

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

September 17, 2018

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

7:00 PM

SALUTE TO THE FLAG

I. Public Comment

II. Announcements and Community Calendar

Selectman Woolsey: thank Chief Ayotte and the firefighters who responded to the emergency in MA.

Selectman Waddell: thank the firefighters.

Selectman Griffin: thank the firefighters.

III. Approval of Minutes

1. September 10, 2018 Non-public Session

Selectman Woolsey MOTIONED to APPROVE the September 10, 2018 Non-public Session Minutes SECONDED by Selectman Waddell.

VOTE: 5-0-0

Chairman Bridle: Selectman Barnes is at a conference, but is on the phone.

IV. Consent Agenda

1. Road Closure – Block Party Colby and Wentworth 10/0718
2. Use of Town Property: Ashworth Avenue, Church Street and Island Parking Lots for Smuttynose Rockfest 1/2 Marathon Road Race ~~10/07/18~~ – Amended to 9/30/18
3. Assistance Grant for Hampton Fire Department for \$83,416

Selectman Barnes: I am being told that the Smuttynose Rockfest is September 30<sup>th</sup>.

Chairman Bridle: you are right; we will amend the Consent Agenda.

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

VOTE: 5-0-0

Selectman Waddell: on the use of the parking lots, should I bring it up under Old Business.  
Selectman Bridle: yes.

V. Appointments (5:56)

1. Chris Jacobs, DPW Director & Jen Hale DPW Deputy Director
  - a. Departmental Update

Director Jacobs: had one internal transfer; Lafayette Road drainage and sidewalk replacement project is being engineered by Wright-Pierce; have bid documents by mid-January; which was the \$1.5M put into the capital reserve; Mill Pond Dam construction is proceeding rapidly; Anns Lane sewer replacement project has begun; Asset Management software is continued being used; will be attending training sessions for the software.

Deputy Director Hale: temporary Church Street force main replacement has been placed on line; using as needed; issued award to bid; preconstruction meeting Thursday; we expect the project will be completed by Memorial Day 2019; working with Wright Pierce; 3 planning meetings; develop plans on how to address critical failures/needs; preliminary design by late Spring.

Director Jacobs: based on email from Selectman Barnes; attached to this report the meeting minutes for the first 3 meetings with Wright Pierce; also attached one of the Planning Meetings for the force main relocation; keep board/public up to date.

Deputy Director Hale: Bicentennial Park study was done that showed the wall was in critical need.

Chairman Bridle: need to recall Regina. Selectman Barnes: thank you, I am here.

Deputy Director Hale: Bicentennial Park study showed we need a new wall; ready; March 2019 warrant; put bid out by early October to make sure we get the right dollar amount.

Director Jacobs: leaf collection scheduled for week of November 5, 2018; if leaves drop later call DPW will be placed on list for pick-up; removed 41 trees; identified 12 more for next year; working with Recreation Department for Tuck Field; will replace flashing crosswalk by Logans Run/Best Western; working on potholes; working on crack-sealing; fix infrastructure prior to paving; know Locke Road is in rough shape-sewer design in 2019 and replacement in 2020; plans for Moulton Road. WWTP operations; processed slightly up; wet sludge being transported is down by 92 tons; permit renewal active; since 2017 operating without permit/EPA; effort for State to be taking over offering permits; had conference call with State. Transfer Station operations; in-depth plan process with Waste Management; fluctuations in market; contamination rate of less than 1%; plastic bags are a major problem; want recycling in carts without any bags; that is why our contamination rate was so high; no garden hoses.

Deputy Director Hale: put website under reconstruction; link to Waste Management list for recycling; paper; no used pizza boxes; contamination; gives examples; call our office if any questions.

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Selectman Griffin: what about paper towels? Deputy Director Hale: the paper towel unused; food contaminates not recyclable; can do paper bag, but not plastic bags; glass, aluminum, paper, cardboard, plastics; Channel 22.

Selectman Barnes: thank you; looks like recycling is going to be tougher.

Selectman Woolsey: great report; like format; are we going to stop using Hardardt's Way? Director Jacobs: no; within Public Works complex named major loop Public Works Way; in front of WWTP McGrath Way; did it for safety/emergency; using 911 system assigned building number; will have signs with the numbers mounted on each building; get 5-6 deliveries per day; with new system the deliveries will go to where they are supposed to.

Selectman Woolsey: Hardardt's Way is not going away; have we ordered the sewer pipes for the actual sewer project; 15 week wait; how are we doing on ordering. Director Jacobs: sign contract; high-density pipe has a 15-20 week lead-time.

Selectman Woolsey: not worried about a hold up getting the pipes to you. Director Jacobs: no.

Selectman Woolsey: flashing crosswalks; any pull with state to get them done on Route 1A. Deputy Director Hale: looking where we do have control; costs associated with them; spread out; looking at areas where they can be beneficial; school do a set and we do a set.

