

# Town of Hampton



TOWN OF HAMPTON  
BOARD OF SELECTMEN  
Minutes of July 14, 2008

PRESENT: William Lally, Chairman  
Richard Griffin, Vice Chairman  
James Workman  
Richard Bateman  
Richard Nichols  
Fred Welch, Town Manager  
Kristina Ostman, Administrative Assistant

Chairman Lally called the meeting to order at 7:00PM.

## SALUTE TO THE FLAG

I. Public Hearing: Enacting Recreational, Park and Town Property Use and Program Fees  
No public comment.

Mr. Bateman MOTIONED to approve the Recreational, Park and Town Property Use and Program Fees. Mr. Griffin SECONDED.

VOTE: UNANIMOUS FOR

## II. Public Comment Period

Mr. Peirce, 16 Hedman Avenue. Commented on the Fire Station #2 Replacement Analysis.

## III. Announcements and Community Calendar

Mr. Nichols commented that tax collections are normal and on par with years past.

Mr. Lally complimented town departments on the work that was done during the July 4<sup>th</sup> weekend.

## IV. Appointments

1. Michael Schwotzer, Finance Director – Monthly Financials

June '08 Income / Expense Statements / Revolvers

Attached is a copy of the Income and Expense Statements for the month ending June 30, 2008.

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The first three pages detail the income; the next page is a year-to-date analysis of motor vehicle fees collected; then the expense summary by department (numbered 16 of 16); next is entitled: "Calculation ... 2008 YE Savings" and showing the **estimated** year end '08 spending level; followed by fifteen pages (numbered 1, 2, ... 15 of 16) of departmental expenses by line item; the report dealing with Fire Suppression's overtime costs is inserted between pages 8 and 9 (of 16); then the remainder are the revolving accounts (Rec.; Cable; Detail; and EMS).

This is the sixth report of 2008, the half way point, and the department heads continue to manage their expenses well, staying within budgetary constraints.

Notable items:

- June's Income Statement shows \$2.3M or 36% of the budget being collected on a year to date basis. This is 14 percentage points below the 50% target but this does not necessarily mean the year end will have this type of shortfall. The Town's income does not follow an even pattern in that some monies are received monthly, while others are received quarterly, seasonally, and/or at the end of the year. It should be noted on page 2 that monies from the State are running late this year – the April payment of \$53k for the Highway Subsidy has not been received to date.
- Following page 3 of Revenue Report is the analysis of the motor vehicle fees collected year to date with a comparison to 2007. The month of June was \$60k lower than May, following last year's pattern. The current year is now \$33k behind '07 and 3% below the '08 budget target. Due to the current economy, I continue to believe that the yearend total will finish with a shortfall of between 3 and 5% (half of which is due to optimism during the '08 budgeting season).
- The Expense summary (numbered as page 16 of 16) shows the year to date expenses by department. At the end of June, the Grand Total of the operating budget (with debt service) was 43.8% of the budget. This is 6.2% lower than the month's target of 50.0%.
- The next page, Estimate of '08 YE Savings, shows a lower percentage, 4.67%, because the effect of the debt payments being negated. This estimate is a small percentage but when figured against the total expense budget of \$22M, it equates to approximately \$1M of under expenditures on an annualized basis. Since we are now entering the busiest time of the year, this percent **will shrink** but will probably still result in a significant amount of money being unspent at year end.
- On pages 1 through 15, the majority of the departments are below the target level and don't have any major issues.
- At the bottom of page 3 of 16, Personnel Administration is over the targeted figure by 5.2%. The main cause is the Employee Separation Costs. More employees left the Town in the first half of the year than was expected/budgeted for in all of 2008. He believes this trend will slow down and the overall account group will come back in line later in the year.
- On page 5 of 16, Workman's Compensation Insurance line shows \$193k expended YTD. This is only half of the annual amount (\$386k) with year end being over expended by \$102k having just recently received a **credit** from the '07 WC audit of \$17k.

