

April 23, 2018

PRESENT: Regina Barnes, Vice-chairman
Jim Waddell, Selectman
Mary-Louise Woolsey, Selectman
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

ABSENT: Rusty Bridle, Chairman
Rick Griffin, Selectman

6:30 PM Non-public Session RSA 91-A, II, (e)

At approximately 6:30 PM, on MOTION made by Selectman Waddell, SECONDED by Selectman Woolsey, the Board voted unanimously by roll call (3-0) to go into a non-public session under RSA 91-A:3, II (e) [litigation].

VOTE: 3-0-0

[Minutes Sealed]

At approximately 6:50 PM, the non-public session was adjourned and the Board returned to public session on MOTION made by Selectman Waddell, SECONDED by Vice-chairman Barnes.

VOTE: 3-0-0

At approximately 6:51 PM, on MOTION made by Selectman Waddell, SECONDED by Vice-chairman Barnes, the Board voted unanimously by roll call vote (3-0), 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 actions to be taken

The public meeting recessed at approximately 6:52 PM.

7:00 PM Public Session – Selectmen’s Room

PRESENT: Regina Barnes, Vice-chairman
Rick Griffin, Selectman
Jim Waddell, Selectman
Mary-Louise Woolsey, Selectman
Frederick Welch, Town Manager

ABSENT: Rusty Bridle, Chairman

SALUTE TO THE FLAG

I. Oath of Office

1. Swearing in of full-time Police Officer Harlee M. Felch

Town Clerk Jane Cypher swore in the following individual as a full-time police officer.

With the statutory oath, Harlee M. Felch was sworn in as a member of the Hampton Police Department.

II. Public Comment Period

Robert Ladd, 7 Cutler Avenue: sewer line from the beach to the town; everyone impacted; loss of pipe would create an undeterminable amount of harm to the district; homes unoccupied; businesses unable to function; encourage to proceed with preparing to have a special election; study take 4-6 weeks to complete; maximum amount of risk to beach and town; critical that we go forward to address this issue.

Janet Mulligan, 48 Milbern Avenue: are town boards expected to follow Roberts Rules of Order when they have their meeting.

Vice-chairman Barnes: we do not answer questions during public comment.

Ms. Mulligan: comment would be I was very disappointed in the behavior of the Planning Board last week at their meeting; verbal attacks with each other; chairperson was not calling people out of order; disgraceful; Planning Board needs training in how to run a meeting; Municipal Association would offer that; hope in the future I will not have to see that again.

III. Announcements and Community Calendar

Selectman Griffin: good that weather is changing; notice rocks are disappearing; citizens are picking them up; stone walls going up; some blame town, some blame state; heard DOT is picking them up on the side of the street that they did not want to; deluged with complaints; people want to know who is responsible; complaint against state; town will not acknowledge; state will not acknowledge; elderly.

Vice-chairman Barnes: HBAC is having an open house public hearing at Marston School on May 10, 2018 at 7PM and will be discuss the plans they have been working on Route 1A reconstruction; opened up for everyone; attend.

Selectman Woolsey: citizens had to go out with bags and pick up the trash on the beach; State is happy to take money from beach, but not so keen on responding when work needs to be done.

IV. Consent Agenda

1. New Veteran Credit: New Veteran Credit: Sawyer, Richard 128/26; Morrissette, Donald 134/73/1; Snell, Robert 295/60/2; Kelley-Perrin, Deidre 89/18; Perrin, Patrick 89/18; McIntire, Toby 36/6/2
2. Change to Spouse Credit: Sanderlin, Marlene 169/4
3. New Elderly Exemption: Fournier, Joann 145/16; Bolduc, Cecile 222/103
4. New Blind Exemption: Smith, Rosemary 88/6
5. RSA 41:14-a Proceedings 8A Atlantic Avenue Map 269, Lot 38/A Signing
6. 10-12 H Street: Termination of Lease

7. 10-12 H Street: Quitclaim Deed & HUD Statement
8. 10-12 H Street: Assignment of Lease
9. Wright-Pierce Contract Amendment #2 Lafayette Road Sewer Project
10. Entertainment License & Posted Permit: Cloud 9 Bar & Grill 225 Ocean Blvd
11. Raffle Permit: Friends of the Lane Memorial Library
12. Parade & Public Gathering License: Smuttynose 5k 07/01/18
13. Road Closure Permit: Smuttynose 5k 07/01/18
14. USS Hampton Committee Appointment: Rene Boudreau
15. Seafood Festival Committee use of Parks & Recreation Bus

Selectman Waddell MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Woolsey.

