

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

February 5, 2018

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

I. Public Comment Period (4:25)

II. Announcements and Community Calendar (4:35)

Selectman Barnes: thank everyone who came out Saturday; Selectman Bean, Rep. Cushing, Rep. Messmer and I were supposed to attend a City Counselor's meeting tonight and CLG was going to be there to make a presentation and they were going to open it up for public questions and it was cancelled at last minute; closing off to the public; very disappointed.

Selectman Bridle: not a great turnout at the Deliberative Session, but good dialogue; thank Selectmen Barnes and Bean who continue to work on the water problem.

Selectman Griffin: lowest turnout I have seen; disappointing; people need to take a look because we have some crazy citizens petitions and people should take a look at them and make sure they vote them down.

Selectman Bean: the board wants to say best wishes to Joan and Fred Rice.

Chairman Waddell: at the Deliberative Session there was a lot of good information; more could have attended; the information is out there on the different warrant articles; important.

III. Consent Agenda

IV. Appointments

1. Chief Ayotte and Deputy Chief Kennedy (7:35)

a. Fire Department Quarterly Report

Chief Ayotte: summarize 2017; all open positions were filled; purchased pumper; increase in calls to service; 4,424 calls for service answered; 2,165 for fire; 2,259 EMS; responded to 20 structure fires; responded to mutual aid fires; keep all combustible materials far from electrical and gas heating appliances; blizzard in January; rescue calls; 34 calls in 1½ days; ladder truck

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

being serviced; fire calls up in 2018 by 37%; ice rescue training; 1,244 patient transports; 52 were for overdose; opiates remain great concern; 395 deaths in NH attributed to overdose; call volume up by 20% on EMS side; Narcan administration is at an increase of 43%; this year has seen 3 fatalities. EMS Officer Denio has brought new type of training; 2 staff members were brought in from Safe Harbor in order to understand addiction; we invited HPD to join; being accepted very well; 435 people were trained in CPR; EMS war zone training; new ambulance purchased in December; delivery in May. Fire Prevention bureau performed 231 inspections; issued 186 permits and collected \$18,253.60 in fees in 2017; close to last year's numbers; in January conducted 12 inspections; 10 permits; collected \$688.50 in fees; 15 display fireworks inspections; conduct life safety inspections on local hotels and motels. Fire Prevention week brought fire safety message to 672 students from local schools and several home school students. Communication side of the house answered 24,903 phone calls in 2017; average 68 calls per day; 2,261 in January 2018; submitted for FEMA Assistance to Firefighters grant for the replacement of obsolete radios, equipment and pagers, total request for \$68,950; IMC was inaccessible due to hardware failure due to exposure to elements; transmitters were replaced; hopeful for the warrant article to be passed.

Selectman Barnes: thank you; good to know Hampton can always depend on their Fire and Police Departments.

Selectman Bridle: how many times have we gone over to the new Seabrook ER. Chief Ayotte: yes, we have seen a steady increase; 20% of our call volume transported to there.

Selectman Bridle: less time to go over there. Chief Ayotte: yes, 51% going to Exeter and remainder to Portsmouth Regional.

Selectman Bridle: it is an excellent facility. Chief Ayotte: yes, they have all the capabilities.

Selectman Griffin: good report.

Selectman Bean: union contract raises on the ballot. Chief Ayotte: Local 3017 represents our supervisory unit; includes four Captains, four Lieutenants; Deputy Chief, two department secretaries, the EMS Officer and Fire Prevention Officer; on duty daily; responsible for safety of crews; supervision of day-to-day activities; customer service; work hard and maintain professionalism.

Deputy Chief Kennedy: a bunch of hardworking guys; proud to call my brothers; hope my hometown of Hampton support them as well; get out here and vote for their contracts.

Selectman Bean: Day-to-day basis they are responsible for 15,000 people; 100,000 in the summertime; billions and billions of property at risk that they stand ready to protect at a moment's notice. Request what your costs to shovel out the hydrants that are the property of Aquarion including rolling stock; get that to the Town Manager.

Chairman Waddell: no serious injuries this year; most likely attributed to the training and equipment you are purchasing.

Chief Ayotte: yes; use the power load system daily, which does the lifting into the back of the ambulance; also last winter was milder; a lot of factors that go into it and the risk management approach we are taking are starting to pay dividends.

Chairman Waddell: the training money; the payoff is huge. Chief Ayotte: when somebody is out injured it is expensive.

