

The Chair, Jenifer Landman, called the scheduled public session to order at 7:10pm. Those present included Lloyd Sullivan, Allen Hines (selectmen) and Russell McAllister, (Town Administrator).

### **Questions & Comments**

Mr. Joe Arena inquired about the status of the telecommunications tower. Mr. Hines replied that the Town had done everything necessary concerning land acquisition, radio equipment specifications and lease terms. Any remaining action items now rested with American Tower. Mr. Hines noted that ATC's corporate legal department was reviewing the lease.

### **Selectmen Issues**

#### *Cedar Road Traffic*

Ms. Landman noted that since the last Selectmen's meeting the Board had reviewed the issue with Town counsel and that she had also contacted DOT's traffic safety engineers. Ms. Landman remained concerned about the safety of the Cedar Road Bridge, particularly use of the bridge. It was also noted that Cedar Road was an emergency evacuation route and the bridge was not rated for the weight of a loaded school bus and that the emergency evacuation route would be changed. The concern, in regards to the safety issue of the bridge, was raised primarily because of the increased amount of traffic now traveling Cedar Road to reach Home Depot and Shaws. The traffic traveling over Cedar Road used the access road located just west of the bridge to reach Home Depot and Shaws. The nearness of the access road to the bridge and the abruptness of the raised approach of the road to the bridge made it difficult for traffic traveling west towards the bridge to see cars exiting the access road and proceeding east along Cedar road, also approaching the bridge, to safely see one another in a timely fashion. While \$250,000 in road and signaling improvements had been made to alleviate traffic and sight distance problems safety concerns remained. Ms. Landman noted that closing the access road would alleviate the danger but that such a solution was complicated insofar as several leaseholders held provisions within their leases that granted them rights to the access road. The courts might view these lease provisions as private property rights and therefore, closing the access road may well be construed as a taking. While the certainty of this perspective was still a matter of debate, it nevertheless complicated the issue. Mr. John Corbett (W/S Development) noted that the issue was a difficult one and he agreed with the Board's assessment of the traffic problems. Mr. Corbett disagreed with the notion that closing the access road was a solution because the lease agreements with the tenants had legal ramifications he preferred to avoid. Mr. Corbett noted that he was in attendance to see how W/S Development could assist in alleviating the traffic safety problems. Ms. Landman noted that the traffic safety issue first surfaced in October of 2000. The Board at that time had determined that the signaling solution as well as the Cedar Road traffic and the attendant safety concerns would be revisited annually for two years after the opening of the stores. Mr. Hines suggested that there was a difference between lease and access agreements and that the two were not necessarily connected. Mr. Hines remained uncertain whether or not lease agreements constituted public access by the public to a Town roadway or merely conferred access rights to leaseholders only. The safety of the Cedar Road Bridge was again discussed. It was suggested that the Town close the bridge. Ms. Landman noted that discussions with Town counsel suggested that the Board could indeed temporarily close the bridge for repairs, but it could not do so permanently. It was pointed out that the Town did not own the bridge. Much more discussion ensued. The discussion turned to the option of making Cedar Road one way. Mr. Dennis Williams (Pine Road resident) suggested that making Cedar Road a one way would increase traffic on Pine Road. Ms. Hope Maria also expressed concern about increased traffic on Pine Road. Corey Landry (Deputy Fire Chief) noted the difficulty large trucks such as fire apparatus and oil delivery trucks would have when turning around at the end of a one way dead end if the bridge was closed. Ms. Landman noted that she was in touch with a DOT engineer and had requested that he inspect the bridge for safety. Mr. Sullivan made a motion that a letter be drafted outlining the Board's traffic safety concerns and sent to the leaseholders who had provisions within their leases to the access road. Mr. Hines seconded the motion. The vote was unanimous and so moved.

*IRS Section 125 (Medical Savings Plan)*

The TA briefed the Board on the above. It was explained that the social security savings to the town were small (approximately \$161) when employees opted for the premium offset plan (POP). However, when employees became more familiar with the 125 medical savings account portion of the plan, the social security costs the Town was mandated to pay would be further reduced. The plan was also a way of having the employee manage their benefit costs. Mr. Sullivan agreed that the plan was a good one for both the Town and employees. Mr. Hines agreed. Mr. Sullivan made the motion to adopt the plan and to authorize the TA to sign the documents necessary to implement the plan. Mr. Hines seconded the motion. The vote was unanimous and so moved.