VOTE: 4-0-0

Town Manager Welch: under NH law unless a board adopts a rule of order, there is no rule of order; Roberts Rules of Order can be adopted, but most boards do not adopt it.

V. Appointments

1. Chris Jacobs, DPW Director & Jennifer Hale, Deputy Director
 - a. Warrant Article 13 Mack Brand Cab-Over Trash Truck Contract Award
 - i. Complies with Purchasing Policy and Purchasing Procedures § 718.5 (C),(1),(a)

Director Jacobs: Warrant Article 13 purchase 2 vehicles; final lease purchase specification; came in \$400 less than warrant article allows; not one time purchase; slightly less than \$124,000 per year that was approved for the 5-year lease to own; ask to give the manager the authority to enter into the lease purchase agreement; sign for truck.

Selectman Woolsey: when do you expect delivery. Director Jacobs: December 31, 2018; need to be built in OH; shipped north to Canada where the compactor portion is attached; painted; delivered here.

Selectman Woolsey: there will be both a driver's side and a passenger side arm. Director Jacobs: will be a right side arm and a left side cart flipper; can pick up from both sides; have some collections from left, but not as many from right; \$30,000 add on if you want to put the arm on the left side; no automatic greasing; power greasers, more effective.

Vice-chairman Barnes: not get until December; for this summer will continue on? Director Jacobs: yes, continue to repair and maintain the fleet we have.

Selectman Waddell: multi-year lease? Director Jacobs: yes, a 5-year lease; expect to get 10 years out of trucks

Selectman Waddell: Fred, didn't the NH Municipal Association have a question on multi-year leases. Town Manager Welch: we phrased the warrant article in accordance with the statute to allow us to do multi-year leases.

Selectman Woolsey: only paying 1 year at a time on the lease. Town Manager Welch: correct; if town decides not to appropriate funds the trucks get returned.

Selectman Waddell MOTIONED to APPROVE the Award of the Mack Brand-Over Trash Truck and authorize the Manager to sign the Lease Purchase Agreement and authorize fabrication of trucks SECONDED by Selectman Griffin.

VOTE: 4-0-0

b. 1-yr Extension of Vegetation Control Services Contract for Herbicide Spraying

Director Jacobs: we have vegetation control services; 3 year bid; did last year; \$20,000 per year annual expense; slight modification in the contract; not dollar modification; very successful on the sidewalk weed control, they would like to not do as much sidewalk control work; eliminated it; get rid of Japanese Knotweed, which is creeping in on the side of the road; safety hazard; suppress a good amount of the Japanese Knotweed; reaffirm the contract.

Selectman Woolsey: spray weeds; what are they using? Director Jacobs: do not know; submit every year through State government, department that handles controlling and licensing all pesticide applicators; put together plan; leave it to those professionals; actions controlled by state level; do not spray hours before rain storm; no absorption; do not spray on windy day.

Selectman Woolsey: there are parameters.

Selectman Griffin MOTIONED to APPROVE the 1-yr Extension of Vegetation Control Services Contract for Herbicide Spraying SECONDED by Selectman Waddell.

VOTE: 4-0-0

2. Kristi Pulliam, Finance Director (32:40)

a. Monthly Financials

Director Pulliam: March financials; posted on website; target is 25%; total month's income \$421,900; motor vehicles @ \$285,735; interest on taxes @ \$22,774; building permits @ \$35,890; departmental income @ \$24,351; real estate trust @ \$41,784. Expense @ 24.76%; under budget by \$59,036; executive @ 23.99%; election registration @ 24.34%; financial administration @ 24%; legal @ 29.65%; personnel administration @ 29.44%; planning @ 28.79%; zoning @ 15.52%; government building @ 29.92%; cemetery 20.91%; municipal insurance @ 24.71%; parking administration @ 1.06%; police department @ 20.56%; fire department @ 22.27%; building department @ 21.61%; emergency management @ 75.72%; other services @ 51.97%; street lighting @ 29.4%; public works @ 24.9%; animal control @ 21.7%; welfare @ 19.29%; parks & recreation @ 24.9%; library @ 26.77%; conservation @ 21.31%. Special revenue funds; recreation Fund 24 @ \$192,812; Fund 25 @ \$498,158; Fund 26 @ \$136,729; Fund 27 @ \$641,784; Wastewater systems development charge \$202,228.

Selectman Woolsey: special money articles; preliminary design/downtown – Article 44 - \$300,000 to beautify uptown; set for March 31; what was taken out of that article? Director Pulliam: I do not have that information off the top of my head; there were contracts in place on March 31st that are coming from that warrant article; more expenditures coming from the warrant article.

