

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

January 7, 2019

7:00 PM Public Meeting

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

SALUTE TO THE FLAG

Moment of Silence for Brian Lapham and Nancy Waddell

I. Public Comment Period

Mike Edgar, 7 Anns Terrace: trying to get organizational meeting next Monday at 6:00 at the Town Hall in the Conferenced Room; request to anyone who is interested to participate attend the meeting

II. Announcements and Community Calendar

Selectman Woolsey: if you have recycling carts place out every other week if it is not full

Selectman Griffin: thank the community for the support; thank Max for a great story; doing well; back at work.

III. Approval of Minutes

1. December 17, 2018 Non-public Session & Public session

Selectman Woolsey MOTIONED to APPROVE the December 17, 2018 Non-public Session & Public session Minutes SECONDED by Vice-chairman Barnes.

VOTE: 4-0-1 (Griffin)

IV. Consent Agenda

1. Donation to One-Revolution in memory of Nancy Waddell

Vice-chairman Barnes MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Griffin.

VOTE: 5-0-0

V. Town Manager's Report

1. Please note that January 8, 2019 is the last day to submit petitioned warrant articles for the 2019 Annual Town Meeting. The Selectmen's Office closes at 5 PM.

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2. Work continues on the Church Street force main construction. Please drive carefully as work crews are working in Church Street and along State Route 101.
3. Residents are reminded that there is no parking on any streets in Hampton from 1AM to 7AM and during snow emergencies.
4. Residents and businesses are reminded that trash and recycling carts are not be left on sidewalks or in streets during snow emergencies and overnight except on a collection day that is scheduled for your location.
5. Holiday tree pick-up, please leave tree next to the trash on your next pick-up day.
6. Wetlands application along Route 101 for a water main replacement on the east side of the road.
7. Transfer station for wood construction and demolition waste is closed until January 11, 2019.
8. Have a 100-page dissertation on the dredging of Hampton Harbor.
9. Special meeting of the Board of Selectmen to consider any petitioned warrant articles.

Selectman Woolsey: private detail rate. Town Manager Welch: I have not.

VI. Old Business

1. 2019 Warrant Articles

Town Manager Welch: new article with regards to smoking; petition article; unlawful to smoke in any public property of the town of Hampton, NH; advisory article; does not contain the necessary language to impose a fine or to impose a restriction on any particular property.

Chairman Bridle: we would have to bring up another warrant article next year to give us the wording to properly enforce.

Town Manager Welch: we have had an ongoing discussion with the Budget Committee with regards to the potential warrant article for the leased purchase agreement for the trash trucks; the Budget Committee is concerned we should have a warrant article

Attorney Gearreald: guide the DRA puts out that contains suggested language for warrant articles; equipment lease; an article should be placed on the warrant to raise the annual payment, if the annual appropriation is not approved the lease terminates. Do not see any support anywhere in any statute or rules that calls for the advice; 5-year lease; first payment; only first year funded; came up with some language; put in front of the voters an article for the second year appropriation.

Chairman Bridle: the way the article was done last year was fine; meets law; what does NHMA say about this. Attorney Gearreald: things going in two different directions; they do not believe another article is needed; other hand they say confer with DRA and look at contract; safety important.

Town Manager Welch: removed the article this year.

Vice-chairman Barnes, Selectman Waddell, and Selectman Griffin: agree not to have a warrant article.

Vice-chairman Barnes: warrant articles noted as concern with Budget Committee; master plan Article 11; split vote on Budget Committee.

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Mr. Bachand: responded to their questions; concerned if we go through this process; sit there or utilized; implementation committee; once through the process it is not going to sit on the shelf; will be an active document; unusable; plan from 1985; master plan adopted last year is under 200 pages; great implementation schedule; good to have a guided document; Planning Board supports; bible of plans; extremely important and hope the voters will support it; would be a living document.

Vice-chairman Barnes: very important; 100% for this; ordinances; zoning; help town a lot.
Mr. Bachand: it will alleviate many of the concerns.

Selectman Griffin: is this for the Town or Beach Master Plan. Mr. Bachand: Town.

Vice-chairman Barnes: would like to discuss Article 19 Firefighters Safer Grant; confusing; grant no longer applicable.

Chairman Bridle: need is there for 4 more firefighters; applying for grant does not mean if we do not get it we do not need those firefighters; we still need them; we all agreed on that; grant will help reduce the cost for three years; baffled by the Budget Committee and some of their tactics; going for grant to try to save town money.

Selectman Woolsey: we need more personnel in the Hampton Fire Department; hope public agrees to support Fire Department.