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

Chairman Waddell: is Marine 1 functional in the winter? Chief Ayotte: yes; in the last 6 weeks it has gone out on a call; will be installing a new motor in February.

V. Approval of Minutes (26:14)

1. January 22, 2018

Selectman Griffin MOTIONED to APPROVE the January 22, 2018 Public Session Minutes SECONDED by Selectman Barnes.

VOTE: 5-0-0

VI. Town Manager's Report

1. Thank you to all who attended the Deliberative Session of the 2018 Annual Town Meeting.
2. The Annual Town Election and Meeting will take place on Tuesday, March 13, at Winnacunnet High School. Polls are open from 7AM to 8 PM. Those who cannot attend should request an absentee ballot from the Town Clerk's Office.
3. Persons who may be eligible for tax exemptions for the elderly, veterans, blind or other special category's must contact the Assessor's Office by April 15, 2018. Please inquire or file early so that any additional information can be obtained, and filed on time.
4. Property owners within the Hampton Beach Precinct and wish to file for the Precinct Tax Exemption must contact the Assessor's Office by April 15, 2018.
5. Property owners who wish to file for a tax abatement must do so by March 1, 2018.
6. Have a list of possible individuals who could be named in the Dedication of the Town Report.

Selectman Bridle: the 4 gentlemen on there have all served this community and country well over the years and I think we should make it for all 4 of them.

Selectman Bridle MOTIONED to APPROVE the names of Gerald M. Dignam, Colonel Paul F. Lessard, Gerald A. McConnell and Arthur J. Moody SECONDED by Selectman Griffin.

VOTE: 5-0-0

Selectman Bridle: can you let the Town Clerk know about absentee ballot on line? Town Manager Welch: I do not know, will have more information next week.

Chairman Waddell: I would imagine that information is on the website.

VII. Old Business (29:41)

1. Vote pursuant to RSA 41:14-a Proceedings for 109-111 Kings Highway Tax Map 197, Lot 18. "Three provisions of the deed from the town for which relief is requested are in paragraph 4, specifically the one single-family dwelling unit, the no subdivision restriction and the 7-foot setback requirements. There are two dwellings on the lot that have been in existence since 1945 and 1955, respectively, which are proposed to be placed under condominium form of ownership and fewer than 7 feet from lot lines."

Selectman Bean MOTIONED to APPROVE the Amendment to Deed Restriction #4 for 109-111 Kings Highway Tax Map 197, Lot 18 to read as follows: 4. The only structures permitted to be erected or placed upon said lot shall be no more than two single-family dwellings,

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

containing no more than four bedrooms each, with no more than a two-car garage. The Grantee will not erect any buildings upon the premises within the setbacks prescribed in the Hampton Zoning Ordinance except to the extent allowed by the Hampton Zoning Board of Adjustment by variance once said variance becomes final. All outbuildings and sheds, other than stables or garages, shall be connected with and attached to the dwelling house, stable or garage on the lot. SECONDED by Selectman Barnes.

VOTE: 4-0-1 (Griffin)

2. Vote pursuant to RSA 41:14-a Proceedings for 871 Ocean Blvd Tax Map 183, Lot 17. "Remove the single-family deed restriction."

Attorney Gearreald: indicated to the board that there might potentially be 2 other deed restrictions; communicated that to Attorney Phoenix and he has some answers to that.

Attorney Phoenix: deed restrictions in Paragraph 4 are: can only be one single family dwelling, no more than 4 bedrooms, no commercial use, no subdivision and no buildings within 7' of the lot line. I found a corrective deed that was issued in 1996 that changed the 7' requirement and limited it to the buildings as they existed on the plans that were done in 1996; building was on one side 6½' from the lot line; have not asked for a subdivision; lift restriction of 1 family to 2 families; in 1985 put second story on; it is a 2 family, he bought in 2013; there are approximately 20 properties that are multi-family; we think we fit the right description and go forward with a legal 2 family for the deed; deed restriction also says only 4 bedrooms; worried about being 5 bedrooms, but one does not have a closet.

Attorney Gearreald: 2-family; 5 bedrooms

Selectman Barnes MOTIONED to APPROVE the Amendment to Deed Restriction #4 for 871 Ocean Blvd Tax Map 183, Lot 17 to read as follows: 4. The only structures permitted to be erected or placed upon said lot shall be a single structure containing no more than two dwelling units, with a total for the two units of no more than five (5) bedrooms, with no more than a two-car garage.

The other sentences of Deed Restriction #4 as previously corrected in Book 3161, Page 2118 remain unchanged. SECONDED by Selectman Griffin.

