



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
NORTH HAMPTON SELECT BOARD MEETING
AUGUST 9, 2021 7:00 PM
NORTH HAMPTON TOWN HALL
DRAFT MINUTES

SELECT BOARD MEMBERS PRESENT: Chairman Jim Maggiore, Vice Chairman James Sununu, Selectman Jonathan Pinette

ALSO PRESENT: Town Administrator Michael Tully, Police Chief Kathryn Mone, Conservation Commission Chair Lisa Wilson

VIA ZOOM: Amanda McQuaid, NHDES Harmful Bacteria Program Coordinator

AGENDA

Chairman Jim Maggiore welcomed everyone to the August 9, 2021 North Hampton Select Board Meeting and called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance.

The Select Board agreed to start with item 8.1 Swearing-in Ceremony of Lieutenant James Russell.

8.1 Swearing-in Ceremony of Lieutenant James Russell

Police Chief Kathryn Mone announced the promotion of Sergeant James Russell to Lieutenant with the North Hampton Police Department.

Town Administrator Michael Tully performed the swearing-in ceremony, and Lieutenant Russell's daughter did the pinning of the badge. Lieutenant Russell thanked everyone for their support.

The Select Board recessed for a short break then resumed the meeting.

First Public Comment Session

For comments please call 603-758-1447 or email jmaggiore@

No Public Comments.

Disclaimer –These minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.

36 **A recording of the meeting can be found at: http://www.townhallstreams.com/towns/north_hampton_nh, and a**
37 **DVD recording is available at the North Hampton Town Administrative Offices, 233 Atlantic Avenue, North**
38 **Hampton, New Hampshire 03862.**

39

40 **Consent Calendar**

- 41 3.1 Payroll Manifest of July 29, 2021 in the amount of \$82,235.08
- 42 3.2 Payroll Manifest of August 5, 2021 in the amount of \$91,346.01
- 43 3.3 Accounts Payable Manifest of August 5, 2021 in the amount of \$487,639.48
- 44 3.4 Tax Abatement

45

46 **Motion:** To approve the Consent Calendar, Items 3.1-3.4, as presented.

47 **Motioned:** Vice-Chair Sununu

48 **Seconded:** Selectman Pinette

49 **Vote:** Motion approved by a vote of 3-0

50

51 **Correspondence**

52 *Copies of all Correspondence will be attached to the minutes.*

53

54 **4.1 Correspondence from State of New Hampshire Department of Transportation, July 28, 2021**

55 Re: North Hampton Highway Block Grant Aid in accordance with RSA 235:23 as payment for construction
56 and reconstruction of Class IV and Class V Roads, available to North Hampton for FY2022 based on
57 estimated revenue through June 30, 2021. Total amount before final audit: \$100,361.42 for 2022.

58

59 **4.2 Correspondence from Hampton American Legion Post 35, July 30, 2021**

60 Re: Invitation to Town Administrator and Select Board to attend rededication of Global War on Terror
61 Memorial Monument on Saturday, September 11, 2021 at 6:00 pm at American Legion Post 35 in
62 Hampton. Two new names will be added this year; refreshments following celebration.

63

64 **4.3 Correspondence from Agricultural Commission**

65 Re: Concerns with proposed Noise Ordinance and requesting Select Board consider adding an exemption
66 for agricultural activities, as times included in Ordinance would greatly restrict farmers from
67 accomplishing their daily tasks and they should be able to operate their farms as they have always done.

68

69 Chairman Maggiore said there would be an amendment and it would go to Ballot in March.

70

71 **Committee Updates**

72 Chairman Maggiore said the *Heritage Commission* has not met since the last meeting; the *Water*
73 *Commission* did meet in Non-Public and is on the agenda for tonight.

74

75 Vice-Chair Sununu said there was no update from *Rails to Trails Committee* or the *Budget Committee*.

76

77 Selectman Pinette said the *CIP Committee* essentially wrapped up other departments and the next
78 meeting is set for September 16, 2021 to finalize the report and send to Select Board.

79

80 Town Administrator Tully said he did go forward to CiP with the complex the Town is considering and to
81 determine a price. He said he let them know that whether or not we go forward will depend on timing
82 and costs determined.

83

84 **Report of the Town Administrator**

85 *A copy of the Report of the Town Administrator will be attached to these minutes.*

86

87 Report July 27 through August 6, 2021: Police Department now has mobile computers in cruisers and is
88 working on connectivity with State system; Fire Department busy with a residence fire and vehicle
89 crashes; bids received for Town Hall painting; Public Hearing held on July 27th for town office complex,
90 comments forwarded to architect and designer and web page set up; grant funds were secured for new
91 phone system; 3 companies contacted for bids on Walkway. Working Group for Philbrick Pond preparing
92 bid documents; Wetlands Permit approved by DES; Cobble Weir set for fall.

