

Selectmen's Meeting
14 September 1998
7:00pm

The regularly scheduled Selectmen's meeting was called to order by the Chair, Allen Hines, at 7:00pm. Those present included George Lagassa & Jack Steiner (Selectmen), and Russell McAllister (Town Administrator).

The Selectmen reviewed the regular and non-public meeting minutes of August 24th. Mr. Lagassa voted to accept both the regular and non-public minutes as written. Mr. Steiner seconded the motion. The Selectmen reviewed the non-public minutes of August 10th. Mr. Steiner made a motion to accept the minutes as written. Mr. Lagassa seconded the motion. The vote was unanimous and so moved.

The selectmen reviewed correspondence and/or signed:

- Abatement - Marie Loeffler (in house billing correction).
- MS-5 Annual Financial Report - Filed with DRA (signed).

Topics of Discussion

The TA reviewed various developments of the Coakely Landfill issue with the Board. It was noted that the repayment of the State Revolving Loan Fund (SRF) money used for Coakely closure would begin next year. The total amount to be repaid was \$271,055.91 thus far. Twenty percent of the cost of repayment was in the form of a grant that would be disbursed annually to the Town. An amortization schedule calculated at 4.21% was handed out. It was explained that the money in Coakely trust fund, which now totaled approximately \$550,000, would be used to repay the loan. Whether the difference in the spread between the interest earned in the trust (4.8-5.1%) and the loan interest (4.21%) could be maintained, in light of current global deflationary trends, was debated. The meeting with John Ryan and Tom Roy (Aries Engineering) scheduled for 9/16 was noted. Because projected costs of OUI and OUII were to be discussed, it was suggested that the SRF data be brought along for discussion, too.

The TA briefed the Board about the recent auditing costs noting that there was an additional charge of \$649 to cover the costs of performing the monthly reconciliation of the tax collector's books for the year—a function normally conducted by the tax collector. The Town's auditor's put forward, at the TA's request, a plan that would provide training for the tax collector's office.

Forrest Griffin's letter of resignation as the planning board chair was read. It was noted that Mr. Griffin had provided many years of leadership and wisdom on the Board and that he would be sorely missed. A round of applause by those in attendance acknowledged Mr. Griffin's many contributions.

Various NHMA topics and upcoming events were presented. The 10th annual municipal volunteer awards were mentioned and Mr. Lagassa asked for the nomination form noting that Mr. Griffin was a worthy candidate and nominee. Mr. Steiner noted his interest in attending one of the municipal law lecture series, now in its 23rd season.

Part Time Police Office Oath of Office

Sabrina Alfrey was introduced to the Board and those in attendance as the new part-time police officer. Delores Chase (Town Clerk) administered the oath of office. The Board welcomed Ms. Alfrey aboard.

Selectmen's Issues

I. Hampton Water Works Agreement

Mr. Hines began the Board's discussion by explaining that the HWW issue was one of long standing and that negotiations had been in progress for some time. Originally, a planning board subcommittee of three was charged with dealing with the issue. Mr. Hines mentioned that the issue was an involved and technical

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one that Mr. Lagassa, and previously Mr. Wollmar, had spearheaded from the beginning in their respective positions of planning board member and selectman. While involved in the negotiations, Mr. Hines admitted his expertise was not technical, but that he felt comfortable with Mr. Lagassa's understanding and direction on the technical side of the negotiations.

Mr. Lagassa began his address by providing a brief history of the issue noting that he was a member of the planning board subcommittee originally charged with investigating the water issue and that he has continued with the water issue in his current capacity as selectman.

Mr. Lagassa began by explaining that the planning board approval of the agreement of 9/97 involved a complicated schedule of provisions. The original provisions made it difficult for individual well owners not only to understand but also to initiate a complaint and have their problem addressed by the Hampton Water Works (HWW). Part of the initial language in the agreement specified that any remediation along Winnicut Road must be established by demonstrating an impact to a majority of wells within the area otherwise no remediation would occur. In fact, this language is now absent from the agreement. The sticking point in the negotiations rests with the high use recovery standard. Responsibility for the negotiations were assumed by the Board on or around 1/98 due to the disbanding of the planning board technical committee and a PUC filing by the HWW that sought injunctive relief from local land use regulations and decisions. During the course of negotiations the HWW refused to budge from their position of the high usage recovery rate arguing that the minimum HUD recovery rate standard is all they would accept. Mr. Lagassa explained that it was not, in the judgement of the Board, worth compromising the gains negotiated into the agreement for one well owner. The KISS principle was emphasized during the negotiations the products of which included: protection for all well owners within a 3,000' radius of the HWW well; and additional protection of 4,000' from the HWW wells for those well owners located along the lineaments. The Board composition changed again in 3/98. It was during this time that the Board negotiated what constituted the trigger mechanism for the well owner's response policy. The initial position of the HWW stipulated that all well owners must demonstrate adverse impact to trigger the well owner's response policy. That language is now absent and other modifications to language in the agreement is being negotiated. Language dealing with time limits is being negotiated with the preferred language reading no time limits.