VOTE: 5-0-0

3. Vote pursuant to RSA 41:14-a Proceedings for 1088 Ocean Boulevard Tax Map 99, Lot 1/1. "The only provisions of the deed from the town for which relief is requested are the 7-foot restriction in paragraph 4, to allow Units 2, 8 and 9, including their decks, and the existing utility panel to remain at their current locations and allow the subdivision of the Lot A large house from the and to allow the subdivision of the Lot A large house from the remaining land on which Units 2-9 are located. The Unit foundations are 6.42, 6.52 and 5.14 feet distances from the property lines and in some cases the decks are even closer. Both the Units and the decks are shown on the Site Plan and Lot A is shown on the Subdivision Plan. There are no neighboring buildings close enough to be affected by this as shown on the Plan. The encroachments onto Town Property are proposed to be removed."

Attorney Saari: one additional change; Unit 9 does not encroach on Town property, but does encroach on State property; agreement reached to move it off State property.

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

Attorney Gearreald: there will be an amended application to the Planning Board; bonding requirement will be imposed to be insured that the removal occurs; modify deed restriction; not erect any buildings upon premises within 7', except by variance; will not be modified; applicant receiving Planning Board approval; removal of unit; bond posted; no recording of the deed restriction modification document shall occur until new plans recorded.

Selectman Bean MOTIONED to APPROVE the Amendments to the deed restrictions for 1088 Ocean Boulevard Tax Map 99, Lot 1/1 to read as follows: The Grantee will not erect any buildings upon the premises within the setbacks prescribed in the Hampton Zoning Ordinance except to the extent allowed by the Hampton Zoning Board of Adjustment by variance once said variance becomes final, contingent upon 1) the applicant's receiving Planning Board approval of new Amended Condominium/ Subdivision Plans that show the Unit that encroaches onto the Ocean Boulevard right of way having been removed from State property, 2) the posting of a bond sufficient to cover the cost of removal of said Unit, in an amount approved by the Board of Selectmen, and 3) no recording of the deed restriction modification document shall occur until these new Planning Board approved Plans are recorded. SECONDED by Selectman Barnes.

VOTE: 5-0-0

VIII. New Business (41:57)

1. Post Deliberative Session

		Final Vote
Article 07 – Bond changed to \$11,780,000	Bridle/Barnes	5-0-0
Article 08 – Operating Budget \$27,225,312 – vote was 3-0-0	Barnes/Griffin	5-0-0
Article 10 – Teamsters Local 633 – vote was 4-0-0	Griffin	5-0-0
Article 11 – Local 3017 – vote was 4-0-0	Griffin	5-0-0
Article 12 – Local 1984 – vote was 4-0-0	Griffin	5-0-0
Article 13 – Trucks – vote was 4-0-0	Griffin	5-0-0
Article 18 – Software upgrades – vote was 4-0-0	Griffin	5-0-0
Article 24 – Yard Horse Tractor – vote was 4-0-0	Griffin	5-0-0
Article 26 – F.T. Asst. Town Clerk – vote was 4-0-0	Griffin	5-0-0
Article 27 – Part-time Paralegal – vote was 4-0-0	Griffin	5-0-0
Article 28 – Engineer Study – vote was 4-0-0	Griffin	5-0-0
Article 29 – Con/Com. Fund changed to \$40,000 - Barnes/Bridle	3-2(Griffin, Waddell)-0	
Article 31 – Exterior Door – vote was 4-0-0	Griffin	5-0-0
Article 34 – Keno – vote was 4-0-0	Griffin	5-0-0
Article 37 – Town Forest – vote was 3-0-1	Griffin	4-0-1
Article 38 – Fence Height Restriction – vote was 0-3-0	Barnes/Griffin	0-3-2
Article 39 – Noise Ordinance – vote was 0-2-1	Barnes/Griffin	0-3-2
Article 40 – Noise Ordinance – vote was 0-2-1	Barnes/Griffin	0-3-2
Article 41 – Christmas Parade – vote was 3-0-0	Barnes/Griffin	5-0-0
Article 42 – Grist Mill Dam – vote was 3-0-0	Barnes/Griffin	5-0-0
Article 45 – Sidewalks/Mace Road – vote was 3-0-0	Barnes/Griffin	5-0-0
Article 46 – Tree removal cemetery – vote was 0-0-3	Barnes/Griffin	0-0-5
Article 49 – One Sky Community Services – changed to \$5,100	Bridle/Griffin	5-0-0

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

Selectman Barnes: if citizens find out about a petition, that directly effects them; I told them to send something into the Town Manager's Office so we can figure out what is going on. Town Manager Welch: they can, but because it is a petition before Town meeting, it has been placed on the ballot and cannot be removed.

