrees by virtue to maintain the privileged nature and confidentiality of all communications and proceedings of such committees and subcommittees. Paragraph 3.3: Meetings of the group maybe called for any purpose at the time by the City of Portsmouth. There are three members; municipal class; generator class and transporter class; have authority to enter into contracts on behalf of group as approved by the executive committee; get separate council. Mr. Sullivan is the executive member; he has 2 votes per this document; any member of the executive committee may assign its vote to another member of the executive committee to vote at the meeting, using the form referred to in paragraph 36. Municipal members may contribute in kind services in lieu of the contribution towards shared costs. There is a waiver in this document of the conflict of interest; unbelieve in a government entity; actually written into this a waiver; never seen that in government; paragraph 8. This agreement shall be held in strict confidence by the receiving member and all persons to whom confidential information is revealed by the receiving member. If such information becomes the subject of an administrative or judicial order requiring disclosure. The confidentiality obligations of the members shall remain in full force and effect without regard to whether the action arising out of the site are terminated by final judgment and shall survive the termination of this agreement. Paragraph 9-4: talks about the NH Right to Know Law. Conveyance in here not to sue. The generator members: Booth Fisheries, Erie Scientific, GE, K-Mart, Mobile Oil, Montgomery Ward, Northern Utilities, Public Service, United Technologies, Waste Management. These are huge, some international corporations; we are closing down wells; most horrific thing I have seen. The municipal members are the City of Portsmouth, Town of North Hampton and Town of Newington. The EPA is involved; driving force of this document is not the science or the pollution, it is the cost. September 27, 1991 letter from the City of Portsmouth; Coakley participating agreement and signed by Robert Sullivan, City Attorney; goes back 26 years. Neither fair nor responsible for the Federal responsible parties to ask the private responsible parties to yield on the changes in the terms of the deal in the first place. Virtually all the Federal PRPs demands in the interest of a settlement in fairness we should not be asked to make further concessions. These are not concessions on performance of work; matter of science; health of the public; people's health and welfare; children drinking carcinogens; these are corporations and attorneys dodging responsibility. Jetline in a letter dated September 27, 1991; they are a responsible party; talking about reducing their encumbrance; Jetline would like to have the option of providing the following services: sampling and chemical analysis; waste disposal services; design and construction of the remedial action and onsite safety.

Selectman Bean MOVED that the Coakley Landfill Group Participation Agreement dated September 27, 1991 be posted in the document section on the town website SECONDED by Selectman Barnes.

VOTE: 5-0-0

Chairman Waddell: is that a public document; Mark said it was legal.

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Selectman Bean: it is a public document; Mark questioned if we would even need a motion to put it on the website.

IX. New Business (1:32:40)

1. Establish School Zone 20 mph: Landing Road from Park Avenue to its terminus at Winnacunnet High School; Cuss Lane from Park Avenue to Landing Road

Town Manager Welch: it constitutes that little triangle behind Founders Park.

Selectman Bridle: with the exception of Park Avenue. Town Manager Welch: correct; it also brings Landing Road down to its end as a Class 5 Highway before it reaches the fields down in back.

Selectman Bridle MOTIONED to Establish School Zone 20 mph: Landing Road from Park Avenue to its terminus at Winnacunnet High School; Cuss Lane from Park Avenue to Landing Road SECONDED by Selectman Griffin.

VOTE: 5-0-0

X. Adjournment

At 8:30 PM, the meeting adjourned on MOTION by Selectman, Bean SECONDED by Selectman Barnes, which passed unanimously.

VOTE: 5-0-0

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Chairman