Selectman Woolsey: what is going to happen with carts if our recycling opportunities go down, will it mean more waste in the blue cart; start having problems because the waste part will balloon. Director Jacobs: situation with China; clean up worldwide; apparent recycling market is tenuous; needs to be more education; more reuse of recycle materials; will change every year; need to be adaptable; will not mean no recycling carts; we are a recycling community.

Selectman Woolsey: a number of places have shut down their dump; great report.

Selectman Waddell: good report

Selectman Griffin: recycling/trash pick-up; noticed on Sunday going down Ashworth Avenue; clear violations; had trash/recycling out; could not close container; counted 4 white bags; looks awful; do you pick that up? Director Jacobs: ordinance says no; we do; stopped doing weekend runs two weeks ago.

Deputy Director Hale: week after Seafood Festival is when we end our weekend pick-up.

Selectman Griffin: how do these people get warned? that it is unacceptable. Director Jacobs: orange sticker process. Deputy Director Hale: orange sticker; some cases we take the carts.

Selectman Griffin: need to have situation taken care of; put on agenda; have answer for Mary-Louise on crosswalks; the HBAC is working on, not going to happen until 2019; continue doing what we are with our streets; set example.

Town Manager Welch: came through beach this morning; between B and C streets trash was piled extra high; seagulls spreading trash all over Ashworth Avenue; need to be told not to do that.

Selectman Griffin: it is terrible.

Chairman Bridle: happening as most of the restaurants are shutting down.

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Selectman Griffin: restaurant at the beach their trash cans are sitting there 24/7 and look awful; unacceptable; cannot believe we have to put up with this.

Chairman Bridle: we have responsible people down there and irresponsible; should be required to wash their carts once in a while.

Selectman Griffin: some carts are supposed to be behind barriers so they are not visible from the road.

Chairman Bridle: sometimes we need to remind people about that.

Selectman Griffin: need a plan; HBAC meeting on September 19, 2018 at 7:00PM; will be either here or at the beach; public comment.

Chairman Bridle: see people crossing at Fast Eddie's; not flashing. Deputy Director Hale: we have tested them; solar panel failed; shipped out new part

Selectman Woolsey: responsible business owners should find a truck and bring extra refuse over to transfer station.

Chairman Bridle: we can remind them.

Selectman Griffin: the HBAC meeting does not say where it is going to be located; either here, beach precinct or fire station.

Chairman Bridle: doing great at the Transfer Station.

b. NH DOT Salt Bid 2018-2016 winter season (44:06)

Director Jacobs: every year the State bids out for salt by region/delivery location; Granite State Minerals is the low bidder; \$47; used 1435 tons of salt every year; previous winter it was \$53.30 down \$6 per ton.

Selectman Woolsey: typo; 2018-2016 winter season; should be 2018-2019. Deputy Director Hale: the 2018-2016 is the bid number

Selectman Woolsey MOTIONED to APPROVE the NH DOT Salt Bid 2018-2016 winter season SECONDED by Selectman Barnes.

VOTE: 5-0-0

c. Waste Water Development Charge, Void and Expenditure

Deputy Director Hale: previously asked for authorization for a back-up motor for our WWTP request for \$48,000; working with Wright-Pierce motor would be part of the WWT facility upgrade; void the expenditure for the WW development charge; ask board to approve the expenditure of \$19,700; for 2 VFDs that we need; drives to help efficiency to run components; replace 20-year-old blower; activate sludge pump; the request: rescind expenditure from WW development account of \$48,000 known as Project M and approve expenditure of \$19,700 to purchase VFDs and waiver as not put out to bid and over the \$15,000 mark

Selectman Waddell MOTIONED to RESCIND the Expenditure of \$48,000 SECONDED by Selectman Barnes.

VOTE: 5-0-0

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Selectman Waddell MOTIONED to APPROVE the Waste Water Development Charge Expenditure of \$19,700 SECONDED by Selectman Griffin.

VOTE: 5-0-0

d. Engineering Services Contracts (RFQ 2018-004 Award)

Deputy Director Hale: Kings Highway preliminary design study/Meadow Pond; steps to do before that; put out RFQ; do multiple types of engineering; coastal issues; put out requests for qualified engineering firms; 8 respondents; specialty; reviewed to narrow down to 5 firms; interviewed them; now narrowed down to 4 firms; based on qualifications, etc. would like the board authorize the Town Manager to negotiate on-call contracts for a term of 5 years for the following firms: Hoyle, Tanner & Associates, Milone & MacBroom, Tighe & Bond and Wright-Pierce; develop scope of work.

Selectman Woolsey: so this gives you flexibility. Deputy Director Hale: yes.

Selectman Barnes: no direct cost right now related to the Town. Deputy Director Hale: correct; each firm will provide their terms and conditions; project scope and number of hours.

