

Town of Hampton



TOWN OF HAMPTON MINUTES OF THE BOARD OF SELECTMEN MONDAY, MARCH 16, 2009

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

7:00 PM

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

I. Oath of Office

Miss Jane Cypher, the Hampton Town Clerk swore in the newly elected Selectmen.

With the statutory oath, William Lally and Gerald Znoj became Selectmen for the Town of Hampton

With the statutory oath, Donna Bennett became Tax Collector

With the statutory oath, Edward Buck and Norman Silberdick became members of the Trustees of the Trust Fund

With the statutory oath, Richard J. Larkin and Debra Perry became members of the Library Trustees

With the statutory oath, James Tracy Emerick and Mark Olson became members of the Planning Board

With the statutory oath, Thomas F. Harrington became a Cemetery Trustee

With the statutory oath, Patrick J. Collins, Richard E. Reniere, Brian W. Lapham and Michael Plouffe became members of the Budget Committee

With the statutory oath, R. Vic Lessard and William O'Brien became members of the Zoning Board of Adjustment

With the statutory oath, Clifton Pratt became the Hampton School District Moderator

With the statutory oath, Tammy Deland became the Hampton School District Clerk

With the statutory oath, Ellen Lavin became the Hampton School District Treasurer

With the statutory oath, Rosemary Lamers, Charlotte "Peppa" Ring and Norman Silberdick became the Hampton School District Board Members

With the statutory oath, Robert Cushing became the Winnacunnet Cooperative School District Moderator

With the statutory oath, Denyse Richer, Richard Goodman, and Wayne Skogland became Winnacunnet Cooperative School District School Board Members

With the statutory oath, Frederick Ceasar and Victor DeMarco became Winnacunnet Cooperative School District Budget Committee Members

II. Grievance Hearing in Non-Public meeting - RSA 91-A:3., II., (a)

At 7:15 PM, on a roll call, motioned with all members present and voting unanimously, the Board of Selectmen entered into to a Non-Public meeting under RSA 91-A:3., II., (a).

The non-pubic meeting recessed at 7:45 PM

III. Reorganization of the Board of Selectmen

Election of Chairman

Mr. Nichols MOTIONED to nominate Mr. Griffin as Chairman of the Board. Mr. Znoj SECONDED.

VOTE 4-0-1
Mr. Griffin Abstained

Election of Vice Chairman

Chairman Griffin MOTIONED to nominate Mr. Nichols as Vice Chairman of the Board. Mr. Znoj SECONDED.

VOTE 4-0-1
Mr. Nichols Abstained

Representative to the Budget Committee

Mr. Nichols MOTIONED to nominate Mr. Znoj as representative to the Budget Committee. Mr. Griffin SECONDED.

VOTE 4-0-1
Mr. Znoj Abstained

Alternate Representative to the Budget Committee

Mr. Bateman MOTIONED to nominate Mr. Lally as the alternate representative to the Budget Committee. Mr. Znoj SECONDED.

VOTE 4-0-1
Mr. Lally Abstained

Representative to the Planning Board

Mr. Nichols MOTIONED to nominate Mr. Bateman as the representative to the Planning Board.
Mr. Lally SECONDED.

VOTE 4-0-1
Mr. Bateman Abstained

Alternate Representative to the Planning Board

Mr. Griffin MOTIONED to nominate Mr. Nichols as the representative to the Planning Board.
Mr. Znoj SECONDED.

VOTE 4-0-1
Mr. Nichols Abstained

Representative to the Recreation Committee – Mr. Bateman

Alternate Representative to the Recreation Committee – Mr. Lally

Representative to CATV – Mr. Nichols

Alternate Representative to CATV – Mr. Lally

Representative to the Insurance Advisory Committee – Mr. Nichols mentioned that there was no meeting last year. He will serve in this role again this year.

Alternate to the Insurance Advisory Committee – Chairman Griffin

Representative to the CIP – Mr. Znoj

Alternate Representative to the CIP – Chairman Griffin

Representative to the Beach Village District Precinct

Mr. Lally MOTIONED to nominate Chairman Griffin as the representative to the Beach Village District Precinct. Mr. Bateman SECONDED.

VOTE 4-0-1
Chairman Griffin Abstained

Alternate Representative to the Beach Village District Precinct

Chairman Griffin MOTIONED to nominate Mr. Znoj as the alternate representative to the Beach Village District Precinct. Mr. Lally SECONDED.

VOTE 4-0-1
Mr. Znoj Abstained

Representative to the Records Advisory Committee

Mr. Lally MOTIONED to nominate Mr. Bateman as the representative to the Records Advisory Committee. Chairman Griffin SECONDED.

VOTE 4-0-1
Mr. Bateman Abstained

Alternate Representative to the Records Advisory Committee

Chairman Griffin MOTIONED to nominate Mr. Nichols as the alternate representative to the Records Advisory Committee. Mr. Bateman SECONDED.

