



**TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
NORTH HAMPTON SELECT BOARD MEETING**

AUGUST 9, 2021 7:00 PM

NORTH HAMPTON TOWN HALL

APPROVED 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.

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

Consent Calendar

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

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

Motioned: Vice-Chair Sununu

Seconded: Selectman Pinette

Vote: Motion approved by a vote of 3-0

Correspondence

Copies of all Correspondence will be attached to the minutes.

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

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

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

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

4.3 Correspondence from Agricultural Commission

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

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

Committee Updates

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

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

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

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

Report of the Town Administrator

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

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

Items Left on the Table – None

NEW BUSINESS

8.2 Discussion of High Bacterial Counts at North Hampton State Beach

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

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

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

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

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

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

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

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

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

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

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

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

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

8.3 Discussion of Town Building Committee

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

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

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

Motioned: Selectman Pinette

Seconded: Vice-Chair Sununu, for discussion
Vote: Motion approved by a vote of 3-0

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

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

Motioned: Vice-Chair Sununu

Seconded: Selectman Pinette

Vote: Motion approved by a vote of 3-0

8.4 Discussion of Aquarion Water Company Rate Case

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

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

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

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

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

MINUTES OF PRIOR MEETINGS

Select Board Regular Meeting
August 9, 2021

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