Selectman Griffin: what about other areas? Deputy Director Hale: we have a few areas we need to look at culverts, wetland permits, studies; all qualified to do that work.

Selectman Griffin: there are other areas that are flooding.

Selectman Woolsey MOTIONED to APPROVE the Town Manager to negotiate the 5-year Engineering Services Contracts (RFQ 2018-004 Award) SECONDED by Selectman Waddell.

VOTE: 5-0-0

e. Authorization of Re-Energy Contract (C&D Waste) (54:45)

Director Jacobs: market is changing; a couple months ago we were up for renewal with Troiano; fee a year ago was \$48 a ton and \$300 per haul; June they proposed a cost increase and asked them to put into writing; \$85 a ton and \$450 per haul; reached out to other companies; 2 trailers we use do not belong to the Town they belong to Troiano; find out who had trailers; Environmental Resource Return Corp (ERRCO) Recycling Facility, Epping, NH are willing to take our waste for \$70 a ton and \$320 per haul; we had 74 hauls last year; subcontractor Re-Energy in the same facility; using material as fuel for a refuse to energy and they can provide the trailers; insurance certificate; would need to be redone so that it names the Town; asking to authorize Town Manager to negotiate a 3-year contract with Re-Energy, Epping, NH for disposal of our C & D waste based on the provided rates, with this authorization the Town would end our current contract with Troiano Waste; reason for this recommendation is the extreme state of fluctuation; have stability over C&D waste; allow department to focus back onto recycling.

Selectman Woolsey: you are talking construction and demolition waste, correct? Director Jacobs: 2x4s; plywood.

Selectman Woolsey: is it individuals in Hampton who demolish stuff and would bring it to the public works yard, or is this stuff that we are doing as a community; knocking something down; private contractors; why can't we tell them to take their waste to Epping? Director Jacobs: we charge money and will go back to see the waste analysis; two years ago we made \$164,000 in

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waste tipping fees; we take in a good amount, but do not take in for free; we have a contractor form and we charge; not a free service.

Chairman Bridle: what do we do with sheetrock, shingles and pressure treated waste? Director Jacobs: we have already been diverting that into the waste stream; separating on the floor

Selectman Waddell: motion to approve with stipulation that you come in with an update on the charges, what it is costing and what we are making

Selectman Griffin: neighbor; appeared to be contractor took down shed, which took three truck loads to the transfer station; a lot of people work as their own contractors; appear to be contractors, but they are not; do work to improve their property; happens all over Hampton.

Chairman Bridle: they can take it, but have to pay for it.

Selectman Waddell MOTIONED with stipulation to APPROVE the Authorization of the Town Manager to negotiate a 3-year Re-Energy Contract (C&D Waste) SECONDED by Selectman Woolsey.

VOTE: 5-0-0

f. 2018 Crack Sealing Contract (Bid 2018-014) (1:01:56)

Deputy Director Hale: put out bid, 2 companies came back; money to put towards it; 2 bids that came in at 34 cents per linear foot for seal coating; other bidder was 69 cents per linear foot; ask board to approve Sealcoating Inc. bid at 34 cents per linear foot; waiver be granted; sent out to over 7 companies; were not 10 in this area

Selectman Griffin MOTIONED to APPROVE the waiver of the Town Purchasing Policy SECONDED by Selectman Woolsey.

VOTE: 5-0-0

Selectman Griffin MOTIONED to APPROVE the 2018 Crack Sealing Contract (Bid 2018-014) SECONDED by Selectman Woolsey.

VOTE: 5-0-0

g. Finestkind Brewing Industrial Discharge Request (1:12:44)

Director Jacobs: Attorney Lynn Preston is in the room to answer any questions; new owners and operators of the Smuttynose Facility; according to rules we have within 30 days of the transfer they sent us a letter and that initiated a new permit negotiated; met twice; favorable comments; their request is to waive the sewer access fee account; in 2015 the board approved a \$5.32 one-time fee charge per gallon of any additional waste water sent to the facility; I have been charging it; raised several hundred thousand dollars; their request is based upon the opinion that the new wastewater facility upgrade they are going to be putting in costs them between \$1.25-\$1.5M; they believe that it adequately covers, or is a substantial enough contribution then why do they also have to pay the fee; I explained it is not my fee to waive; the board is the sewer superintendents.

Selectman Griffin: I would like to hear from Fred on this. Town Manager Welch: my understanding of what happened; we had agreed to provide municipal sewer service to Smuttynose, contingent upon them building a wastewater pre-treatment system, which was never done; I do not think the fee should be waived; if the system is built then the fee could

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end; be refunded or adjusted; we have to treat this waste and have had difficulty doing it and difficulty from the State because we are doing it; if you are going to make an exception for this one, you will need to make an exception for the next brewery, which is already being built in Town; there is a condition here that they need to have a pre-treatment system that is installed and working.

