

# Town of Hampton



## TOWN OF HAMPTON MINUTES OF THE BOARD OF SELECTMEN MONDAY, FEBRUARY 23, 2009

PRESENT: William Lally, Chairman  
Richard Griffin, Vice Chairman  
James Workman  
Richard Nichols  
Richard Bateman  
Frederick Welch, Town Manager  
Mark Gearreald, Town Attorney

7:00 PM

Chairman Lally called the meeting to order at 7:00 PM and introduced the members of the Board.

### SALUTE TO THE FLAG

#### I. Acceptance of Grant Funds under RSA 831:95-b (Reimbursement for cost of Flu Shots)

Discussion:

Chief Silver explained that a check has been received from LGC to cover the majority of the cost to administer flu shots to Town employees. He believes that the check was in the amount of \$1,400.00.

Atty. Gearreald shared what a great job Chief Silver does each year in making sure that these shot are available to the Town.

Mr. Bateman MOTIONED to accept the check received from LGC for the flu shots. Mr. Nichols SECONDED.

VOTE: 5-0-0

#### II. "Whites Lane" Public Hearing for "Emergency Lane" designation under RSA 231:59-a

Discussion:

Atty. Gearreald explained that he has polled certain Department Heads over the past week to see how they felt about making this portion of Whites Lane an "Emergency Lane" and he received only positive feedback. He also explained that the public benefits must outweigh the private benefit and it does appear that in this case the public benefit is greater.

Mr. Nichols reported that he went down there last weekend and people were using the area. He does see that parking is going to be an issue and will need to be addressed.

Atty. Gearreald suggested that Chairman Lally see if anyone in the audience would like to speak on this and there was no one present who wanted to comment.

Chief Silver informed the citizens and members of the Board that the designation of "Fire Lanes" and "Emergency Lanes" can be found under article 11.

Mr. Griffin Motioned to move that the Board declare approximately 150 feet of White's Lane from Mill Road east to the gate to be an emergency lane under RSA 231:59-a for the limited purpose only of enabling the Town of Hampton to plow snow from said Lane during snow season effective after February 23, 2009 and until rescinded by the Board and to make the following written findings submitted herewith in support of this Motion. Mr. Bateman SECONDED.

VOTE: 5-0-0

WRITTEN FINDINGS IN SUPPORT OF DECLARING A PORTION OF WHITE'S LANE AS AN  
EMERGENCY LANE UNDER RSA 231:59-a

The Hampton Board of Selectmen make the following written findings in support of declaring the portion of White's Lane, a Class VI Town road discontinued subject to gates and bars, as an emergency lane pursuant to RSA 231:59-a to the limited extent of enabling the Town only to plow snow from said Lane during snow season from Mill Road east approximately 150 feet to the gate:

1. Along White's Lane is a large amount of Town owned acreage that was acquired for conservation purposes, which is used by many residents for passive recreation such as cross-country skiing and hiking/walking.
2. There are many trails on the Town owned property along White's Lane that have been made and maintained by past Eagle Scout candidates and local Boy Scout Troops.
3. At present, White's Lane is the only access way to this Town owned land that can also serve as an area for parking.
4. There is therefore a need to keep White's Lane passable by emergency vehicles to support and ensure the safety of the public use that is occurring of this Town owned land.
5. This declaration as an emergency lane covers White's Lane from Mill Road to the gate that is located some 150 feet in from Mill Road, and only one private driveway would be benefited by this declaration, so that the public welfare and safety interests far outweigh the private interest.
6. Snow plowing shall be limited to the graveled width of this Lane.
7. No objection has been raised to this road being declared an emergency lane under N.H. RSA 231:59-a for the limited segment involved.

8. Attached are memos from the Recreation & Parks Department, Department of Public Works, and Fire Department in support of this declaration.

III. Public Comment Period - None

IV. Announcements and Community Calendar - None

V. Appointments

1. Fire Chief Silver - Departmental Update – touching on the following topics: significant fire on Hickory Lane, vehicle fire on Interstate 95, EMS calls activity greater this year over last year, 35 responses in Beach District and 224 responses in Town District, no personnel changes, number of grant opportunities that can be presented to the Department including grants for Fire Prevention & funding for Fire Stations, 2008 Assistance to Firefighters Grant RFP has been granted and protective gear has been ordered, and lastly has become aware of a program thru DES that might offset some of the cost of replacing the pumper truck on the warrant.