*Municipal Buildings Cleaning Bid*

The TA explained that Ms. Janet Facella had sent out bid requests for cleaning the old Town Offices, Police Department, Mary Herbert Conference Room and the new offices above the PD. Bids were received from the Maids and Nitty Gritty Cleaning Company. Ms Facella's recommendation was to award the bid to Nitty Gritty. The bid's are listed below:

<b>Company</b>	<b>Monthly Cost</b>
Nitty Gritty Cleaning	\$1,075
The Maids	\$1,600

Mr. Sullivan made the motion to award the bid to Nitty Gritty Cleaning for \$1,075/month. Mr. Hines seconded the motion. The vote was unanimous and so moved.

*Bond Reduction requests – Abenaqui Meadows and Hobbs Farm*

The TA explained that the Planning Board had approved bond reduction requests for the above-mentioned projects, Abenaqui Meadows from \$200,000 to \$88,715.80, and Evergreen Drive from \$472,000 to \$32,000. Appledore Engineering had reviewed the requests and recommended the amounts to be withheld. Mr. Sullivan made the motion to approve the bond reduction amounts as recommended by the Planning Board cited above. Mr. Hines seconded the motion. The vote was unanimous and so moved.

*DES letter*

Ms. Landman explained that the Board had convened a special meeting to review a request from the Town of Seabrook to Aquarion seeking additional water supplies because of the state of their water operations. The DES needed to approve the request. Ms. Landman had prepared a letter outlining the Town's concerns that she wished to send to the DES and other officials who also attended the special meeting. Mr. Hines made the motion to send the letter. Mr. Sullivan seconded the motion. The vote was unanimous and so moved.<sup>†</sup>

*Other...Town Sign at Corner of Post & Atlantic*

Mr. Sullivan explained that he and other volunteers were looking to spruce-up the Welcome to North Hampton sign site. Materials and labor had been donated, but there was still a need to provide loam and some arbor vitae shrubs. Mr. Sullivan requested an appropriation to fund the improvements. Mr. Hines made the motion to approve an appropriation of up to \$500 to complete the project. Mr. Sullivan seconded the motion. The vote was unanimous and so moved. Everyone agreed that Gail Walters deserved Kudos for her work on business beautification on Route 1.

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<sup>†</sup> DES Letter is attached for reference.

*Other...Cable Franchise*

Mr. Bob Landman noted that as Chair of the Broadband Committee, he had reviewed correspondence from and talked with Attorney Rob Ciandella concerning the Town's franchise agreement. Mr. Landman requested that attorney Ciandella be authorized to craft a letter to AT&T Broadband concerning the Town's franchise agreement, particularly the transfer of the franchise to another entity. Mr. Sullivan made the motion to allow Mr. Ciandella to proceed. Mr. Hines seconded the motion. The vote was unanimous and so moved.

Mr. Sullivan made the motion to approve the meeting minutes of June 10<sup>th</sup>. Mr. Hines seconded the motion. The vote was unanimous and so moved.

The selectmen reviewed correspondence and/or signed:

**Administration/Business**

- a. Minutes - June 10<sup>th</sup> & 17<sup>th</sup>, 2002
- b. Payroll
- c. Manifest
- d. CDBG Manifest
- e. **Abatement Request (Hardship Relief)**

The TA noted that the same individual had previously applied for and received a hardship relief. This request contained no supporting financial documentation. The TA recommended that the Board delay action until the necessary paperwork was received and that to avoid unnecessary duplication of effort that such abatement is acted upon after the issuance of the second tax bill. The request was tabled.

**f. Tax Collector Liens (\$166,818.81)**

The TA explained that the Tax Collector had made a request for action on the disposition of liens issued but not collected. The fiscal year closed on June 30<sup>th</sup>. Tax receipts not collected were redeemed by the town either through the issuance of a check or through a journal entry noting that such an amount remained outstanding for this fiscal year. The TA recommended a journal entry as the easiest and least costly approach. Mr. Sullivan made the motion to authorize a journal entry. Mr. Hines seconded the motion. The vote was unanimous and so moved.