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- On page 6 of 16, the regular wage account in Crime Control & Investigations is at 64.7% of budget. As discussed earlier, this is a result of the full time Juvenile Officer being transferred from Traffic without adjusting the budgeted figures. The variances in the two wage accounts do offset each other (49.5% of budget when the both departments are combined). Overall, the PD is running well under budget (45%) but is now starting into the summer season with resulting increased costs.
- Continuing the discussion of the Fire Suppression's overtime coverage expenses (shown on page 8 of 16), the additional report (inserted after page 8 of 16) shows that on a year to date basis, the "total" overtime is running at 44.3% vs. the target of 50.0%. It should also be noticed that the actual 2008 O/T is currently running at 57% of last year's (2007) rate. The last two lines of the analysis show the year to date charges to the O/T Callback expense in the EMS revolving fund.
- On pages 10 - 12 (of 16), the Public Works Departments – Highways & Streets plus Municipal Sanitation are both running 5% to 6% below the budget. When you consider that the budget is \$5.7M, the savings so far this year are in the \$360k range.
- On page 15 (of 16), the TAN expense for the first half of the year is \$8.8k. On the first of July, the Treasurer paid back the \$2.4M she'd borrowed before the 1<sup>st</sup> half tax bills were distributed and payments began coming in. At this same time last year, TAN borrowings were \$3M higher (or \$5.4M in total), had occurred earlier in the year, for a longer period, all equaling a higher expense (\$42k).
- Also on page 15 (of 16), very few of the social agencies have requested payment of their warrant articles passed in March. Once a letter is received by the Town Manager's office, a check will be processed for the full amount up to \$10k (for the larger amounts, it is half now then half in October).
- With regards to the revolving accounts (last four pages), Comstar's AR report runs a month behind on average and so only five month's income is being shown for the EMS fund (027) versus six months of expenses.

Mr. Nichols asked about encumbrances and Mr. Schwotzer explained the differences.

Mr. Workman asked about the state being delinquent in their payments.

Mr. Schwotzer explained that the state maybe experiencing a cash flow problem, but he is not worried.

2. John Hangen, DPW Director; John Price, DPW Operations Manager

Mr. Hangen introduced Mr. Price as the new DPW Operations Manager.

Mr. Hangen announced to the Board that he will be retiring after 22 years.

Mr. Hangen complimented and thanked his work crew, all town employees, and the residents of Hampton for their support.

Mr. Hangen wanted to talk about a few items that have not been completed.

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Reduction of weight - The weight of the amount of trash produced by Hampton is the same as the weight of the amount produced by Exeter and Seabrook combined, even though geographically Hampton is the size of Exeter alone.

Automated rubbish packer - With the mechanical rubbish packers the DPW can be more effective when collecting the trash in Hampton. Currently the rubbish trucks have two men that ride on the back of the vehicle and sling the bags of trash into the compacter. As they are human beings they do get hurt and throw their backs out which results in sick leave and workman's comp. If Hampton were to get the automatic packers not only would they reduce the amount spent on trash pick up injuries but the automatic packers can compact double the amount of trash as the ones we currently have that need human assistance.

Revisit 2008 Storm water project - The drainage in Hampton must be thought about as it will continue to grow into a bigger problem.

Capacity of the Waste Water Treatment Plant- So far the department has done well with reducing capacity at the beach but they will need to request more capacity in the future if nothing can be done about the illegal discharge into the treatment plant.

It should be considered to do smoke testing for illegal sump-pump connections, as when clean water is dispensed into the sewer treatment plant it chokes up the system and puts the treatment plant over capacity.

A last suggestion to the Board is to start staggering the union contracts for employees and not bring all of the contracts to the voters at one time as if they were staggered voters would be less likely to say no.

Mr. Nichols asked about the Federal Agency and the 80% capacity and about the illegal discharging of water into the system.

Mr. Hangen explained about the infrastructure of the sewer system and how the illegal discharging happens. He also explains how you could go about smoke testing of illegal sump-pumps.

Mr. Bateman, Mr. Griffin, Mr. Lally and Mr. Workman complimented and thanked Mr. Hangen on his 22 years of service.

### 3. Chief Lipe. Fire Station #2 Replacement Analysis

Chief Lipe explained to the Selectmen the Fire Station #2 replacement analysis (Winnacunnet Road). He notes the new square footage is estimated to be 18,166 at \$175 per square foot. He also added in 12% architecture engineering cost, a 5% contingency, and a communications equipment cost for the new building. Another figure that should be considered is the cost of the demolition to the old town hall. Depending on what is inside the building that needs to be removed, the cost of that is estimated to be around \$100,000.

Chief Lipe showed the Board the new floor plan for the station and explained why the layout is the way it is. He also notes that the general figure for the new station would be a rough 4 million dollars.

General discussion on the amount of funding needed and the space need in the proposed station.