93

94 **Items Left on the Table** – None

95

96 **NEW BUSINESS**

97

98 **8.2 Discussion of High Bacterial Counts at North Hampton State Beach**

99 Chairman Maggiore said yellow signs have been placed on North Hampton Beach by NHDES to warn of a
100 high bacteria count. The Conservation Commission and NHDES said this has been going on for decades
101 and they are working to try to find the source. Amanda McQuaid, of Watershed Management at NHDES,
102 is joining the meeting by Zoom.

103

104 Amanda McQuaid explained that NHDES is a federally funded program since 2002-2003 focused on
105 monitoring and inspecting coastal beaches and sampling water twice weekly. They have done some
106 source-tracing studies of high readings at North Hampton State Beach, and it is very clear that Little River
107 is contributing. Some source-tracing has been done with DNA to home in on the source of bacteria which
108 is likely a mix of septic and wildlife.

109

110 Ms. McQuaid said there is a lot of runoff after rains which dilutes ocean water and said they are testing
111 for fecal *enterococci* bacteria which indicates there is waste in the water. She said some situations could
112 result from just a lot of people swimming or a stagnant situation with seaweed and wildlife present;
113 threshold is 104 cts of bacteria for 100 milliliters of water. She said 90% of the time there are no issues,
114 but this year there have been 3 advisories for North Hampton State Beach lasting 2-5 days. Contamination
115 does not seem to last long but does coincide with rain.

116

117 Ms. McQuaid said in our 15-20 years of monitoring, specifically this beach has the highest bacteria count
118 of all coastal beaches. She said she understands the main source of bacteria has been a mix of human and
119 wildlife coming from Little River which is marshy with a lot of wetlands and homes that should check their
120 septic.

121

122 Conservation Commission Chairman Lisa Wilson said the source of pollution eludes the Conservation
123 Commission and they have tried in earnest to track it and will continue. She said it is important we do
124 everything we can to protect our waterways and buffers which help filter pollution. She said one of the
125 next steps could be to ask the Health Officer to check with residents on last inspection of their septic or
126 do a dye test and said she would like to rule that out as a source of beach pollution.

127

128 Ms. Wilson said FB Environmental did a study in 2017 and concluded 23% of pollution could be coming
129 from septic systems but 70-77% from other sources; farm animals 20% and 58% from developed runoff.
130 She said this is a problem all regions are facing with impervious surfaces which cause increased runoff;
131 the EPA recommended we be at 10% in 2010 with other towns much higher; anything above 25% causes

132 serious degradation of the environment. She said North Hampton does a lot to protect our wetlands,
133 marshes and waterways, but more needs to be done and they are working on a septic system database.

134

135 Vice-Chair Sununu said he read past reports and what was done in the investigation to address problems
136 found, and all recommendations were addressed in 2018. Selectman Pinette asked about next steps. Ms.
137 Wilson said if they suspect failures with septic, they should be investigated with homeowners providing
138 proof of inspections and maintenance, but said it is difficult to determine the source between human and
139 animal bacteria. She said dye testing may be simpler than DNA tests; there is also the issue of optical
140 brighteners in laundry detergents.

141

142 Chairman Maggiore said North Hampton has a Health Inspector/Code Enforcement Officer and the Select
143 Board sits at the Board of Health. He asked what right they have to insist on inspection of a private septic
144 system if they suspect problems. Selectman Pinette said if it affected public health in general that would
145 supersede.

146

147 Ms. McQuaid said if anything is suspected they can call DES to have it inspected as a complaint and agreed
148 dye testing is the best way for a quick check. She said towns and associations are also creating ordinances
149 to mandate septic inspections. Vice-Chair Sununu said according to his reading, North Hampton does have
150 the right to inspect septic systems. Ms. Wilson said other towns have comprehensive septic system
151 ordinances, but they are not easy to enforce, and we will need the community to step up.

152

153 Ms. Wilson said a dye test done in 2013 showed seaweed it tends to coagulate in the area where bacteria
154 counts are always high. She said the water is typically clear on the other side of the sand bar. Ms. McQuaid
155 said they have specific stations at each beach for testing. She said there was a dye test of Little River to
156 see how far out it goes but it really only stays at North Hampton, and said they are basically looking at
157 Little River bringing stuff in after rains; it is pretty local and not affecting other beaches.

158

159 Chairman Maggiore said for education, the Conservation Commission website has tips for maintaining
160 septic, the 2015 Little River quality report and contamination history, and is kept up to date. Ms. Wilson
161 said the Conservation Commission would be happy to design a brochure. She said next steps are to ask
162 residents to voluntarily provide information that their septic systems are in good working order; otherwise
163 go back and dye test their systems.

164

165 Ms. McQuaid said they can do a septic survey for the watershed and determine those that are older or
166 seem suspicious. She said education on this is really key and DES has information and resources on the
167 importance of checking septic systems and of watershed management. She said bacteria can grow quite
168 well in certain conditions.