- g. DOT Driveway Permit – Brent Dalton (122 Post Road)
- h. DES Water Division – Richard Luff (golf course expansion)
- i. Executive Council Newsletter
- j. Encumbrance (Assessing Software)

The TA requested that the remaining amount of \$6,800 from the Warrant Article VIII (FY 01-02) approving the purchase of new assessing software be carried over into next fiscal year because implementation was not yet complete. The associated account number was acct# 01-4902-10-731. Mr. Sullivan made the motion to encumber the remaining amount of \$6,800 from Warrant Article VIII from acct# 01-4902-10-731. Mr. Hines seconded the motion. The vote was unanimous and so moved.

**k. Briefing – FD Vehicle Exhaust System**

Deputy Fire Chief Corey Landry briefed the Board on the status of the bid for the air exchanger, which was approved in March. The only bid received was from Clean Aire Technology for \$34,200. Mr. Landry explained that the bid was \$200 dollars above the approved warrant article amount. The \$200 dollars would be taken from the station maintenance account in the operating budget. Mr. Landry asked that the Board award the bid to Clean Aire and authorize the TA to sign the documents necessary to execute the contract. Mr. Sullivan made the motion to award the bid to Clean Aire Technologies and authorize the TA to sign the

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documents necessary to execute the contract. Mr. Hines seconded the motion. The vote was unanimous and so moved.

Ms. Margaret Kelleher addressed the Board with a customer service complaint. Ms. Kelleher voiced concern over customer service she received while at the office purchasing a beach sticker and brush dump permit. She expressed her disappointment. The TA agreed to look into the issue and report back to Ms. Kelleher.

There being no further business to come before the Board Mr. Sullivan made a motion to adjourn. Mr. Hines seconded the motion. The vote was unanimous and so moved. Mr. Hines next made a motion to convene in non-public session under RSA 91-A:3 II (a) for the purpose of discussing personnel issues. Mr. Sullivan seconded the motion. The vote was unanimous and so moved. The public meeting adjourned at approximately 9:10pm and the Board convened in non-public session at the same time.

Respectfully,

Russell McAllister  
Town Administrator

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June 24, 2002

Mr. Anthony P. Giunta, P.G.  
Administrator  
DES Water Supply Engineering Bureau  
6 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095

**Re:** Seabrook, NH Emergency Water Request  
Aquarion Water Co. (Hampton Water Works)  
Non-Permitted Production Wells, North Hampton

Dear Mr. Giunta:

The Board of Selectmen of North Hampton, NH held a special meeting on Tuesday, June 18, 2002, to discuss the above referenced request from Aquarion to pump a total of 500,000 gallons per day during the summer months from two new non-permitted production wells in North Hampton. We infer from your letter to Aquarion, that the NH DES is inclined to grant this request on an emergency basis.

Those present at the meeting included representatives from the NH DES Water Supply Engineering Bureau, Aquarion, Town of Seabrook, Town of Hampton, Town of Stratham and many officials from the Town of North Hampton (cc'd below). North Hampton town officials, and the general citizenry, take water issues very seriously. Much of the town is on private wells and Aquarion has numerous production wells within our town. A majority of the water Aquarion pumps from those wells is delivered outside of the Town of North Hampton.

Listed below are proposed conditions and questions that we developed over 2 hours of lively discussion. We respectfully request that you consider incorporating these conditions/provisions in the document between the NE DES and Aquarion and the Town of Seabrook.

