

February 11, 2019

7:00 PM Public Meeting

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

ABSENT: Jim Waddell, Selectman

SALUTE TO THE FLAG

I. Public Hearing RSA 674:40-a

1. Acceptance of Litchfield Drive
2. Bond reduction

Attorney Gearreald: road laid out on Planning Board approved plan; off Juniper Lane; utilize a lot in a prior subdivision; protected conveyance; court proceedings; use portion of lot for road rather than residential lot; road is ready for acceptance; reduce original road bonds; from \$24,400.82 to \$9,200.60; return difference to developer; held for 1-year period.

Selectman Griffin: Acceptance of Litchfield Drive as built as a Town Road as shown on Plan approved by the Planning Board entitled roadway Tax Map 96 Lots 2E and 2F and Tax Map 97 Lots 1-10, Jasmine's Inc., 33 Hobbs Road, North Hampton, NH 03862; prepared by Jones & Beach, Inc. dated November 5, 2015 and revised through November 10, 2016; to accept the warranty deed for Litchfield Drive and to reduce the road bond being held; 10% of the original amount of \$92,006 or \$920.60 to be held for 1 year from the amount currently being held \$24,400.82 and to return the difference of \$15,200.22.

Chairman Bridle: this road has been named after Fire Inspector Brian Litchfield who passed away while he was on duty; commemoration memorial will be made; will have a groundbreaking.

Selectman Griffin MOTIONED to 1) accept Litchfield Drive as built as a Town road as shown on the plan approved by the Planning Board entitled, "Roadway As-built Plan, Tax Map 96 Lots 2E & 2F and Tax Map 97 Lot 1-10, Litchfield Drive, Hampton, NH, Jasand, Inc. 33 Hobbs Road, No. Hampton, NH 03862" prepared by Jones & Beach Engineers, Inc. dated November 5, 2015 and revised through November 10, 2016, 2) accept the warranty deed for said Litchfield

Drive, and 3) reduce the road bond being held to 10% of the original amount (\$92,006), or \$9,200.60, to be held for one year, from the amount currently being held (\$24,400.82), and to return the difference of \$15,200.22 to the developer SECONDED by Vice-chairman Barnes.

VOTE: 4-0-0

II. Public Comment Period

Judy & Bob Holder, 72 Island Path. We have owned home for 17 years; last several years extreme; flooding; work with FEMA and Town to utilize available grants; document losses; hoping for Town's help.

Chairman Bridle: been working on this with Conservation; take under advisement

Selectman Griffin: 75% from FEMA and is the 25% from the town or from the people themselves. Town Manager Welch: town does not have an appropriation.

Selectman Griffin: would have to go to town meeting? Town Manager Welch: yes.

Selectman Griffin: flood policies; a lot of property at risk; property devalued; losing future tax revenue; something needs to be addressed.

Selectman Woolsey: is this a permanent residence. Ms. Holder: yes; last year we flooded 7 times.

Vice-chairman Barnes: how long have you lived there, full time. Mr. Holder: 6 years

Ms. Holder: have had to leave the property; take vehicles.

Chairman Bridle: we are going to work on it.

III. Announcements and Community Calendar

Selectman Woolsey: received a letter that was directed to Chief Ayotte; read letter; huge thank you to the Hampton Beach Fire Rescue Team for their help; had heart attack. Comcast quarterly franchise fees came to \$85,104.60; unassigned fund balance as of 12/31/18 \$7,499,477; unpaid taxes were \$2,457,055; dredging of Hampton Harbor; might ease some flooding issues

Vice-chairman Barnes: in the future talk about Comcast; had community meeting; get new ideas to work; arrange activities for Navy group

Chairman Bridle: warrant article is to have activities for the Navy sailors; show hospitality; we were asked by the Portsmouth Naval Shipyard to take over the USS Virginia; they were appreciative on how well the Town interacted with the USS Hampton.