Selectman Griffin: so your recommendation is to not do this. Town Manager Welch: I do not think it is appropriate at this time.

Selectman Griffin MOTIONED to DENY Finestkind Brewing Industrial Discharge Request SECONDED by Selectman Waddell for discussion.

Selectman Waddell: this is something we have had a problem with all along; increased Biochemical Oxygen Demand (BOD); one reason was the brewery, right? Director Jacobs: original presentation to the board; 2014 warrant to put in a sewer system development charge or SDC; set rate; major issue was not so much BOD; plants capacity; taxpayers through tax rate for years funded the improvements; if others; all the development; use up what others had paid for then they had to pay.

Selectman Waddell: I agree; Smuttynose would have a pretreatment plant; they should have been brought up before they entered into it; now they come to the Town asking for a break on something that should have been done prior to this; taxpayers have been paying for and continue to pay for; should have been dealt with prior to the closing; it is not the Town's responsibility; responsibility of the buyers.

Selectman Griffin: this has already been discussed over and over that they were supposed to do this, but have not; once the new people have put in and then come back and ask us to reconsider that is a possibility; we need to see the proof of what is supposed to be there; the Town went and signed agreements for them to get Federal Funding for the project, which was \$750,000; the Town is investing on fixing our WWTP; not saying it is your fault; it needs to be done and do not think we should change anything until it is done.

Selectman Barnes: agree with Rick; 18 months to complete; reassess the situation at that time before we go into a more permanent agreement set something up with Smuttynose.

Town Manager Welch: this is a considerable expense for these folks at this time; do not think they should be required to pay all up front, so they can afford to put the facility that they wish to build so they can increase their own production and not increasing our problems; once done our problems will be solved with them; pay over a period of time; we can work with them; do not want to put them out of business; want the taxpayers paid.

Selectman Woolsey: original owners of Smuttynose said in addition to the grant they received to connect the sewer to Exeter Road; thinking pre-treatment system had been constructed; the new owner's responsibility to do it; big drain on our waste system; not happy with people stalling; read from memo; industrial discharge permit; read from report from Wright-Pierce; brewery may be contributing from 10%-40% of the WWTP overall pollutants total capacity; will be investing \$41M in the next few years to get the plant upgraded; industrial surcharge fee; hoping the brewery will have a surcharge fee; want engineers to tell us what is the industrial surcharge fee.

Selectman Waddell: the Planning Board said way back it was part of the agreement; this was well known at the time they bought the business that they needed a treatment plant; the Town

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should not be giving into it; slap on Planning Board; agree with Mary-Louise that this is going to happen again; been too long; taxpayers have come in saying they are sick of paying taxes for the sewer treatment.

Selectman Griffin: been in business for 44 years.

Town Manager Welch: I sat through all the meetings at the change of ownership; these folks were not given all the truth to begin with; they knew they needed a pretreatment plant in there but had no idea the scale of the problem.

Selectman Griffin: they should go to the state.

Selectman Waddell: it is their responsibility.

Town Manager Welch: I am saying do not excuse it; we need to work with them as they employ a lot of people.

Selectman Griffin: that is why the state or somebody should help them, not the taxpayers of Hampton.

Selectman Woolsey: ignorance is not necessarily bliss.

Selectman Griffin: we have a motion to deny.

Attorney Preston: environmental attorney; Doug McNair present; we have a plan, which is part of the draft permit; plan per contract in place; we are a new company; cannot go back to what happened in the past; forward looking focus to bring brewery up to speed; we have committed to the steps to take; tension; reiterate this is a new company; should not hold the new company responsible for the act of its prior; new ownership; new operator.

Selectman Woolsey: remember once burned, twice shy.

Mr. McNair: here to try to explain; misunderstanding of what we are asking for here; not asking for a lenience on putting in a pretreatment plan; opposite; we are very aggressively looking to move forward; based on decisions made in this process, we are ready to go into action immediately; reviewed companies that design the facilities for us; ready to move forward once we have a clear path; we are asking for in doing this process we know it is going to take some time to build this; looking to have this done in the middle of next year; push forward as fast as we can; want to get it completed; in our best interest; our best interest to start building a relationship with the Town; commitment company is trying to put forward; in true fairness we should pay because we are putting a burden on the system; once pretreatment plant is in we will dramatically drop the load down so much that what we will need for the growth of our company; need volume; help support Town in funding the work that needs to be done; hoping Town will partner with us and give us the ability to have the volume to grow on; help mitigate.

Selectman Waddell: you should have done your homework and should have known that; letter to the Town saying you do not agree to pay some of the money.

Attorney Preston: the language in ordinance does not clearly specify whether this specifies it applies to an industrial discharger going forward; all I was saying there; can't acquiesce that; work with us a little bit; no way saying we are not going to help.

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Selectman Griffin: the pretreatment system is going to be owned by your company. Attorney Preston: yes.