Selectman Waddell: at what point do you feel comfortable in the month? Director Pulliam: \$300,000-\$500,000 makes me comfortable; like pennies on a big budget like this.

Selectman Waddell: you say the \$59,000 is because of one-time payments. Director Pulliam: yes; in 2014 and 2015 we were close.

Selectman Waddell: you keep a close eye on that. Director Pulliam: yes we do.

Vice-chairman Barnes: you are doing an awesome job, considering we are on a default budget this year.

VI. Town Manager's Report (41:00)

1. Please register your dog. All dog licenses expire on April 30, 2018
2. Spring leaf collection is in progress.
3. Collection of branches and limbs. Materials must be piled separately at the curb with nothing larger than 6 inches to be picked up.
4. Construction has begun on the Tide Mill Bridge with single lane passage controlled by traffic lights. Please use caution the roadway is now narrowed. Work should be completed around Memorial Day on one side of the bridge with the balance of the work to be completed after the Seafood Festival.
5. Construction has begun on Lafayette Road from 8PM-6AM daily. The road will be bumpy, please proceed with safe and slow speed through the area.
6. Public Hearing by the HBAC at Marston School from 7PM-9PM for the reconstruction of Route 1A. Please attend, they want to hear your opinions.

Town Manager Welch: signed a contract for the construction of the Mill Pond Dam; Wednesday, May 2, 2018 at 5:30PM a public informational meeting will be held at the Town Hall to discuss the planned draw down of the old Mill Pond Dam for purposes of completing the required repair work; temporary lower level up to 5' beginning on or about May 25, 2018; water released gradually; questions and comments should be directed to the DPW to Jennifer Hale @ jhale@town.hampton.nh.us.

Selectman Griffin: as a member of the HBAC when we had hearings before there was little input; encourage people to come even if you have been left out of the plan; at the Planning Board a comment was made maybe we can fix the problem; he said not going to be done in his lifetime; another member said would not be done in his children's lifetime; has been on Facebook and 82 people have commented; reconstructing Ashworth Avenue has been left out; paid a lot of money to have experts come in and the bigger part of the recommendation from the experts are not in this plan; your chance to come and say something; big change; Nancy Stiles is working really hard.

Selectman Waddell: really good coordination between DPW and businesses on Lafayette Road; keeping businesses open.

Town Manager Welch: yes, working really hard to help the businesses stay open at night; Jennifer Hale is the key person in charge of the operation and has been working very hard to make sure all the businesses on Lafayette Road are informed on what is going on.

Vice-chairman Barnes: I have been talking to people in the North Beach area and they wanted to know whether or not this was going to affect them or not.

Selectman Griffin: reality is a motion was made by this board and was unanimously approved that they at least bring it to Winnacunnet Road and some movement of going all the way to High Street, that has been dropped out; said was going to be \$28,000 to improve it; William Rose affirmed that he had the \$28,000; at the end of the year right before everything was finished said do not have the money, too much time was spent on Ashworth Avenue; he should

have said cut the time; they took all of it out north of Boars Head; many people were concerned about the intersection of Ocean Boulevard and Winnacunnet Road; definitely one of the most dangerous intersections; needs to be consideration here; not too late; not even done the plan; something needs to be done and this is the last chance to talk.

VII. Old Business (51:21)

1. Appointment of David Hamilton to the Trustees of the Trust Fund

Selectman Waddell MOTIONED to APPROVE the Appointment of David Hamilton to the Trustees of the Trust Fund SECONDED by Selectman Griffin.

VOTE: 4-0-0

Vice-Chairman Barnes: beach tourism; like what Commissioner Ladd said; can town management start preparing for while we wait for the analysis to come back; start paperwork process, if we do have to go to a special town meeting; jump start on paperwork.

Selectman Woolsey: cost money; pipes leaking in marsh; temporary solution; work towards final underground out of the marsh solution.

Town Manager Welch: if we have to put in an emergency line, will have to; otherwise will have to shut the beach down.

Selectman Griffin: that is what Haverhill did a couple of years ago; did not ask questions; just did it.

Director Jacobs: we know the vendors and the cost; only additional work initiated under that was realizing what it takes to get a use and occupancy agreement with DOT; relocate force main.

Selectman Waddell: submit after you get info.

Town Manager Welch: after the board reads the information/analysis from the engineers, inspection company and services company; make decision on whether or not you wish to proceed based upon the information; have information ready at that time.