IV. Approval of Minutes

1. January 8, 2019 Public Session

Selectman Woolsey MOTIONED to APPROVE the Minutes of January 8, 2019 Public Session SECONDED by Selectman Griffin.

VOTE: 4-0-0

2. January 28, 2019 Public session

Selectman Woolsey MOTIONED to APPROVE the Minutes of January 28, 2019 Public Session SECONDED by Vice-chairman Barnes.

VOTE: 4-0-0

3. January 28, 2019 Non-public Session

Selectman Woolsey MOTIONED to APPROVE the Minutes of January 28, 2019 Non-public Session SECONDED by Vice-chairman Barnes.

VOTE: 4-0-0

V. Consent Agenda

1. 2019 Elderly Credits: Murphy, Clarence G. Renewal, Kostandin, Family Revocable Trust Renewal, Kuntz, Rita Renewal, Mackenzie, Alexander & Nancy Renewal, Duffin, John Renewal
2. 2019 Veteran Credits: Niemi, Paul D Renewal, Ricardo, Victor Renewal, French, W & R Revocable Trust Renewal, Colburn, Family Revocable Trust Renewal, Munroe, Family Revocable Trust Renewal, Kuntz, Rita F Renewal, Wardle, Living Trust Renewal, Murphy, Clarence Renewal, Brockett, Dawn G. Revocable Living Trust Requalification, Cadorette & Kerley, Family Revocable Trust Requalification, Traut, Kathleen Requalification, Ross, Peter D. Revocable Trust Requalification, Kostandin, Family Revocable Trust Requalification, Bajowski, Frank K. Jr. New, Swazey, Glen New, Denison, Gary L. New, Reed, Bert H. New, Corriveau, Family Revocable Trust New, Gallant, Eugene P. Jr. New, Devereaux, Patrick & Sharon New, Woodward, Ann Revocable Trust Spouse, Hewett, Family Revocable Trust Spouse, Eklund, Revocable Living Trust Spouse, Hewitt, Merton & Roselyn Renewal, McKeen, Anthony & Virginia Renewal, O'Connor, Family Revocable Trust (2 Vets) Renewal, Birk, Brenda L. Renewal, Hinkle, Family Revocable Trust Renewal, Terwilliger, Family Revocable Living Trust Renewal, Fabian, Raymond F. New, Degon, Darrin Paul New, Hersey, Stephen P., & Elaine C. New, Sikorski, Mark R. Revocable Trust & Sikorski, Marcia A. Revocable Trust New
3. Noah Teracena - Eagle Scout Donation to Town Forest Fund for \$938.91
4. Parade and Public Gathering License: Granite State Quest 7/20/19

Selectman Griffin MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Griffin.

VOTE: 4-0-0

VI. Appointments

1. Jameson Ayotte, Fire Chief
 - a. Departmental update

Fire Chief Ayotte: Deputy Kennedy retired; Firefighter Pitts left the department; received resumes and hope to fill position soon; 2018 call volume 4,326 calls; 2,117 for fire, 2,209 patient contacts; 45 fire/explosion incidents; 24 structure fires; responded to fires at surrounding towns (mutual aid); major flooding, rescue several motorists; Engine 4 returned to service; requested mutual aid 35 times; responded to other communities 18 times; ice rescue training; 2,209 patient contacts; 1,471 patient transports; Hampton Fire Rescue

recipient of the Portsmouth Region Hospital Emergency Medicine EMS Agency of the Year for 2018; professionalism; do great job; 44 overdoses; falls main cause of trauma; 500 people trained in CPR; provide training to the community; upgraded service. Fire Prevention 325 inspections; 191 permits issued; collected \$7,198.50; decrease amount in fees; 14 firework display inspections; sprinkler system failures; Hampton Fire Alarm answered 22,902; average of 63 calls per day; days during storm answered over 200 calls; 1,716 calls in January 2019; FEMA firefighter grant \$79,444; radios ordered; submitted for another grant for \$172,102; would be used to replace radios; heading to National Fire Academy in Maryland; serving as member on panel; new software installed; formal training soon; ask for communities support to apply for the SAFER grant.