Selectman Griffin: that is why I am against it; you own it; when you decide to sell your business you are going to get it back; the Town taxpayers are tired of being responsible; they want people to pay like they pay; do not see this to be something that is fair to the taxpayers of Hampton.

Attorney Preston: the Federal pretreatment requirements require that if we are going to put in a pretreatment we have to run it, own it; State no obligation to it; they are the ones enforcing; it is our system.

Selectman Griffin: why should the people of Hampton pay to subsidize it? Attorney Preston: not sure they are paying to subsidize it. Selectman Griffin: by waiving the fee? Attorney Preston: might be a misstatement.

Mr. McNair: we are trying to say when we put the system in; right now we have a 15,000 gallon permit in place now; bring volume up to 18,000; like every other business in the community, putting it down the drain; when we invest putting the pretreatment plant in we will be processing our effluent and bringing it down; taking the load off the municipal system; we be allowed to have the extra 7,000 a day

Selectman Griffin: that is where I have the problem, original people agreed to it; it is the way that it is; do we know when it goes over 15,000. Town Manager Welch: yes.

Selectman Griffin: over 15,000 it should be paid for. Mr. McNair: we agree; that is what our letter is saying.

Deputy Director Hale: verify; we may be talking about different things; important things need to come out in this discussion; the letter is asking for 18,000 gallons, which is 3,000 gallons over and they are saying they would pay the \$5.32 wastewater development charge for that 3,000 over, which equals \$16,000; what they are asking is to pay it over 9 months; the increase of 3,000 is while they are putting in this pretreatment; that is my question

Selectman Waddell: you are not asking for any refund. Mr. McNair: no. Attorney Preston: no; not at all.

Selectman Griffin: what happens when the treatment plant is in place? Deputy Director Hale: I am telling you what I am understanding, so we are all on the same page; my understanding is that for the treatment is in place; BOD comes down; everything is done that was promised; they are asking to pay the \$16,000 over 9 months; all on the same page.

Selectman Barnes: are we waiving anything? Mr. McNair: no. Attorney Preston: raise the discharge by 3,000.

Selectman Barnes: raise the maximum to 18,000 per day and you will pay for the difference of the 3,000, but do it in payments. Mr. McNair: yes, that is correct.

Selectman Barnes: at the end of the time after you go through and have your treatment plant going; we sit down and figure out what the indefinite agreement would be.

Mr. McNair: once the pretreatment is in place what we are asking for is whether the Town would be good with allowing us to do that without the fee, because we have put this whole system in and brought the numbers down; looking to put the numbers in lower.

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Selectman Griffin: what do you mean without the fee?

Selectman Barnes: do not think we can make that decision right now.

Chairman Bridle: there is a difference between volume and BOD; people are getting confused with that.

Deputy Director Hale: what is important to remember; wastewater concentration dilution formulas are not my specialty; what I do understand is in the temporary permit was currently written as 15,000 gallons per day and they have a mass BOD concentration; when the BOD is tested it can be this max; that is what we are doing as the temp permit; you do not get any more of that

Chairman Bridle: you do not get any more BOD. Deputy Director Hale: you do not get any more BOD; they may increase the flow, but that does not automatically go the flow equals more BOD; we are holding firm to what the permit says for the BOD levels; that is our plants constraint; what we have been doing before they came on board and since they came on board; we watch the BOD load and if it is not where it needs to be they are responsible for figuring that out and it could cause tanks to be put on site, extra wasting of materials, loss of yeast; process I know nothing about, but regurgitating what I have heard from all different sources.

Selectman Griffin: against this; willing to go with it, but not willing to make any decision now on what will happen after the treatment plant is put in and I want some guarantee that the treatment plant is going to be put in. Attorney Preston: let me explain the permit; the permit actually has requirements; once we sign that permit, it is pretty much a contract; otherwise, we do not have a permit anymore; Chris will pull that permit from us if we do not follow the steps we are supposed to do to install that pretreatment; we cannot run or operate without a permit.

Selectman Waddell: you do not follow up on your permit are you out of business; guarantee. Attorney Preston: it is a guarantee that Chris can pull the permit if we do not install it.

Town Manager Welch: which means we shut the discharge off. Selectman Waddell: which means they go out of business. Town Manager Welch: correct.

Selectman Griffin: we had that ability before and did not do it.

Selectman Woolsey: we have to make you into a country person, it is a town not a city; our WWTP is an old plant; struggling to keep up with it; we passed the first of what is going to be three bonds to update plant; total of \$41M on the taxpayers back in these money articles; many people in Hampton who do not have access to sewer; problem not seeing the prior owners to do what they said they were going to do; did not keep faith with this Town.

Attorney Preston: When Finestkind came on, they knew right away they were going to have to install a pretreatment plant or they were not going to be able to operate; that is why we are here today, because we are installing that pretreatment.