**Conditions:**

1. Before granting the withdrawal from the non-permitted wells, we suggest that Seabrook first hold a Special Town Meeting to a) declare this water shortage to be an emergency and b) vote in residential water meters to be installed immediately. (If the vote fails, then clearly the citizenry of Seabrook do not consider the water needs to be an emergency. Therefore, Aquarion must go through the permitting process prior to activating the 2 new non-permitted wells.)
2. Aquarion will only operate the emergency non-permitted wells when necessary to meet Seabrook requirements and all other permitted wells within the Aquarion system are operating at their limit.
3. Since Seabrook is asking for relief from the summer demand shortfall, the withdrawal would cease on or before September 15<sup>th</sup>.
4. North Hampton residents run the risk of being impacted without the necessary baseline data to determine the affects of the new wells. Aquarion must monitor all residential and business wells within a radius NH DES deems appropriate for impact to water levels before, during and after the withdrawal, and must agree to continue monitoring, if permits are eventually granted. In addition, the baseline status of, and impacts to, the area wetlands must be determined and monitored.

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5. Aquarion commit to developing a desalinization plant to go on line within the next 2 years and it must be sized large enough to meet current needs including Seabrook plus project water needs 20 years into the future. (Future needs may be accounted for by making the plant modular, so additional reverse osmosis plants can be added as needed without major plant upgrades. Suggested location for the plant is to co-locate with Seabrook Station, as its outfall is warm seawater which is what reverse osmosis plants need and it is also a conveniently close source of bulk electricity.)
6. Aquarion provide to the Town of North Hampton, a list of North Hampton customers (so the Town can estimate the number of private wells and locations.)
7. Aquarion provide a list of production wells in North Hampton, the depth from which they are withdrawing, and the gallons per day.
8. Seabrook develop a short-range and long-term solution to water shortfalls, including installation of low-flow faucets and shower heads for all residencies, hotels/motels.
9. Seabrook provide a definition of "reasonable demand". (In the 8-May-02 update, Aquarion (HWW) indicates their current available supply is 3.4 mgd and they actually delivered 2.25 mgd to customers. Therefore, Seabrook is requesting 22% of HWW current demand.)
10. Seabrook install DES approved data collection (flow and water levels minimum) on all or their wells

**Questions:**

1. Seabrook proposes to "borrow" the water. How would this water be repaid to the North Hampton aquifers, and how would that be documented? (Seabrook will return the water to HWW at a later date allowing North Hampton wells to be rested and recover?)
2. What is the recovery period of the new non-permitted bedrock production wells?
3. The Seabrook residential users are not metered. Therefore, they have no way of determining the leakage in their system. Does Seabrook track trends over the past several years for demand?
4. What can the NH DES do to keep this from happening again (Seabrook's emergency shortfall)?
5. Will DES make Seabrook implement a plan to insure that Seabrook gets their situation under control, so there will not be a repeat emergency next year?
6. How will DES ensure that Seabrook implements the plan in a timely fashion and avoid delays caused by a consumer base that has previously resisted these measures?  
Please advise the Town of North Hampton Board of Selectmen and Water Commission of meetings or correspondence on this issue.

Respectfully,

**Town of North Hampton**

Jenifer Landman, Chairperson Board of Selectmen [jlandman@hlinstruments.com](mailto:jlandman@hlinstruments.com)  
Lloyd Sullivan, Selectman  
Allen Hines, Selectman

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cc. Water Supply Engineering Bureau/ NH DES  
Brandon Kernen, Hydrologist - 271-0660  
Tim Noack  
Robert Mann 271-2953  
Sara Pillsbury

Aquarion Water Co. (Hampton Water Works)  
Brian Goetz, Operations Manager - 926-3319 X121  
Frank Giordano, Operations Supervisor - 926-3319X122

Town of Seabrook, NH  
Russ Bailey, Town Manager  
Warner Knowles, Water Supt.

Rockingham Planning Commission  
Glenn Greenwood  
Cliff Sinnott

Town of Hampton  
Warren Banbury, RPC  
Peter Olney, RPC

Town of Stratham  
George Miller,

Town of North Hampton  
Tim Harned, Water Commissioner  
Bob Landman, RPC/TAC/MPO  
Bob Field, ZBA Chairman, North Hampton Forever  
Phil Wilson, Planning Board Chairman/North Hampton Forever  
Henry Mixter, Conservation Commission  
Shirley Carter, Conservation Commission  
Russ McAllister, Town Administrator  
Henry Fuller, Water Commissioner  
Richard Bettcher, Water Commissioner