Discussion:

Mr. Nichols asked when the pumper goes out on an EMS call how many individuals go out on the pumper. Chief Silver explained that the way they are currently staffed at the Beach is with a captain, a driver and a paramedic. So the engine at the beach is staffed as an ALS response and three people go out on that engine. Out of Station 2 there are 2 people on the ambulance, a lieutenant officer, a driver and a firefighter. That is the way that the Department is staffed 80% of the time. The other 20% of the time there will be an additional person at Station 2 who will drive the aerial ladder and also be a second person for ambulance calls.

Mr. Griffin thanked Chief Silver for explaining the staffing since that is one of the most common questions as to why an engine goes out so much.

Chief Silver explained that since he has been Chief he has not made any radical changes but is looking at all the options.

2. Susan Kepner, Energy Committee - Earth Day Celebration – here to attempt to make the Town of Hampton aware of Earth Day.

Discussion:

Dennis Kepner started with the basic outline of what the committee is about and explained the who, what, when, where, how and why. The who comes from a combination of the recycling education, members of the Energy Committee and some other members of the community. What is the Earth Day Awareness program to raise awareness with the public about conservation of resources and the value of recycling. The when is a period of 5 days beginning on Saturday April 18<sup>th</sup> thru Wednesday April 22<sup>nd</sup>. The where is throughout the Town of Hampton. The how is going to present a variety of programs. The outreach will be implemented through the newspaper articles, posters, channel 22, website and other venues. A breakdown of events was given and will be finalized.

Susan Kepner went on to explain that they are trying to coordinate with the Chamber, the schools, the businesses and the newspapers to promote energy conservation. The Saturday event will hopefully have vendors present to provide demonstrations and information on energy conservation. Not sure what type of permits might be needed to hold this type of an event.

Mr. Welch explained that a Hawkers and Peddlers Permit would be needed but the Board has the right to decide whether or not they would like to waive this permit.

Mr. Nichols pointed out that the money being raised would be going into the recycling education line item so the fee for the permit can be seen as a wash between general fund accounts.

Mr. Bateman complimented them for making the effort to do everything properly.

Chairman Lally commented that the committee will probably be before the Board again prior to the event at which time a motion can be made.

Susan Kepner also asked if the Board could provide them with a letter stating that this is a legitimate event so they could provide that to businesses.

Linda Giebhart went on to give some more details including: she has started some basil seeds to give out, on April 19<sup>th</sup> there will be a water shed demonstration, a presenter is lined up for April 20<sup>th</sup>, showing a film on the 21<sup>st</sup>, and on April 22<sup>nd</sup> a gardening demo. She will also be doing some sort of recycling art project.

Dennis Kepner informed the Board that Jane Ansaldo-Church will be working with Brad Jett to get some publicity put on channel 22. He also wanted to inform the public that he and Jane Ansaldo-Church will be heading this project and will be the contacts. Lastly they are looking to the Board for support, guidance in regards to permits and the letter of introduction.

Mr. Workman warned them that if they do anything on State property down at the beach they need to talk to DRED.

Chairman Lally thanked them for coming and said that they will get a letter together for the committee.

3. Ann Carnaby - Energy Committee Update – committee was formed in November of 2007. The committee was recently reorganized and the structure is working well. The ongoing project of benchmarking the municipal buildings is still taking place. The green tips project is a series of slides on channel 22. The website is now live at [www.hamptonenergy.org](http://www.hamptonenergy.org). They had four energy conversations in 2008. The green park project, which began at the request of the Rockingham County Planning Commission, in regards to the Waste Water Treatment Plant and saving on the energy cost is ongoing. They are currently waiting for the second engineers report and ask for the continued support of the Board.

Questions:

Mr. Bateman commented that if they are looking to save the Town money they will get the support from the Board.

Mr. Griffin thanked Ms. Carnaby for a wonderful job.

Mr. Workman commented that this is just the type of outside of the box thinking that the Town has needed.

Ms. Carnaby will be stepping down as the chair of the committee.

#### VI. Minutes of February 09, 2009

Page 2 last paragraph second sentence should read, Began the year with \$16,600,527 with additions to the Trust. Page 4 need to change House Bill 486 to read House Bill 46 as stated by Mr. Nichols also need to change the 100 yards to 100 feet mentioned by Chairman Lally.