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Mr. Griffin speaks about the shirrette and the location of the new station and the old town hall.

Mr. Nichols comments on the price and thinks that 4 million is too high in these economic times. He thinks that the price on the proposal needs to be less than 3 million in order to receive the people's vote.

Mr. Nichols MOTIONED to direct the Town Manger and Fire Chief to come back with a proposal of a lower total cost, with energy related enhancements with time frame paybacks in an another analysis. Mr. Griffin SECONDED.

VOTE: 4-0-1 (Bateman)

Mr. Bateman complimented the Fire Department on the Fire that occurred last evening and complimented the Police Department for their help.

Mr. Griffin mentioned that the fire was not active.

4. Daniel Furden, Re: No Parking at Ocean Blvd. & N Street  
Postponed to after Old Business

V. Minutes – June 30, 2008

Postpone to the next meeting.

VI. Old Business

1. Town Manager's Report

- a. Resolution of Special Recognition
- b. Resolution in Recognition of Service "John Hangen"
- c. Please make note of the date of October 25, 2008. The USS New Hampshire will be commissioned at the Portsmouth Naval Shipyard on that date. Further details as we receive them.
- d. Departmental budgets have been requested by August 1, 2008. It is our intention to hold the line as much as possible excluding increases passed on by the State over which we have no control.
- e. Sidewalk at Route 1A and Winnacunnet Road will be installed this fall.
- f. PA-28 Inventory of Taxable Property Form for 2009.
- g. Mr. Kelly has resigned and the Board needs to appoint someone to the Trustees of the Trust Fund. Board will appoint someone at the July 28<sup>th</sup> meeting.

Mr. Griffin spoke about the USS New Hampshire commission and how important it will be for this area.

Mr. Lally spoke about Motorcycle noise and that the Board is aware of it and will be addressing this issue.

Mr. Nichols MOTIONED to support the recommend action, policy and standing position contained in the final issues list for the following: 1. General Government, Revenue and

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Intergovernmental Relations; 2. Municipal Administration and Finance Management; 3. Planning and Environment Quality. Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

2. No Parking at Ocean Blvd. & N Street. Postponed to later in the meeting.

VII. New Business

1. Appointment of Acting Town Manager

Mr. Bateman MOTIONED to appointment Michael Schwotzer as acting Town Manager during the period of July 25<sup>th</sup> to August 2, 2008. Mr. Griffin SECONDED.

VOTE: UNANIMOUS FOR

2. Janet Mulligan & Donald Bliss of 48 Milburn Avenue for a "Street Opening" request

Mr. Griffin MOTIONED to allow Milburn Avenue for gas line installation. Mr. Nichols SECONDED.

VOTE: UNANIMOUS FOR

3. Disqualification Issue

Mr. Bateman read a prepared statement in which he qualified his past vote on a Police grievance matter.

Mr. Bateman clarified that due to his part time employment with the Hampton Police Department there will be times when he will not vote or participate in some situations which the result would directly affect him. An example of a situation like this would be the vote on the Police budget when it comes before the Board.

Two weeks ago a meeting took place on a Police grievance issue where the Board was to take a polled vote where they were to individually explain the reasons for their vote. Mr. Bateman had originally planned on abstaining from the vote but as he heard the explanations for the votes he changed his mind and participated. He felt that the explanations led to simply backing the Town Manager and his original decision. Mr. Bateman had a legal right to participate in the vote as the result would have no affect on him. He voted in favor of the union, which was the opposite of the majority. He states two facts about his vote; one being that it had nothing to do with the union, and two being in voting as he did, in retrospect he debased the process of the fair hearing philosophy as he thought the others did as well. He explains that his vote was on their explanations not on the content of the case.

Mr. Bateman states to the public that he'll try to do better in the future and closes his explanation with a quote from the New Hampshire constitution. "It's the right of every citizen to be tried by judges as impartial as the lot of humanity will admit".

Board Discussion

Mr. Griffin responded that he did not agree that Mr. Bateman should have voted on the issue or any issue that has anything to do with the Hampton Police or the unions. Mr. Griffin warns Mr.

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Bateman about the lawsuits that can come about when a Board member acts as he did and the votes that will be lost as a result of participating in such votes.

Mr. Nichols inquired about the minutes of the meeting and whether they are public. Mr. Nichols was informed that the minutes are public as they were not sealed.