Selectman Griffin: are there other businesses in Town that have flows compared to this? Director Jacobs: in terms of BOD yes; in terms of overall volume no.

Deputy Director Hale: Brazonics is close in flow. Director Jacobs: I know that Foss is close in BOD; in the permit renewal process with Foss; given them the same BOD loading.

Selectman Griffin: which is 15,000? Director Jacobs: no; it is no more than 500lbs per day.

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Deputy Director Hale: again the BOD loading and the flow are 2 different numbers; in this permit the 15,000 gallons and the BOD is so many pounds per day

Selectman Griffin: how many pounds? Director Jacobs: during the summer the BOD is weekly average of 450 and a monthly average of 450 pounds.

Selectman Griffin: so it is similar to Foss. Director Jacobs: yes.

Selectman Griffin: what happens in the future if we make any new regulations; talks about sewer charges? Director Jacobs: anything the Town puts on; any ordinance that the Town changes.

Selectman Griffin: would nullify this agreement? Director Jacobs: they tack on. Selectman Griffin: the agreement that is already made. Director Jacobs: yes.

Chairman Bridle: BOD right now is limited at 450; when you put your treatment plant in what will the BOD be then. Mr. McNair: we need to figure out the design of the facility; starting to work with Chris developing long term permit; what does that number need to be because it would obviously impact the system; bring it down is the intent.

Chairman Bridle: the BOD is what we really want to decrease, correct. Director Jacobs: yes.

Attorney Preston: have plenty of capacity for flow; it is actually the BOD. Mr. McNair: if we bring that down can we have a little more volume.

Chairman Bridle: people get confused over the BOD and volume of water.

Selectman Waddell: Town Manager is for this; I am very reluctantly would go along with it; business; employ people; homework should have been done before they bought it.

Selectman Griffin: you plan to have this done next year. Mr. McNair: we want to start construction this fall; would like to start engineering in the next couple of weeks.

Selectman Griffin: you said next year; when is next year. Mr. McNair: I assume somewhere in the second quarter.

Director Jacobs: they are up against a wall; the permit is going to automatically decrease their BOD loading in June; he has a target date to work for; wants to keep 18,000 of discharge per day; send out hundreds of barrels of beer per day.

Selectman Griffin: that is 9 months from now, why are we talking about 18 months; would go along with it for less time, say 12 months. Mr. McNair: that is fine.

Selectman Griffin: I will withdraw my motion.

Selectman Woolsey: read from Wright-Pierce report; on dangerous ground here.

Deputy Director Hale: as 12 month permit rather than the 18 we talked about and their letter requests that they be allowed 18,000 gallons in the permit vs 15,000 of which they would pay the wastewater development service charge and they pay over 9 months

Town Manager Welch: all without increasing the BOD; it would be in the permit; they have to be able to pay for the system; the only way to pay for the system is to make more beer, to do that you have to have more volume; the BOD can be handled differently; can take it out as was done before and truck away or can build a pretreatment system, which you are required to do anyway.

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Selectman Griffin MOTIONED to APPROVE the Finestkind Brewing Industrial Discharge Request amending it to 12 months SECONDED by Selectman Waddell.

VOTE: 4-0-1(Woolsey)

Selectman Woolsey: can the manager request from Wright Pierce a recap for us as to what exactly an industrial surcharge fee would entail.

Selectman Griffin: I would like to see is where it should be; too much or too little. Director Jacobs: ok.

Deputy Director Hale: yes, the two of them. Town Manager Welch: two different things

h. Mailbox Replacement Policy (1:04:50)

Director Jacobs: we try hard to miss mailboxes; somewhere between 20-30 get damaged; not all get struck; get pushed over when we are pushing back snow banks; granite; concern with some mailbox systems are literally a work of art; preference is we stick with the \$35 per mailbox.

Deputy Director Hale: needs to be more defined clarity in the policy; straight out what we will provide; did research from other Towns; mailboxes, light poles, fences and other structures placed within 8' of the edge of pavement are there at owner's risk, Town not responsible; everything placed in the Town's right-of-way is put there with approval of board; send crew out and help repair up until \$35.

Selectman Griffin: what if it is on their own property? Deputy Director Hale: most are not.

Selectman Griffin: mine is on my property; anyone on Ocean Boulevard the sidewalk is the end of the right-of-way. Director Jacobs: that situation is handled by the State; what about if it was on Little River Road and they put the box on their own property, would the post office still pick them up; drive truck in between light poles.

Director Jacobs: case-by-case basis; pave driveway.

Selectman Woolsey: most of the damage is done by the snowplows. Director Jacobs: we had one that the driver had been doing for 30+ years and never hit it; then hit it twice in two consecutive storms; accidents do happen; we replaced it.

Deputy Director Hale: it was within the \$35. Director Jacobs: yes.

Selectman Waddell: what is our policy now? Chairman Bridle: \$35.