Chairman Bridle: going to 10 men they will be able to have an ambulance at the beach fire station and the uptown station; will not have to take engine out of service.

Selectman Woolsey: we respond to mutual aid; need to be staffed adequately; public safety

Chairman Bridle: ambulance call is revenue maker.

Vice-chairman Barnes: Budget Committee's concern; DPW vehicle purchases; would like to request article to be done; \$243,165 coming out of unassigned fund balance; as articles presented right now the total coming from unassigned fund balance is \$591,273; did not use money to offset the tax rate this year; this will be used to cover neglected things; no tax impact.

Selectman Woolsey: tax impact has already occurred.

Chairman Bridle: people need to understand they have already paid for this. Town Manager Welch: DRA approved "no tax impact" so that is what we put in.

Selectman Woolsey MOTIONED to take out the 2-sidewalk maintenance vehicles and put in a separate warrant article.

Chairman Bridle: risky making more warrant articles; all voters ask why there are so many; working hard to keep it down.

Vice-chairman Barnes: how much are the two sidewalk vehicles. Director Jacobs: about \$60,000 each.

Vice-chairman Barnes: Article 44; Budget Committee asked if the Selectmen withdraw.

Town Manager Welch: money was originally part of a warrant article that was approved about 1996; 20% of the funds from the beach parking lots were collected and placed into fund; do improvements at the beach; new street lighting; beach precinct voted \$500,000 bond to put in the conduit; they would like this money retained for that purchase; put in the general fund; they would like to remove this article and put in a new article next year; street lighting at the beach.

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Came up with program to spend money, which was to put street lights up; changed to put the 20% into Parks and Recreation Facilities; spent \$175,000 to do A and B Streets and part of Ashworth Avenue; \$41,600 left over in that fund; would like to withdraw article that it goes into the general fund.

Selectman Griffin: good project for the HBAC.

Vice-chairman Barnes: ask the Budget Committee reconsider their votes on the American Legion and Naval Committee warrant article.

Town Manager Welch: Article 46; Heritage Commission also.

Selectman Waddell: never seen so many experts talk from a certain committee that they do not know what they are talking about; recommend highly that people research Article 30 on the ADA; many towns the court has said you will do every sidewalk in town; everything has to be accessible; we recommended 3-1-1; do your homework; been small towns and large cities that there has been court action against and they were forced to do it.

Selectman Woolsey: suggested to the Planning Board that developers put sidewalks into their plan.

Selectman Waddell: towns are responsible; do your homework.

Vice-chairman Barnes: my question is what is \$100,000 going to do; need a plan.

Selectman Waddell: it is a start.

Director Jacobs: we have a sidewalk list; rating system; putting resources together would allow for one section to be done completely at a time; sidewalks would get done in the scope frame of a larger project; no contractor wants to come in and do just \$25,000 worth of sidewalk project; when we did Anns Lane got some sidewalk work done in concert with the other project. One sidewalk needs to be connected to another; sidewalks cleared by the town; goes back to the sidewalk tractors; training.

Selectman Woolsey: wouldn't you rather have the contractor put in the sidewalks to your specifications; Planning Board should know what specifications they are.

Chairman Bridle: it all depends on where the property is; if they do have sidewalks they have to be accessible; you cannot just say you have to put sidewalks in; sidewalk to nowhere and does not connect to another sidewalk, what is the sense putting them in.

Vice-chairman Barnes: we should have a capital reserve fund; work on it; have roads that connect neighborhoods; proactive; explain to the public this year and put it in next year.
Director Jacobs: communities that have capital reserve funds were received more favorable; earned more points; higher in the rating system; it is looked at as a commitment by the town.
Winnacunnet Road in its entirety has been on the 10-year plan for DOT.

Selectman Griffin: if you had money put aside, then you could ask less money from the public; hard to get people in Hampton vote for it when they see the State does not do it.

Vice-chairman Barnes: would like to see this grow to something for major roads.

Chairman Bridle: we have to start some place; get better recognition for possible grant money; help taxpayers.

Vice-chairman Barnes: would consider changing my vote to yes.

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Selectman Waddell MOTIONED to reconsider the vote on Article 30 SECONDED by Chairman Bridle.

VOTE: 5-0-0

Selectman Waddell MOTIONED to APPROVE Article 30 Sidewalk Capital Reserve Fund to Town Meeting SECONDED by Chairman Bridle.

VOTE: 4-1(Woolsey)-0

Vice-chairman Barnes: Article 46 – Heritage Commission.

Mr. Bachand: Planning Board has talked about reestablishing the Heritage Commission; recent projects involving potential historical/cultural resources has generated a renewed interest to establish a Heritage Commission; article outlines authority; the vote to recommend was 6-1 by the Planning Board.