Mr. Nichols stated that he does not like that Mr. Bateman has the right to participate in such situations and that the rest of the Board has no say or power to stop him from doing so but it is Mr. Bateman's choice to vote or not.

Mr. Workman explained how his vote was not cast simply to support the Town Manager but he used the logic of looking at the language of the contract and what was brought before them and he reinforces that Mr. Bateman has the right to sit there.

Mr. Lally commented that he has never voted to support any selectman or Town Manager, he voted that night on a warrant article that the people of Hampton passed in reference to Police and their grievance and he feels that he was accurate in voting as he did. Mr. Lally also commented that Mr. Bateman has made a stand that by law he feels that he is capable of making and he has known him for 34 years and his an honest and upstanding person. He also states that Mr. Griffin may be right and something may come up in the future that could be troublesome but they will have to wait until they cross that bridge.

#### VIII. Appointments Continued

##### 4. No Parking at Ocean Blvd. & N Street- Daniel Furden, 53 Ocean Blvd.

Mr. Furden comments that the street now looks beautiful now that there are 10 minute parking signs that were put up on Friday. Now there is better visibility and fewer accidents will take place. He speaks about how in the past he had to park a car in these spots at all times from May until after the Seafood Festival otherwise he would not have access to the front of his house until the owner of the car that had taken his spot while he was out moved which could be hours, days, or even weeks. He is happy with the new parking restrictions and asks the Board to keep them.

Mr. Griffin comments that his problem with the issue is that seven to eight spaces have been eliminated by this restriction and he feels that the decision does not help the visibility issue and that it was not fair to take this much parking from the residents without giving them a chance to object. Mr. Griffin is against the issue and would like the parking restriction reversed.

Mr. Nichols responds that if research is done you can see that the restriction does help the visibility but he does not think that it offsets the loss of parking.

Mr. Bateman states that the original vote was to continue the signage that goes from N street to Ashworth corner. He explains the line of sight and the state guidelines and the number of feet that is required for line of sight for driveways and crosswalks. He feels that they are not responsible for supplying parking spaces but they are responsible for public safety and when the accident does happen it will be a very big problem.

Mr. Workman asks the question of why they have parking there at all if it interferes with the line of sight. If you have ten minute parking only then the accident will happen in the ten minutes that a car is parked there. He feels that it should be one way or the other.

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Mr. Griffin MOTIONED to restore the Parking in this area to the former allowed Parking. Mr. Nichols SECONDED.

VOTE: 4-0-1 (Bateman)

Mr. Griffin spoke about Dover Avenue and parking restriction. He explains that he has been told that portable parking restriction signs have been placed at the top of the street and that the State Police are enforcing it. Mr. Griffin asks that the Board check the issue out.

Mr. Nichols spoke about the ISO rating and that the town has a rating of three and asks what this rating is in regards to past years.

Mr. Welch explains that it is the same as last year and that the principal reason for that is that they are on the cusp of the engines that need to be replaced but they are not at that point yet.

Mr. Nichols asks Mr. Welch about the letter with allegations regarding the property at 4 J Street.

Mr. Welch explains that there was a fire there recently and the Building Department, Fire Agency and the Fire Marshall.

Mr. Nichols expresses his concern for the allegations of a new owner being treated differently than the past owner.

Mr. Welch assures Mr. Nichols that the allegations are not true and that the town has all departments involved working with the new owner to get the building up to code.

Mr. Bateman states to the public that the fire was started by a halogen lamp and expresses the danger of halogens.

IX. Consent Agenda

1. Professional Firefighters of Hampton request for "Voluntary Toll Booth" on 08/17/08.
2. Hampton Fire Department request for release of funding.
3. Thank you letter for the Liberty Elm Tree Donation
4. Hawkers, Peddlers & Itinerant Vendor's License "Betsy Klahn"
5. Request for Abatement of Land Rent for 19 Epping Avenue – Peter & Diane Selder
6. Parade License for "Children's Festival Parade"
7. Parade License for "Half at the Hampton's Marathon"
8. American Red Cross placement of permanent signage request

Mr. Bateman MOTIONED to move the consent agenda. Mr. Workman SECONDED.

VOTE: UNANIMOUS FOR

X. Closing Comments

No comments.

Mr. Griffin MOTIONED to adjourn. Mr. Nichols SECONDED.

Meeting adjourned at 09:28PM

VOTE: UNANIMOUS FOR

  
Chairman