Selectman Woolsey: appreciate report; forward email of report to Budget Committee; Narcan, overdoses; cannabis in NH. Fire Chief Ayotte: have only received 1 call about cannabis in 25 years.

Selectman Woolsey: 2 open positions; screening applicants; do criminal record check; concerns about 2 lane bridge. Fire Chief Ayotte: yes; always do criminal check.

Vice-chairman Barnes: mutual aid twice as much; no busy season. Fire Chief Ayotte: had more on the EMS side; no season; busy year round.

Chairman Bridle: average cost on what Town loses in revenue for out of town ambulance to transport patients. Fire Chief Ayotte: varying levels; we bill \$1,079 for ALS, plus mileage.

Chairman Bridle: SAFER grant would bring staffing level up 1 firefighter per shift. Fire Chief Ayotte: national standard for firefighters; 4 firefighters per engine; we do not achieve that.

Chairman Bridle: have one warrant article for gear; very important.

2. Ed Tinker, MIS Contract Assessor
 - a. 2019 Land Rent Commitment

Mr. Tinker: yearly land rent commitment; amounts to be collected \$164,928; relates to 2018 assessed value of 31 parcels of town owned leased land; have total of 32, one not taxed; assessed value \$8,246,400

Selectman Griffin MOTIONED to APPROVE the 2019 Land Rent Commitment SECONDED by Vice-chairman Barnes.

VOTE: 4-0-0

- b. 2019 Leased Land Renewals:
 - i. Termination and new Land Lease: 23 B Street/Map 282-207

Mr. Tinker: land lease renewal for 2019.

Vice-chairman Barnes: termination; are we renewing it. Attorney Gearreald: new party is buying the building from the current owner; would be new lease; runs from April 1-March 31; anytime a change reverse back to prior April 1

Selectman Griffin MOTIONED to APPROVE the Termination and new Land Lease: 23 B Street/Map 282-207 SECONDED by Vice-chairman Barnes.

VOTE: 4-0-0

- ii. Four (4) new Lease Land Lease Renewals: Fourteen G Street Realty Trust/14 G Street/Map 290-001D, Post, Richard & Noreen/9 J Street/Map 290-142, Max E., LLC/28-30 K Street/Map 290-162, Fields, Linda M. Revocable Trust 2017/17 Ocean Blvd/Map 296-088

Selectman Griffin MOTIONED to APPROVE the Four (4) new Lease Land Lease Renewals: Fourteen G Street Realty Trust/14 G Street/Map 290-001D, Post, Richard & Noreen/9 J Street/Map 290-142, Max E., LLC/28-30 K Street/Map 290-162, Fields, Linda M. Revocable Trust 2017/17 Ocean Blvd/Map 296-088 SECONDED by Vice-chairman Barnes.

VOTE: 4-0-0

3. Chris McPherron, 15 High Street “Your CBD Store”
 - a. Permission for Overhanging Sign over a Public Way

Chairman Bridle: similar signs in that area.

Selectman Griffin: what is CBD? Mr. McPherron: oil extracted from industrial hemp; no THC; no psychotropic effects; helps depression.

Vice-chairman Barnes: they sell it at the natural store.

Selectman Griffin MOTIONED to APPROVE the Overhanging sign for “Your CBD Store” SECONDED by Vice-chairman Barnes.