Selectman Waddell: still have to go to court at that point?

Town Manager Welch: statute requires us to go to the Superior Court.

Selectman Woolsey: your motion is speaking to the final resolutions; implementing first would be the above ground lines; no gap.

Selectman Griffin: we did it the last time there was a leak.

Vice-Chairman Barnes: received report prepared by Jennifer Hale and she was already saying in that report planning on having this for 2019 funding; asking public for funding; now we have had another leak; proactive; unique situation.

Selectman Griffin MOTIONED to begin paperwork on special town meeting concerning the sewer line depending upon what the evidence is SECONDED by Selectman Waddell.

VOTE: 4-0-0

Vice-Chairman Barnes: regards to Aquarion; next meeting with them is June 11, 2018 Town Manager Welch has prior obligations and will not be here for that meeting; would feel more

comfortable having the Town Manager present for our next quarterly meeting; tentatively sent out an email to Carl and he would not be available until June 25, 2018 if we were not to have it on the 11th.

Selectman Woolsey: scheduled to pay \$483,162.

Town Manager Welch: actually more than that; rate went up this year.

Selectman Woolsey: that is what is budgeted for the time being; hydrant report was disgraceful; not happy; town not happy; I agree Fred needs to be there.

Selectman Griffin MOTIONED to change the Quarterly Meeting with Aquarion to June 25, 2018 SECONDED by Selectman Waddell.

VOTE: 4-0-0

VIII. New Business (53:57)

1. SAU 90 Cable Channel 13 Funding Request

Town Manager Welch: sent a letter requesting funding for the 2018-2019 their fiscal year; put in 4 years' worth of annual costs; consider on annual basis or earmark funds so they are there when the need comes up; have funds available.

Selectman Waddell: is there a problem with earmarking it?

Town Manager Welch: no; just want to know how the board feels about it

Selectman Griffin MOTIONED to APPROVE Earmarking the SAU 90 Cable Channel 13 Funding Request SECONDED by Selectman Waddell.

VOTE: 4-0-0

Selectman Griffin: the other part with the BOS making the unanimous motion and sent a letter of support to the State; same thing happened with the HBAC they unanimously made the motion to go all the way to Winnacunnet Road; if not mistaken the total board of the HBAC was supportive of going all the way to Winnacunnet Road; do not take lightly; have gone to every meeting for 14 years and fought this battle and to see it just cavalierly pulled off by William Rose, is an insult to the Town of Hampton; think driving onto Ocean Boulevard from Winnacunnet Road is where the people from Hampton go on and in this plan they are going to continue with 4 lanes; 2 each way in that area; all the way to Boars Head, then will drop to 2 lanes; 2 lanes get backed up will be a parking lot all the way to Winnacunnet Road if not all the way to High Street; in the old days it backed up; has not backed up in recent years; makes no sense to have in this area 4 lanes, when they could get by with 2 lanes; they could do something with the flooding by reconstructing the road; worse section of Ocean Boulevard; reason why they need to get out there and say something; movement to try and have the area of the beach taken out of the precinct; the precinct needs to back us up and do something because it is part of the precinct; part of the beach.

Selectman Woolsey: they have to do something about the drainage underneath the road.

Selectman Griffin: actually drainage is not supposed to be part of this; this is transportation and parking, but in recent months I have watched them and they are talking about drainage; drainage at the other end of the beach; assume responsibility of sidewalks and road; town will assume that responsibility; big problem here; wait and see what happens at this meeting.

Vice-Chairman Barnes: anyone with concerns I urge them to come to the meeting on May 10, 2018 or send a representative from your neighborhood; important everyone is heard; please stop in.

Selectman Griffin: Nancy has done an outstanding job and the board has worked to try to make this happen.

2. Acceptance of Two Salt Marsh Parcels Gifted to the Conservation Commission

Town Manager Welch: under RSA 36A:4.1 gifts may be made to the Conservation Commission of land and require approval of the local governing body by statute; these 2 parcels were gifted by the individuals who owns them; recommendation is to approve the gift.

Selectman Woolsey MOTIONED to APPROVE the Acceptance of Two Salt Marsh Parcels Gifted to the Conservation Commission SECONDED by Selectman Griffin.

VOTE: 4-0-0

3. Add to all Fire Lanes Designations “No Parking” & “Tow Zone”

Town Manager Welch: periodically we receive complaints that there are folks who are parking in fire lanes, in order to solve that problem, we have to at least have the enforcement power and if we add the no parking in tow zone to all the fire lanes then we have the enforcement power to stop you from doing that; have right to put ticket and tell them we are going to tow them if they continue to park there.