Selectman Griffin MOTIONED to APPROVE the Mailbox Replacement Policy not to exceed \$35 per mailbox SECONDED by Selectman Waddell.

VOTE: 5-0-0

VI. Town Manager's Report (2:01:59)

1. Work has commenced on the reconstruction of Ann's Lane. Motorists who regularly use this roadway should find alternate routes as frequent one-way conditions and roadway closures will be required. Work will continue into November.
2. The Tax Collector's Office will be closed on Wednesday, September 19<sup>th</sup> so that Staff can attend required training.

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

3. The State Department of Transportation will hold a Public Information Meeting concerning the Hampton Harbor Bridge Project on Wednesday, September 26<sup>th</sup> at 7PM in the Marston School Cafeteria.
4. The Sea Coast Cancer Cluster Commission will be meeting October 10<sup>th</sup> at 10AM in Room 205 of the Legislative Office Building in Concord.
5. Campaign signs for those no longer running in the November election must be taken down by Friday, September 21.
6. Last week had audio only; we lost the picture; this has been corrected; staff doing a terrific job.
7. We have scheduled the Annual Town Meeting at Winnacunnet High School in March.

## VII. Old Business

### 1. Status of the Colony Motel Issue

Town Manager Welch: asked to make comments on the Colony Motel; do not have a lot of information; gathered Town records; ready for when counsel gets back; executor has been appointed and will be talking to them; things are bad down there; do not have any information from property owners or those controlling the property.

Selectman Woolsey: share with the public. Town Manager Welch: construction to take place on Exeter Road beginning September 17, 2018; continue for 2 days; by bridge to 95 and 101; paving.

Selectman Griffin: Colony Motel is something we should talk about once the lawyer is back and find out more about it; you are recommending it be secured in some way; what do you mean by putting plywood over doors and windows. Town Manager Welch: that would be a good start; barricading the building so access is difficult and then surveying the building daily to find out whether anything is happening.

Selectman Griffin: that is what we need direction in; cost should be kept so it can be passed to the Colony Motel. Town Manager Welch: the law provides that automatically; we will be looking to secure any money the Town spends anyway

Chairman Bridle: could we have the Police Chief make sure they do normal checks daily. Town Manager Welch: they are doing checks; walk exterior; building has been repeatedly broken into; neighbors are keeping an eye on it; anything they see report to police immediately; cannot take a chance of anything happening in the building

Chairman Bridle: the attorney will be back next week. Town Manager Welch: he will be back Thursday and already has the material sitting on his desk; first priority to take care of this matter.

Selectman Waddell: look into our ordinances that deal with taking care of dilapidated property; others around Town; even leaving trash barrels out that are filthy; keep Town clean

Town Manager Welch: you do have an ordinance that the barrels be taken in after picked up every day; if they are not you have the right to confiscate them, as they are Town property

Selectman Barnes: we need code enforcement officers. Town Manager Welch: yes; public works has been trying to do it and have confiscated some barrels from various places.

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Selectman Woolsey: do we have a littering ordinance? Town Manager Welch: yes, but not enough police officers to enforce.

Chairman Bridle: comes back to code enforcement officers.

Selectman Waddell: after Labor Day are the Town lots closed on the weekend or opened. Town Manager Welch: we have rental passes through the end of October; only opened for special activities after the Seafood Festival.

Selectman Waddell: we have allowed organizations to use the parking lots; what are we losing in revenue. Town Manager Welch: we have transferred the administration of the lots to the Police Department and they are telling those organizations that next year it will not be free.

Selectman Waddell: I was talking with Kristi and she said \$3,000 could have been made.

Chairman Bridle: if we are letting people use them then we should have staff monitoring the lots and that would cost us money. Town Manager Welch: it would cost a lot less than we are making.

Selectman Griffin: seems to be a controversy on somebody asked to be given an appointment and was not given an appointment; concerned on policy if you want an appointment; it starts with whoever is chairman decides on how the meeting is run; he makes the policy and decides on a weekly basis on who should be on the agenda; it is clearly stated if you want to be on the agenda, put in writing and submit by Wednesday night to be on for the following Monday; then it is up to the chairman; does not go out to the other selectmen; I always tell people to write the letter to Kristina's office; when letter arrives a copy is made and given to all the selectmen; that is when we all share the information at the same time; I also tell people to come to the Public Comment and ask to be on the agenda; seen by the Town; we do our business here Monday night no other times; if the Selectmen want to have something on the agenda I rely on the Chairman to decide when it can be fit in; completely right of Chairman to decide who is accepted to that meeting, how long people can talk at Public Comment; no exceptions to this; anticipate it is going to continue; asking that the new Town Clerk be put on the agenda so she can bring forth how she wants to run her office/hours; Shirley Doheny is now going to be in charge; tell us how she plans on running the Town Clerk's Office

Chairman Bridle: you are right Rick; as the new Town Clerk has control over their office, hours, and staff; we have no control over that; staff are union employees and have a contract.