VOTE: 4-0-0

VII. Town Manager’s Report

1. With the exception of the connections at the Church Street Pumping Station, the installation of the bridge crossing over Tide Mill Creek, the transfer of sewer connections for buildings on Tide Mill Road and final site cleanup the new force main is installed along Route 101.
2. Individuals who are eligible to file for tax credits and exemptions for blind, elderly and veterans are reminded that exemptions with required paperwork must be filed by April 15, 2019.
3. Those property owners in the Hampton Beach Precinct who desire to be exempted from the payment of the portion of the District tax devoted to entertainment must file required paperwork by April 15, 2019 with the Town’s Assessing Office.
4. The last date to file for tax abatements and deferrals for 2018 property taxes is March 1, 2019.
5. The Annual Town Election will be held on Tuesday, March 12. Voting will be at Winnacunnet High School. The warrant is on the Town website for your review.
6. Meeting for Town’s involved in the area covered by the Nuclear Power Plant on February 13, 2019 from 1-3 at the Best Western, Hampton, NH.
7. The Transfer Station and Trash Collection will not occur on Monday, February 18, 2019, a legal holiday; move everything up one day; Thursday and Friday trash will be held on Friday.

Selectman Griffin: Hampton Beach Precinct exemption; when is their deliberative session

Town Manager Welch: has not seen the posting yet

Chairman Bridle: glad to hear that the force main is ahead of schedule; when will the town reports be available

Town Manager Welch: a week before the election, by statute

VIII. Old Business

1. RSA 41:14-a 36 Huckleberry Lane Map 115, Lot 34 Vote

36 Huckleberry Lane - gifting of a section of land (Parcel A) where the roadway was built along with right of access to new subdivision lot to ensure vegetation is maintained properly for sight line safety, per Planning Board subdivision approval on September 19, 2018 [deed and approval letter attached].

Attorney Gearreald: involves the implementation of a planning board approval 2 lot subdivision; portion of Lot 2 where the road bends through it be gifted to the town; due to the road bending through Lot 2 had to be a vegetation restriction; town gave easement, so the vegetation is kept low

Selectman Griffin MOTIONED to accept and sign acceptance pages for the gift from CLARA N. ARNOLD, Trustee of the CNA Realty Trust, u/d/t dated March 10, 2004 of Parcel A from 36 Huckleberry Lane and the right of access to Lot 2 to enable back-up maintenance by the Town of the Vegetation Restriction Area on Lot 2 in the subdivision approved by the Hampton Planning Board on September 19, 2018, and also to accept and sign acceptance pages as Sewer Commissioners for the Hold Harmless and Indemnification Agreement as to the use by Parcel 2 of a force main sewer pump to access the sewer system of the Town of Hampton SECONDED by Vice-chairman Barnes.

VOTE: 4-0-0

2. RSA 41:14-a 817 Ocean Blvd Map 197, Lot 30/1 Vote

817 Ocean Boulevard is seeking to modify the deed restriction #4 (improperly in the 1984 deed from the Town, where it was not in the immediately preceding lease) that restricted the lot to one single-family dwelling unit where two have existed since 1967.

Attorney Gearreald: lot where there are 2 preexisting dwellings; deed restriction not in original lease, which would be one single family dwelling; if not restriction in lease than should not be in the deed; 600 plus lots that were sold in this fashion; designed to correct

Selectman Griffin MOTIONED that the Board modify the first sentence only of deed restriction #4 contained in the quitclaim deed from the Town to James F. Obst and Audree Obst dated February 19, 1984 and recorded in Rockingham County Registry of Deeds Book 2590, Page 249, which now reads "The only structure permitted to be erected or placed upon said lot shall be one single-family dwelling, containing no more than four bedrooms, with no more than a two-car garage" so that said first sentence will then read: "The only structures permitted to be erected or placed upon said lot shall be two single-family dwellings, containing no more than four bedrooms each, with no more than a two-car garage each", leaving intact the remainder of deed restriction #4; said modification to be memorialized in a Modification of Deed Restriction document to be drafted by the Town Attorney for the Selectmen's signatures and recording SECONDED by Vice-chairman Barnes.