Selectman Griffin: I was on the last board; it disbanded as no one wanted to be on it; very little interest. Mr. Bachand: saw a subdivision the involved a house that was built in 1799; hopefully there is interest in people participating; in the article there is something that should be added; before word authorize insert the word later.

Attorney Gearreald: voters are not voting on how to do it; insert something that establishes that.

Selectman Griffin: this was one of the commissions that had a Selectman's representative. Attorney Gearreald: Roman I would be a selectman; II would be a planning board member; two out of the three; not more than seven; how to vote in the others.

Chairman Bridle: recommend to add the language that Jason and counsel have said.

Town Manager Welch: need to establish how the membership is going to be selected; make the amendment and bring to us tomorrow night.

Article 48 – Veterans Grave Service Markers - \$6,500

Shall the Town raise and appropriate \$6,500 to reimburse Hampton American Legion Post 35 for the purchase of 200 bronze service flag holder grave markers.

Town Manager Welch: spoke with the commander and told him that we do not have an appropriation for this, so they submitted a warrant article; they know where all the graves are; want to put the markers up that are missing; right now just sticking the flag in the ground.

Chairman Bridle MOTIONED to MOVE Article 48 Veterans Grave Service Markers for \$6,500 to Town Meeting SECONDED by Selectman Waddell.

VOTE: 4-1(Woolsey)-0

Vice-chairman Barnes: verify next week Aquarion and would like to have Rep. Messmer come in

Selectman Woolsey: recommend to pull Article 27 – Purchase Ejection Trash Trailer.

Director Jacobs: the ejection trailer is set up to address the issue that during the major holidays we do not have sufficient capacity to handle refuse and recycling waste; the C & D waste is its own separate contract; own separate waste stream; with Triano was picking it up at \$85 per ton and for \$450 a haul

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Chairman Bridle: these are two different type of trailers, correct. Director Jacobs: yes; has top; enclosed trailer; uses ejection pusher

2. 1088 Revised Bond amount \$17,000 approval

Mr. Bachand: previously board approved bond amount of \$35,000 for the property; relocate Unit 9 onto private property; applicant did not prepare cost summary; could not get bond for that amount; did a cost summary and came back with \$17,000

Selectman Waddell MOTIONED to APPROVE the 1088 Revised Bond amount \$17,000 SECONDED by Selectman Woolsey.

VOTE: 5-0-0

VII. New Business

1. Dedication of Town Report

Town Manager Welch: had recommendation from staff with regards to the dedication of the report; 3 suggested names; Nancy Stiles, Dyana Martin and Ute Pineo; had second recommendation for Bill Hartley and Sandy Buck; do dedications or memorials

Selectman Griffin: maybe we can do a dedication and a memorial page

Chairman Bridle: we also have Brian Lapham

Selectman Griffin MOTIONED to INCLUDE a Memorial page SECONDED by Selectman Woolsey.

VOTE: 5-0-0

Chairman Bridle: who will be on the Memorial Page; Bill Hartley, Sandy Buck, Brian Lapham, and Nancy Waddell; all have contributed to this town.

Selectman Griffin: June Bean.

Town Manager Welch: anybody that was a town official that has passed or provider to the town, volunteer to town; work for the town; place on Memorial Page; asking to have one; list gets quite long.

Chairman Bridle: do not want to miss anyone; go back and check records that we have not missed anyone.

Selectman Griffin MOTIONED to APPROVE Nancy Stiles, Dyana Martin, and Ute Pineo for the Dedication Page in the Town Report.

VOTE: 5-0-0

2. C & D Contract for hauling and equipment

Director Jacobs: find solution for C & D waste; went up from \$45 per ton to \$85 per ton; hauling cost from \$300 to \$450; Triano agreed to back out of contract; out of contract on December 31, 2018; waiting for official contract; insurances; bonding.

Attorney Gearreald: the contract was to last until July 1, 2019; thought to go with a 1-year contract; limited number of bidders; three separate motions

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Selectman Woolsey to APPROVE the following: WITHDRAW from Contract with Triano contingent upon no cost associated with withdrawal; to WAIVE the requirement of competitive bidding with regard to C & D Waste; and AWARD to C & D Contract with ReEnergy for hauling and equipment tipping cost \$70 per ton Hauling Cost \$340 per haul supplying Town with one trailer with no rental fee, Seconded by Selectman Griffin

Chairman Bridle we have a MOTION to ACCEPT the three MOTIONS as one.