Selectman Barnes: if they have questions. Town Manager Welch: yes, we will try to answer it.

Selectman Griffin: If they are against it, they should come and speak at public comment.

Selectman Bridle: is it a citizen's petition.

Selectman Barnes: yes.

Selectman Bean: compliment the moderator Robert Casassa and what a fabulous job he always does; remarkable performance; remarkable capability.

Chairman Waddell: I would like to ditto that; very sharp to make sure he took a lunch break, so the kids from the Academy could sell their stuff.

2. Drakeside Road "Hawthorne Landing" Condominium Bond Reduction reduced to 10% (\$70,403 to \$7,040.30)

Town Manager Welch: it has been approved by Public Works; the material has been put in place and has passed inspection.

Selectman Griffin MOTIONED to APPROVE the Drakeside Road "Hawthorne Landing" Condominium Bond Reduction reduced to 10% (\$70,403 to \$7,040.30 SECONDED by Selectman Bridle.

VOTE: 5-0-0

Selectman Bean: Mr. Welch could you extrapolate on the Aquarion meeting that was here this morning; graph that showed high limits for new emerging threat.

Town Manager Welch: we met to explore the PFC contamination in various wells around the system; two wells current shut down; contamination is worrying the company; we do not know where the materials are coming from; discussed putting in a treatment plant that is somewhere within the \$6M-\$7M range to build; well 22, test pumping of well; having another meeting in 45 days; working with DES in Concord; 140 private wells in Hampton and North Hampton to be tested, have only received approximately 50 approvals; working hard to try and identify problems and resolve them.

Selectman Griffin: where is Well 14, close to Well 6 in North Hampton.

Selectman Barnes: it is going to be summer before we know it; what is going to happen when we need another well; cost \$6M to clean wells; DES and EPA has not even asked for any test water.

Town Manager Welch: Aquarion indicated without satisfactory approvals Well 6 will not go back on and there may be severe restrictions in the summer; major production well; needs to go on to meet quotas; curtailment of watering, particularly outside use altogether; concerned not having enough water to supply the three towns.

Selectman Bean: hand delivered a letter to the Portsmouth City Council; Dr. Ballestero memo; the well lost produced over 65M gallons per year; overburdened well; 4 other Aquarion wells,

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

some bedrock; CLG study clearly demonstrate intimate connection between overburdened and bedrock groundwater; portions of the landfill lie directly on fractured bedrock; two pediatric cancer deaths; millions of gallons of water at risk; remediation process will cost \$6M to this town; if this is Portsmouth's and Coakley's problem they should pay it; there are new contaminates.

Selectman Barnes: Well 6 has over 120 contaminates (PFC/PFOA) in the well.

Selectman Bean: Well 6 our largest well; they are talking about making a "cancer cocktail" and blending it; bringing on line to meet demand; they think it is a solution; Portsmouth City Council lets this rogue unit (CLG) act this way, they fought with lobbyist right to know and do not want to disclose any information; no account for money; unanswerable to anybody; children dying; emergency; dire situation; no one is allowed to talk about it; Governor has not been down here; \$200M of revenue comes out of this town and he has been silent about it; most serious issue that this Town is facing right now.

Chairman Waddell: all this information will be on our website; should we have them in for a public meeting to explain the problems that could come up in the summer.

Town Manager Welch: we have asked, and they have agreed to do that.

#### IX. Closing Comments

At approximately 8:00 PM, on MOTION made by Selectman Bean, SECONDED by Selectman Griffin, the Board voted unanimously by roll call (5-0) to go into a non-public session under RSA 91-A:3, II (a), (c) and (e).

VOTE: 5-0-0

[Sealed Minutes]

At 8:25 PM, the non-public session adjourned on MOTION made by Selectman Bridle, SECONDED by Selectman Barnes.

VOTE: 5-0-0

On a MOTION was made by Selectman Barnes, SECONDED by Selectman Bridle, the Board voted unanimously by roll call vote to seal the Minutes of the non-public session under RSA 91-A:3, III on the 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.

#### X. Adjournment

At 8:26 PM, the public session adjourned on MOTION made by Selectman Barnes, SECONDED by Selectman Bridle.

VOTE: 5-0-0

---

James Waddell, Chairman