VOTE: 4-0-0

3. RSA 41:14-a 2 17th Street Map 168, Lot 78/1 Vote

2 17th Street is seeking to modify two deed restrictions to enable construction of a free standing storage building 4.5 feet from the side and rear property lines, which would violate 1) the restriction against the erection of any buildings upon the premises within 7 feet of any boundary line, and 2) the restriction against the erection of outbuildings and sheds that are not connected with and attached to the dwelling house. Both the Planning Board and the Conservation Commission voted not to recommend these modifications; the Conservation Commission has indicated that this construction would increase the amount of impervious coverage beyond the current amount, which the Commission believes already exceeds the maximum percentage of 60% allowed in the RA Zone.

Selectman Griffin MOTIONED to deny the requested deed restriction modifications because the construction of a free standing storage building within 7 feet from the boundary line on this lot would result in too intensive use of the property, and is not recommended by either the Planning Board or the Conservation Commission SECONDED by Selectman Woolsey.

VOTE: 4-0-0

Selectman Woolsey: explain the delay in getting the Public Works trash trucks. Town Manager Welch: were built in the US; bodies are built in Canada; current change in taxation and other things the President has placed; tariffs; difficult for them to get the parts in Canada, which is what is holding this up; told they would be delivered this month; they are built; go through Customs; pay penalties and fees; the dump truck that is on the warrant will be built in the US.

Vice-chairman Barnes: sign lease is a contract. Town Manager Welch: not signed until delivered.

Selectman Griffin: do we have to pay more money. Town Manager Welch: no.

Selectman Griffin: this is happening all over the US; tariffs are causing having everywhere.

Selectman Woolsey: serious drainage problems as a result of Anns Lane construction last fall; increased flooding; request PW mail questionnaire to residents in that area; explain problems they are having on their properties; cannot pay money to put top coat on the road.

Chairman Bridle: do we have any complaints. Town Manager Welch: I have not received any; will speak with PW; grade line that was run when they did the work; entire road surface will be taken off in spring and redone; temporary road; road will come down some.

Chairman Bridle: put complaints in writing; notify PW or the Town Manager.

Selectman Griffin: this area has had problems with the drains for years; everywhere in Town is bad.

Town Manager Welch: put a complete new drain now at Cogger and Tuck; had rain instead of snow; only so much you can do with a 6" line; have to pump down to Mill Road and out through the Mill Pond Dam at the other end of High Street

Chairman Bridle: have them call the Public Works; if someone has a complaint they need to let the PW know and Town Manager know right a way

Selectman Griffin: you cannot complain for people.

Town Manager Welch: write down their problem.

Selectman Woolsey: rocks and mess at North Beach. Town Manager Welch: problem due to the broken ledge off-shore; keeps throwing all the material up in there; complaint came through DES and Conservation due to someone building a seawall that was much bigger than their permit; they may be sited.

Selectman Woolsey: State Education Property Tax SAU 90. Town Manager Welch: would cost Town about \$850,000 to State; currently money is collected and left with SAU 90; state would like us to send them that money; towns have voted to hire a lobbyist to fight this.

Selectman Griffin: condominiums approved at Little Jacks redoing the drain; rain water that drains off Boars Head is unbelievable; see if there is anyway something can be synchronized with the State and Town to do something with the drainage; time to investigate.

Town Manager Welch: will have PW speak with State.

Vice-chairman Barnes: are we going to be talking to the State; drainage contributes to flooding; need to get the State in to talk with us; public meeting; place on the agenda the Transportation Improvement Programs that the State has got us lined up for

Town Manager Welch: State is not proposing those; the original Planning Commission is proposing them; Regional Planning Commission proposing things to be done; place in unified program; send to State for 10-year plan.