Mr. Nichols MOTIONED to accept the minutes of February 09, 2009 as amended. Mr. Griffin SECONDED.

VOTE: 4-0-1 (Bateman)

#### VII. Old Business

##### 1. Town Manager's Report

The Town received a bill for \$468.64 from Winnacunnet High School for the use of the auditorium of the deliberative session of Town Meeting. We requested that they review the billing for the use, as the Town was never been billed before. We were informed that the bill stands and it is due and payable in full. It is likely that the Town will receive a bill for the use of the school for the Town Elections on March 10th. What, if any, action would the Board like taken, regarding this charge and the anticipated charge, as they are unbudgeted?

The Town attended an informational meeting with DES on February 12<sup>th</sup> on the new Stormwater II Regulations. Resulting from that meeting and the information received, the Town attempted to apply for funding under the American Recovery and Reinvestment Plan Act to rebuild the drainage infrastructure totaling \$35 million dollars. It should be noted that we are not eligible unless we borrow the funds under a State Revolving Fund (SRF) plan, and match 25% of the amount with local funding, and that the local funding will not be reimbursed.

I have authorized the Fire Chief to investigate and apply for Federal grant money under the American Recovery and Reinvestment Plan Act to build two new fire stations. A request for up to \$15 million dollars in grant money is allowed and there is no local match funding requirement.

What action would the Board care to take with regard to the meeting of the NH Municipal Association on March 2<sup>nd</sup> at 9:30 AM in Concord?

The Town plans to place a wreath at the grave site of Jane Appleton Pierce, who was a Hampton native and the 14<sup>th</sup> First Lady of the United States on March 12<sup>th</sup>, weather permitting.

The House Finance Committee has scheduled an open forum on March 9<sup>th</sup> at 6:00 PM at the Salem High School on the proposed the State budget cuts; the increase in taxes; and the cancellation of revenues from the State to cities and towns. Anyone who is concerned about these topics should attend and have their voices heard by the Committee.

Discussion:

Mr. Bateman wondered if the bill from the school could be offset with things like false alarm bills or use of ambulance for sporting events.

Mr. Nichols asked if something happened to make the school bill us this year but not in the past.

Chairman Lally explained the bill is for the janitor and not necessarily the use of the hall.

Mr. Nichols wonders if we might want to ask the school to reconsider this bill one more time.

Mr. Welch suggested that the Board might want to send the request for reconsideration to the School Board since he only went to the Superintendent.

Mr. Griffin wonders what is different in their policy this time from the last time.

Mr. Welch expects that they had a change in policy but he is not sure. The only thing that was done differently this time was that there had to be some re-wiring.

Chairman Lally pointed out that the re-wiring that was done benefits the school and the Town.

Mr. Nichols MOTIONED to draft a letter to the School Board from the Board of Selectmen. Mr. Workman SECONDED.

VOTE: 5-0-0

Mr. Nichols asked that Mr. Welch attend the meeting at NH Municipal Association on March 2<sup>nd</sup>.

Mr. Welch explained that he has asked the Department Heads to come up with \$1 million budget cuts in case the Governor makes the proposed cuts. It is proposed that the Rooms and Meals tax is going to be cut by \$550,000 which is almost the whole amount received from the State.

Mr. Nichols pointed out that Mr. Welch is describing a worst case scenario. He also questioned whether the revenue cuts that were mentioned are for the year 2009 and it was confirmed that it is for 2009. Mr. Nichols also suggested that the Town might want to invite in the State Representatives.

Mr. Griffin questioned what he has been reading in the paper about monies coming back to the Town from the stimulus package.

Mr. Welch explained that the majority of the money is going to the schools. He also explained that money that is going to be available to the Town for special projects is going to be in the form of an SRF which the Town would be required to pay back all but 25% which will have a tax impact. He also pointed out that this does exclude the funding for Fire Stations as spoke of by the Chief earlier.

Mr. Nichols commented that the Governor has recognized that the State does need to look at which buckets the money from the stimulus package are placed in and that is why he feels it would be a good idea to invite the State Reps and the Senator to the next Board of Selectmen's meeting.

Mr. Nichols MOTIONED to invite the Legislators and Reps to the meeting on March 2<sup>nd</sup>. Mr. Workman SECONDED.

VOTE: 5-0-0

Mr. Bateman asked how much the Town is going to lose if Senate bill 99 goes through giving the power of issuing titles, transfers, renewals and plates to dealerships.