169

170 **8.3 Discussion of Town Building Committee**

171 Chairman Maggiore said we are working on a complex of updating our buildings and discussed creating a
172 Building Committee and posted for applicants. He said the Board will be seating the 3 members of that
173 committee tonight and said he put together a draft charge for the committee.

174

175 Vice-Chair Sununu said there are five applicants: Frank Ferraro, Josh Jeffrey, Dan Derby, Brian Goode, and
176 Pete Robie. Selectman Pinette said all 5 would bring something to the table.

177

178 **Motion:** To appoint Pete Robie, Josh Jeffrey, and Brian Goode as members of the Building Committee.

179 **Motioned:** Selectman Pinette

180 **Seconded:** Vice-Chair Sununu, for discussion

181 **Vote:** Motion approved by a vote of 3-0

182

183 Chairman Maggiore read a Draft Charge for the Building Committee to provide practical and well-designed
184 municipal facilities with functional use of at least 50 years for the Town of North Hampton in conjunction
185 with architect and design professionals. Vice-Chair Sununu asked that Select Board and Town
186 Administration be added after “design professionals” to make sure needs of department heads are being
187 addressed. Town Administrator Tully recommended Brian Goode be the first chairman of the committee.

188

189 **Motion:** To approve the Building Committee charge as amended above.

190 **Motioned:** Vice-Chair Sununu

191 **Seconded:** Selectman Pinette

192 **Vote:** Motion approved by a vote of 3-0

193

194 **8.4 Discussion of Aquarion Water Company Rate Case**

195 Chairman Maggiore said the Water Commission has been discussing for a long time that we had potential
196 to go to a rate case. The ongoing case, which is tangential to the idea of a rate case, is that Hampton and
197 North Hampton have been concerned that Aquarion overcharged rate payers for a number of years. The
198 Statute states that if customers feel they are being overcharged they can only do a rollback of 2 years, so
199 Hampton and North Hampton partnered together to file a case against Aquarion claiming overcharging of
200 rate cases due to inflated interests earned and not returned to customers. Subsequent to that Aquarion
201 filed a rate case and are now moving forward with that.

202

203 Chairman Maggiore said the Judge at the Supreme Court rejected Hampton and North Hamptons filing of
204 the case unanimously and both Water Commissions have agreed that the Judge did not consider the
205 merits of the case as stated in Statute, that we are within our rights to go back and investigate the last 2
206 years of earnings to determine why they were so high and why the money was not returned to rate payers.
207 He said we agreed we would file an appeal, but the process is long and very expensive but feel strongly
208 they need to exhaust all possibilities.

209

210 Vice-Chair Sununu said he would be shocked if the Supreme Court reversed their unanimous decision. He
211 said the rates were set by PUC (Public Utility Commission) with annual adjustments to that base rate.
212 Aquarion is saying since PUC approved their rates it does not matter if their rates were substantially above
213 the projected rate of return. He said we now have a new Rate Case to set the base rate going forward and
214 suggested it would be better for them to aggressively push as an intervener in the rate case that
215 projections provided in 2014 were either under-estimations of their revenue or over-estimations of costs
216 and PUC needs to be much more diligent in setting and adjusting rates. He said when PUC issues the base
217 rate they could specifically say that any excess returns over approved threshold must be returned.

218

219 Vice-Chair Sununu said they should also contact Don Creese, consumer advocate for rate payers in New
220 Hampshire, to advocate to seek a lower regulated rate of return. The rate of return for utilities has been
221 9-11% over the years when interest rates were 4-6%; interest rates are now much lower on an ongoing
222 basis yet regulated rates of return have barely budged, and they should argue that the rate of return be
223 correspondingly less in a low-interest environment.

224

225 Chairman Maggiore said he would take this back to the Water Commission.

226

227 **MINUTES OF PRIOR MEETINGS**

228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258

Approval of the Regular Meeting Minutes of July 26, 2021

Motion: To approve the Regular Meeting Minutes of July 26, 2021 as presented.

Motioned: Vice-Chair Sununu

Seconded: Selectman Pinette

Vote: Motion approved by a vote of 3-0

Approval of Meeting Minutes of July 27, 2021

Motion: To approve the Public Meeting Minutes of July 27, 2021 as presented.

Motioned: Vice-Chair Sununu

Seconded: Selectman Pinette

Any Other Item that may legally come before the Board

Second Public Comment Session

For comments please call 603-758-1447.

Jeff Hillier of Glendale Road said with regard to the septic/E. coli discussion he moved here in 1967 and the beach here is terrible and not a good beach for swimming. He said it is a basin with Little Boars Head to the north and the sand bar to the south, and it sits here and simmers. He said we need to protect it but are caught in this irony.

Next Regular Meeting: August 23, 2021

Adjournment

Chairman Maggiore adjourned the meeting at 8:30 pm.

Respectfully submitted,
Patricia Denmark, Recording Secretary