Selectman Griffin: meeting at Rockingham Planning Commission on February 13, 2019 at 7:00; Hampton branch of the Rail Trail and Joint Use Study; also the public/private partnership commission proposal for transit center leases; Hampton-Seabrook Bridge Project update

Selectman Woolsey: did we get a response from Mr. Brice. Town Manager Welch: tentatively he has agreed to come and meet with the board on February 25th; tentatively on March 11th I have the Northeast Resource Recovery Association coming to talk about the International Recycling Market.

Chairman Bridle: that is for former DRED; not DOT.

Vice-chairman Barnes: in Concord on a school thing; science and technology; ran into Rep. Cushing and HB352-money back from wastewater projects and HB497-15% payment by State for retirement costs and he said both the hearings went well.

Town Manager Welch: bill in the Senate with regards to appropriating funds to pay us back for the last 3 expansions and work at the Wastewater Treatment Plant was passed unanimously by committee and recommended for adoption; also passed the House.

IX. New Business

1. Liberty Lane Sewer Association

- a. Partial Termination of Hold Harmless and Indemnification Agreement
- b. Bill of Sale and Assignment

Attorney Gearreald: dealing with new developments in the Liberty Lane area; septage flow to the Town system; flows through private system; sewer manhole; due to increased flow part of planning process looked into the capacity; new association was created to govern the

entirety of the private system; agreed with town to do upgrade of pipe/sleeve at their cost; allow for increased flows west of Route 101; being given a bill of sale releasing the association for that partial area; any new hook-ups would pay a fee; town has an easement over Liberty Lane Property to build a line to get to the same manhole; sewer line was up-sized

Selectman Griffin MOTIONED to MOVE to ACCEPT to accept the Bill of Sale from the Liberty Lane Sewer Association of the new sewer connection and to sign the Partial Termination and Partial Release of Hold Harmless and Indemnification Agreement as drafted by Town Counsel SECONDED by Vice-chairman Barnes.

VOTE: 4-0-0

1. 236 Winnacunnet Road
 - a. Request to Name "Loy Drive"

Chairman Bridle: named after Desiree Loy; she was an Airman.

Selectman Woolsey: object to development.

Selectman Griffin MOTIONED to APPROVE the name request for 236 Winnacunnet Road as "Loy Drive" SECONDED by Vice-chairman Barnes.

VOTE: 3-1(Woolsey)-0

- b. Road Bond acceptance for \$607,469 changed to \$649,379

Selectman Griffin MOTIONED to APPROVE the Road Bond acceptance for ~~\$607,469~~ \$649,379 for 236 Winnacunnet Road SECONDED by Selectman Vice-chairman Barnes.

VOTE: 3-1(Woolsey)-0

X. Closing Comments

Vice-chairman Barnes: Thursday, February 21, 2019 at the Lane Library will be a panel discussion on the Devil We Know on the PFAS in the water; moderator

Selectman Woolsey: donate to the SPCA at Lane Memorial Library; towels, blankets, leashes, collars, etc.

XI. Adjournment

At approximately 9:00 PM, on MOTION made by Chairman Bridle, SECONDED by Vice Chairman Barnes, the Board voted unanimously by roll call (4-0) to go into a non-public session under RSA 91-A:3,II, (e)[litigation].

VOTE: 4-0-0

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

ABSENT: Jim Waddell, Selectman

[Minutes Sealed]

At 9:15 PM, a MOTION was made by Selectman Woolsey, SECONDED by Chairman Bridle to leave the non-public session adjourn at 9:15 PM, which was approved unanimously (4-0).

At approximately 9:16 PM, back in Public Session, Chairman Bridle moved to seal the minutes of the Non-Public Session, SECONDED by Selectman Woolsey on the basis that disclosure of these minutes could jeopardize the actions to be taken and affect reputations.

This motion to seal the minutes passed unanimously (4-0) by roll call vote.

At 9:17 PM, the Selectmen adjourned the Public Session on MOTION of Selectman Griffin, SECONDED by Vice Chairman Barnes, which passed unanimously.

Rusty Bridle, Chairman

Thank you Channel 22!