Mr. Hines commented that with any negotiation there are inherent risks and that if the negotiations reach an impasse, the entire agreement could be off. Mr. Steiner suggested that continued refinement and investigation are part of the negotiation process.

The discussion was opened for public comment. Dick Wollmar, former selectman, explained that the planning board set conditions on the HWW wells. When the HWW filed suit with the Town the action compelled the Board's involvement in the negotiation process. Mr. Wollmar made it plain that the Board of Selectmen were looking out for the best interests of all of the Town's citizens. The original language offered by the HWW in their agreement concerning how a well owner files a grievance was too complex. The new agreement was far simpler and was more comprehensive in its protection of well owners. Mr. Wollmar contended that changes to the agreement were well thought out.

Bob Landman advocated that the public arena was the proper forum for public decision-making. Mr. Landman commended the Town of Stratham's agreement with the HWW. If the Board of Selectmen agreed to less than the original planning board settlement then the agreement was a poor one. Mr. Landman characterized the HWW public relations as deceptive and suggested that for a few hundred bucks the services of Tom Ballestro (hydrologist) should be used to review the current agreement. The Town should also more closely monitor the pumping activities of the HWW. Mr. Landman suggested that the negotiation strategy the Board should follow is to go to the mat noting that there were too many flaws in the present agreement.

Selectmen's Meeting
14 September 1998
7:00pm

Mr. Lagassa took exception to the comments of Mr. Landman regarding the quality and substance of the agreement noting that the planning board conditions had not only been met, but also exceeded in many instances. Mr. Lagassa noted that any debate of facts would not materially alter simple established facts and that such argument served no purpose.

Henry Fuller stated that the Stratham agreement with the HWW did not limit monitoring to two years and that DES help with monitoring issues was incorporated as part of the agreement.

Mr. Hines voiced concern regarding potential legal costs associated with any lawsuit associated with the issue that did not produce an immediate and discernible benefit to the Town.

Tim Harned commented on the Startham agreement noting that review of the agreement by the Board may provide information to enhance future negotiations with the HWW. Mr. Harned believed that the current document did not intentionally neglect anyone with a high yield well such as his. Mr. Harned maintained that there were more than one high-yield well located on Lovering Road. Mr. Harned pointed to an erroneous computation regarding the seasonal variation calculation. He also voiced concern over who would pay for the costs of testing a new well to establish baseline data. Mr. Harned thought the HWW should incur such expenses and not the property owner. Mr. Harned urged that the agreement include frequent monitoring reports provided to the planning board. Mr. Harned further noted that the DES be officially designated the body of appeal that could be used to compel the HWW to perform more frequent monitoring. That initial static water level monitoring be performed weekly, then monthly after a period of 6 months.

Susan MacDonald urged that the Board consider the issues raised during the meeting and to follow through in negotiating the same agreement that the Town of Stratham negotiated with HWW.

Further discussion followed with mention being given to the fact that the well in Stratham was a gravel packed well and differed substantially from the type of wells located in NHNH. The number of well owners covered in Stratham was 10 or 11 contrasted with the 40 or so covered in the NHNH agreement. It was noted that metered water service was not available to those well owners located in Stratham as it was in NHNH. Mr. Hines summed the discussion by stating that what folks wanted was what Stratham had. Mr. Harned urged that high yield wells issue should not be forgotten.

The TA pointed out that the Little River Watershed Study would be evaluating recharge rates of the aquifer and that if anyone present were interested in participating in the project to sign-up. A sign-up sheet was passed out.

There being no further business to come before the Board, Mr. Steiner made a motion to convene in a non-public session under RSA 91-A:3 II (a) to discuss a personnel issue. Mr. Hines seconded the motion. The vote was unanimous and so moved. The public meeting adjourned at 9:10pm.

Respectfully,

Russell McAllister
Town Administrator