Selectman Griffin MOTIONED to APPROVE the Adding to all Fire Lanes Designations “No Parking” & “Tow Zone” SECONDED by Selectman Waddell.

VOTE: 4-0-0

Vice-Chairman Barnes: putting resident stickers in new spot, upper left hand corner; if someone has a problem based on their vehicle is there any other possible.

Town Manager Welch: not unless you change the ordinance.

Selectman Woolsey: what do you mean upper left; registration sticker.

Town Manager Welch: the registration sticker has been moved by the State to the lower left corner

Selectman Woolsey: I just had it registered in December and they put it at the top.

Town Manager Welch: they put it in the wrong place.

Selectman Waddell: they can switch it.

Vice-Chairman Barnes: if you do not want to put it in the upper left corner; violation.

Town Manager Welch: you are subject to a fine; will not be able to use the transfer station.

Selectman Woolsey: would like to have an appointment on our schedule to discuss with manager and Town Council with the appointment of a Code Enforcement Officer; not Planning Board’s Responsibility; we should consider sitting down for a serious discussion. Asking that Chief Ayotte be invited into one of our meetings to talk about the turn out gear; they deserve the best protection they can get. Request that we as a board consider a joint meeting with the

Hampton Planning Board; many issues to discuss; reach some type of accommodation such as impact fees that have to do with both boards.

Selectman Waddell: regarding the Chief Ayotte thing, we should stick with the chain of command and the Town Manager should deal with the Chief first and if he feels there is a problem then bring it to the board.

Town Manager Welch: the operational uniforms they wear to a fire; told they will be replaced by December 31.

Selectman Waddell: so it is in the process and if the Chief is in the process of doing this, then why should we have him come in.

Selectman Griffin: when does he come in?

Town Manager Welch: he comes in quarterly; in 2 months.

Selectman Woolsey: clarify; each firefighter is supposed to have 2 sets of turn out gear; there are some secondary sets; as many as 9 do not have second sets; relates to safety; concerned about.

Selectman Griffin: why don't you go talk to him.

Vice-Chairman Barnes: since Chief Ayotte has come on, he has been replacing them; some expiring this year; plans for being replaced.

Selectman Griffin: go talk with him and if you are still not happy.

Town Manager Welch: if the board wants 2 complete certified sets of turn out gear you need to give me \$250,000; not in budget and every time we tried to put it in the budget, it has been refused.

Selectman Griffin: put it in the budget this coming year.

Selectman Woolsey: it should have been on going; life safety.

Selectman Waddell: the Town Manager is dealing with it; micromanaging if we are.

Town Manager Welch: Fire Chief is due May 7.

Vice-Chairman Barnes: as far as what you brought up on the Planning Board; was sent correspondence.

Selectman Griffin: about having a joint meeting?

Vice-Chairman Barnes: yes

Selectman Griffin: why don't you read it.

Selectman Woolsey: I discussed it with Mark this morning.

Vice-Chairman Barnes: There are several important issues with the Planning Board that I believe after speaking with Fred and Jason Bachand, would benefit with a direct dialogue between the BOS and the Planning Board; #1 expanded use of impact fees and an annual meeting warrant article to fund the necessary data study for the same; #2 an annual meeting warrant article to fund a Code Enforcement Officer or imposition of inspection cost of applicant; #3 an annual meeting warrant article to fund update of master plan; #4 bonding or other security for drainage infrastructure; #5 off-site improvements.

Selectman Griffin: we restored those meetings in May that previously were not on the calendar; take one meeting sometime in May and devote strictly to that.

Town Manager Welch: will have to work it out because there is a statutory requirement for calling that meeting; asked council to work it out so that everything will be in order; do not want to do it on one of your board meeting nights or their board meeting night; can squeeze it in sometime in May.

Selectman Griffin: it is important thing.

Selectman Woolsey: since you read aloud what is considered a confidential record, is it no longer considered confidential.

Vice-Chairman Barnes: yes, we just made it public.

Selectman Griffin: I didn't know it was confidential.

Selectman Waddell: Mark stamps everything confidential.

Selectman Griffin: people want to hear; needs to happen.

Town Manager Welch: it came from the board; it is not confidential.

IX. Closing Comments (1:11:52)

X. Adjournment

At 08:09 PM, the public session adjourned on MOTION made by Selectman Waddell, SECONDED by Selectman Griffin.

VOTE: 4-0-0

Regina Barnes, Vice-chairman