VOTE: 5-0-0

3. Proposed Sewer Fees

Town Manager Welch: the department has analyzed their costs; propose the following increases in fees: 1000 gallons; septage fees for residents is \$35 proposed \$40; out of town \$80 proposed \$90; 1001-1500 gallons for residents is \$52.50 proposed \$60; non-residents \$120 proposed \$130; 1501-2000 gallons for residents is \$70 proposed \$80; out of town \$160 proposed \$170; 2001-2500 gallons for residents is \$87.50 proposed \$100; out of town \$200 proposed \$210; 2501-3000 gallons for residents is \$105 proposed \$110; out of town \$240 proposed \$250; 3001+ gallons for residents is \$122.50 proposed \$120; out of town \$280 proposed \$290; less than 150 gallons \$3.00 proposed \$5.00; out of town \$4.50 proposed \$10; current disposal fees – sewer disconnection fee \$50 proposed to stay at \$50; sewer connection fee is \$300 proposed to stay at \$300; sewer inspection fee proposed to be \$125; wastewater system development charge currently \$5.32 per gallon proposed \$6.32; DOD is currently 288-249 milligrams per liter is \$100 per 100 lbs. per day; TSS is 238-693 milligrams per liter is \$100 proposed \$100; PH 6.5-10 \$1,000 per day.

Selectman Griffin MOTIONED to APPROVE the proposed sewer fees SECONDED by Selectman Woolsey.

VOTE: 5-0-0

4. Reconstruction of Hampton River Bridge property takings discussion

Town Manager Welch: one proposal made was to increase the height to slightly more than 40'; would be about 10' above the current height; would have to be 4 houses taken down in Hampton on the Sun Valley side; loss of \$2,167,200 worth of valuation; Seabrook has 2 additional houses that they would have to take down; road from Eisenhower to Portsmouth Avenue would need to be repositioned; alternatives; building large retaining wall; area to the west has 13 types of vegetation or animals that are endangered; my recommendation is do the Selectmen want to consider/approve the taking of the 4 structures and 2 in Seabrook be taken as well.

Selectman Griffin: is Hampton responsible for the price of the bridge; how are we going to get the money back; could spiral out of control; raises everyone's taxes; why should we do it; project belongs to the State. Town Manager Welch: no; the State is responsible; room and meals tax; we would lose property values; we are not.

Selectman Waddell: other options. Town Manager Welch: several; one to replace the bridge as it is; not raised; properties not lost; sizeable retaining walls which would increase the copy of the bridge; would eliminate the destruction of 6 properties; properties would be taken by eminent domain,

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Selectman Waddell: if they decide to take them by eminent domain, do we have any options of stopping it. Town Manager Welch: no; boils down to whether you have a bridge that opens or one that does not open; proposal they are making is 40' high and does not open.

Selectman Waddell: how much boat traffic; how much traffic coming into Hampton would be affected by the opening and closing. Town Manager Welch: several boats in both harbors that require the opening of the bridge; schedule time boats to go out.

Selectman Griffin: Portsmouth does that; do not see the Town losing their tax money. Town Manager Welch: looking for direction as to how I should vote.

Vice-chairman Barnes: I agree with Rick; where is it going to start and end; what if boats get bigger; have in Portsmouth; beautiful; opposed to taking property.

Selectman Griffin: would not be opposed to have a toll; consider if properties at Hampton Beach are devalued; why should we pay for it.

Selectman Waddell: cannot vote; not enough information; when will they vote. Town Manager Welch: this is only an advisory committee; next month; they want to know if the Town will support whatever they propose

Chairman Bridle: consensus of this board is they do not want to see properties taken, if they do not have to be. Town Manager Welch: that was my feeling too.

Vice-chairman Barnes: going over NHMA; established new committees; schedule to have them come in February; State aid for wastewater assistance. Town Manager Welch: DES has amended their administrative regulations; in the past, they would pay 20% to project; since Hampton is so rich; our scale is down between 0-5%.

5. Question of a Channel 22 Garage for Van

Town Manager Welch: build garage for Channel 22 funds; prior van has been broken into twice; estimate \$44,702.30 which includes the foundation, structure, insulation, electrical work and heating, painting, interior finishes, landscaping, drywall and cement floor ceiling; how do you want me to proceed.

Chairman Bridle: landscaping is excluded; basic shell.

Selectman Woolsey MOTIONED to APPROVE to Installing a Garage for Channel 22 Van, \$44,702.30 to come out of the Cable Fund SECONDED by Selectman Waddell.

VOTE: 5-0-0

VIII. Closing Comments

At approximately 8:51 PM, on MOTION made by Selectman Woolsey, 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, (e) litigation.

VOTE: 5-0-0

Rusty Bridle, Chairman

Thank you Channel 22!