Mr. Welch does not have a number but it will reduce the revenue in the Town Clerks Office which will affect the tax rate.

Mr. Nichols asked about the availability of the Town Report. It is currently on the website and should be arriving at the Town Office on March 2<sup>nd</sup>.

Mr. Nichols did look at the report online and especially the Assessor's report. He found the breakdown of the increase on taxes on the different types of properties very interesting.

Mr. Nichols also spoke on the anti spiking provision and informed the Board that progress is being made.

#### VIII. New Business

##### Transfer Station Compactor - Vote to authorize retention of a compactor

###### Discussion:

Mr. Welch explained that the Board authorized the replacement of both compactors. The Public Works Department would now like to keep one of the current compactors as a backup.

Mr. Nichols asked what was spent on the two compactors and Mr. Welch believes that it is about \$135,000 or \$137,000.

The Board was in consensus that the Town should retain one of the compactors.

##### Hampton Democratic Request for Announcements on Channel 22

###### Discussion:

Mr. Welch explained at this point John has not been able to find anyone to cover this event.

Chairman Lally believes by reading the request that they would also like to put announcements on Channel 22.

The Board all agreed that putting announcements of this type on Channel 22 is not allowed.

##### 1. Extension to Town Manager's Employment Agreement

###### Discussion:

Atty. Gearreald explained that the Manager and the Selectmen have been discussing the extension of the Managers contract for two years plus an option year. They have also discussed salary terms and have reached a consensus that for the first additional year the Managers salary will be increased by 2%. The salary increase for the second two years of the contract will be based on merit as determined by the Board. All other terms of the existing employment agreement will remain in effect. The only exception for clarification purposes is the 457b plan will remain until the new agreement expires and not expire on January 16, 2009 as it currently reads.

Mr. Bateman is pleased that we have a favorable forecast for the next two years.

Mr. Nichols, Mr. Griffin and Mr. Workman are all in agreement.

Chairman Lally also agrees and commented on the knowledge that Mr. Welch has brought to the Town.

Mr. Workman MOTIONED to authorize the extension of the Town Manager's Employment Agreement. Mr. Griffin SECONDED.

VOTE: 5-0-0

Mr. Nichols questioned the automobile purchase from the 2008 Capital Reserve Fund that stirred a bit of controversy at the Deliberative Session. Some people felt that the purchase of the car was inconsistent with Article 23 last year. The article states that the Selectmen are agents of the fund. It is not clear to Mr. Nichols if a public vote is required by the Board to either expend from the fund or withdraw.

Mr. Welch is currently in the process of looking through the minutes and watching the videos. He does know that the Board was asked but does not know yet if it was on or off camera.

Mr. Nichols issue is more going forward. He feels that if the Selectmen are identified as agents it is appropriate for the Selectmen to be voting in a public session.

Mr. Welch also expressed concern and is in the process. In the future there will be a form used for approval by the Board and the item for vote will be put on the agenda under new business.

Atty. Gearreald gave some clarification on the Land Rent Warrant on the Consent Agenda. Three of the leases are expiring this year and if they are renewed there will be a 2% increase. Atty. Gearreald is here to ask the Board for permission to offer new lease to these same three lease holders.

Mr. Griffin asks how it is different from what they have been paying. It was explained that they will be paying an additional 2% for the land rent.

Mr. Nichols MOTIONED to send letters offering renewal of the lease to the owners of 50 Ancient Hwy, 4 9<sup>th</sup> Street and 5 Epping Ave. Mr. Workman SECONDED.

VOTE: 5-0-0

## IX. Consent Agenda

### 1. Notice of Welfare Lien - 18 Norton Road

2. NH Liquor License - Ronald Boucher dba "Chez Boucher"
3. 2009 Land Rent Warrant
4. Request for use of Selectmen's Room on 02/28/09 by the Seacoast Wind Ensemble

Discussion:

Mr. Workman pulled item number 4. He has concerns allowing people in the Building during off hours. He suggested that there are other places that they could possibly use for free such as the Library.

Mr. Nichols MOTIONED to move the Consent Agenda with the exception of the Seacoast Wind Ensemble. Mr. Griffin SECONDED.

VOTE: 5-0-0

X. Closing Comments - None

XI. Adjournment

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

VOTE: 5-0-0

Meeting adjourned at 8:58 PM

  
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Chairman