Selectman Griffin: as far as having any meetings in private; before meeting starts or after there are strict guidelines on what we discuss; there are no exceptions to it ever. Chairman Bridle: it falls under 91A.

Selectman Griffin: no one should have any meetings outside Monday night; we do our business here on Monday nights in front of the public and it should stay that way.

Selectman Barnes: I will meet whomever I want, whenever I want, I am an individual; denying someone to come in is wrong; especially when it is another elected official.

Selectman Griffin: no one applied in writing to the Chairman; you may think it is wrong, but that is the way it has been done and is going to be done.

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Chairman Bridle: any person has a right to come to any Selectman and you can have a conversation; nothing is determined by that; the way you determine that is you put a letter in writing to have an appointment.

Selectman Griffin: it is very clear this is what it is; elected officials have to do it too; there are rules.

## VIII. New Business

### 1. Selectman Barnes request for Office hours

Selectman Barnes: I would like to reserve office hours for Tuesday from 1-3; spoke with Kristina and she seems to think it would be ok.

Chairman Bridle: what are you talking about office hours? Selectman Barnes: office hours so I can be available at the Town Office, if anybody would like to come see me; anyone interested I will be there between 1-3.

Selectman Griffin: I have a problem with this; we have office hours every Monday night here and if people want to come, they need to come here.

Selectman Barnes: so I can't invite them to come to the Town Office? Selectman Griffin: no; meet them somewhere else like everyone else does all through the years; I have a problem with that; something we should discuss; I do not see why we should have office hours in the Town Office.

Selectman Barnes: I am on tape on Monday nights; if they come to the Town Offices on a regular basis then they know I will be there on an afternoon.

Selectman Griffin: if you want to meet with them somewhere go meet with them, but tell them to come here on Monday night and bring whatever they have forward; bring it here at this meeting that is what we are here for

Selectman Barnes: Mr. Chairman forget about it.

Selectman Woolsey: can we set up a meeting with the Channel 22 Cable Committee; increasingly concerned about the quality of the notices that are placed on Channel 22; I have mentioned that I had a problem especially with the Legionnaire's notice it was orangey, you could not read it; a lot of people in the Town do not own computers, they rely on Channel 22 for their information; Hobbs House was clear; others you could not read them; wasting money; I met with Mr. Cantor and he explained some of the things are created by the State and were forwarded to our Cable Committee, I could not read them; did not realize that some of these notices come in from other agencies

Chairman Bridle: a lot of these notices have requirements that they are supposed to follow.

Selectman Waddell: no reason to have a meeting with the Cable Committee; the cable group is working on that; they realize there is a problem and will attempt to fix it; for us to have a meeting with them is foolish

Selectman Woolsey: left a message with Chief Sawyer and explained that I had asked the cable representatives if they get an indecipherable message from the state we should just send it back; if we have outbreaks people should understand that; sole source of information; need to have it more clear.

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Chairman Bridle: I will say that we instruct the cable committee to follow the guidelines they have; if they need to change the guidelines to make them clearer then they need to do that; do not think we need to have a meeting with them.

Selectman Woolsey: been concerned you cannot read that stuff.

Selectman Griffin: I have been told that the Sea Ranch Motel has been cleared on having anything to do with Legionnaire's disease; is this true? Town Manager Welch: I have received no such message.

Selectman Griffin: I think it went to the Chamber; we need to go out of our way to let people know that somebody was maligned about being accused of being a source of Legionnaire's disease; I was told the results came in and that the Sea Ranch Motel was absolutely not guilty.

Chairman Bridle: that information should come from DES. Town Manager Welch: actually, it should come from the State Health Department.

Chairman Bridle: right; also should come from the CDC; if you have some information we can ask them if they have that information.

Selectman Griffin: can we find out. Town Manager Welch: tomorrow morning.

Selectman Griffin: we need to know where it is, so we can let the public know where it came from; if people were accused of having an issue and they did not then it is time that it be reported in the newspaper and everywhere else.

Chairman Bridle: he can ask for that; that was their information; not a press release that we put out; that was the Department of Public Health.

Selectman Griffin: those businesses are in our Town and we should broadcast it.

Selectman Woolsey: you mentioned on the Legionnaire's disease that it shows another incidence where we need a code enforcement office; warrant article; I saw the list and it never occurred to me that there were that many businesses that had hot tubs; required to have inspected by the State; poor Kevin Schultz is running around doing this, we need a code enforcement officer desperately.

Selectman Griffin: the State is supposed to do it that does not mean we are supposed to.

#### IX. Closing Comments

#### X. Adjournment

The public session was adjourned at 9:30 PM on MOTION made by Selectman Waddell, SECONDED by Selectman Barnes.

VOTE: 5-0-0

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Rusty Bridle, Chairman

Thank you Channel 22!