VOTE 4-0-1
Mr. Nichols Abstained

Representative to the Chamber of Commerce – Mr. Lally

Alternate Representative to the Chamber of Commerce – Mr. Bateman

Representative to the Energy Committee – Chairman Griffin

Representative to the Solid Waste Committee – Mr. Lally

- IV. Public Hearing Emergency Lane Status for Reubin’s Driftway Condominium Association –
There were three residents from Reubin’s Driftway Condominium Association. The residents did not identify themselves to the Board.

Public Comment

The residents of Reubin’s Driftway informed the Board that signs were posted last summer saying “No Parking Fire Lane” so it makes sense to make it officially an Emergency Lane. When these signs went up the residents felt that they should come to the Board for approval of Emergency Lane Status as many of the other private roads in Town have done.

Discussion

Atty. Gearreald explained there is a distinction between an Emergency Lane and a Fire Lane. A Fire Lane is used to control parking were as an Emergency Lane is a separate designation under State Law which enables the Town to expend monies on the maintenance of private ways. He stated that Reubin’s Driftway is not one of the roads that was plowed by the Town in the past.

Chairman Griffin confirmed that this is different from the roads that have come before the Board in the past.

Mr. Nichols said that there needs to be some criteria and since this road has not been maintained by the Town in the past that would be the distinction.

Mr. Lally commented that this is similar to the issues that have come before the Board in regards to Taylor River.

Mr. Znoj said that it is clearly stated in the by-laws that trash pickup; plowing and other things are covered by the Condo Association.

It was asked of the Board by one of the residents how this differs from the other private roads that have come before the Board.

Mr. Nichols explained that the private roads had been plowed by the Town for 30+ years and were not condominium associations.

Mr. Lally stated that the private roads were not part of a condominium association.

Mr. Bateman cautioned to be sure to do your homework before buying. This road does not come close to any of the categories that the Town would be able to provide services to.

It was asked of the Board by one of the residents if there was a copy of the description of those categories.

Mr. Welch said that there is not a description; however, what the Board is talking about is that the condominium documents make this area a common area easement, which is specific to the individual residents. Each of the residents owns a portion of the common area. Mr. Welch explained that if the Town decided to take this road over they would have to pay the residents significant damages because they have a vested right in ownership.

One resident wondered if they own the road then should they have a say as to whether a "No Parking" sign can be posted.

Mr. Welch responded that under State Law, it is under the jurisdiction of the Fire Chief and if the Fire Chief declares it to be Fire Lane then "No Parking" signs can go up.

It was asked of the Board by one of residents for clarification as to whether or not the Town now owns the private roads. It was confirmed that the roads are privately and not by the Town and in addition they are not owned by condominium associations.

Chairman Griffin said that the Board has heard from other condominium associations and have denied their requests for emergency lanes and have not been able to help them either.

Mr. Lally MOTIONED not to accept Reubin's Driftway Condominium Association as an Emergency Lane Status. Mr. Bateman SECONDED.

VOTE: 5-0-0

V. Public Comment Period

Chairman Griffin wanted to check with the Board to see if they have been happy with the public comment period.

Mr. Lally feels that it has worked since people have had the opportunity to comment on items on the agenda.

The Board agreed that it has worked well.

No comments from the public.

VI. Announcements and Community Calendar

Mr. Bateman wished everyone a Happy Saint Patrick's Day and go out and have fun.

Mr. Nichols reported that he attended the Trustees of the Trust Fund meeting today and they will begin posting quarterly performances on their website.

Mr. Lally thanked everyone for going out and voting last week.

Mr. Lally announced that Jim Workman's mother-in-law passed away and he asked for a moment of silence from the Board.

Mr. Znoj also thanked the voters.

Chairman Griffin being Irish and all; would like to thank everyone for electing him chairman on Saint Patrick's Eve.

Atty. Gearreald would like to remind everyone that on March 25th there will be a meeting at Winnacunnet High School at 6 o'clock for the Public Statement Hearing. This meeting will be the public's chance to tell the Public Utilities Commissioners what they think of Aquarians double-digit rate increase.

VII. Appointments

1. Michael Schwotzer - Monthly Financials – The report will be posted on the Town's website.

Mr. Schwotzer touched on the following topics: The budget column is now the 2009 default budget amounts, social services have been broken down by agency, income \$357,000, received Land Use Change, debt services over because of the periods in which they occur, majority of departments under budget, finance over due to overtime in January and a maintenance agreement, insurances right in line, public works budget salt only has \$16,000 left and in March will start reporting on the Revolving Funds.

Mr. Schwotzer also supplied the Board with a report showing where the tax rate is going to go. He is not going to go over the whole report but would like the Board to review it and discuss any questions they might have with him. He did briefly breakdown the report.

Questions:

Mr. Lally would like to know when we would definitely know about the Spiking Provision. There was a vote on February 23rd but the process at the State has not been completed yet.

Mr. Bateman and Chairman Griffin both thanked Mr. Schwotzer for a nice report.

Mr. Nichols agrees with what Mr. Schwotzer has come up with in regards to the tax rate. He does believe that if things go in the Town's favor at the State there is a possibility of no change to the tax rate. Even though he does not feel that the Town is going to need to make the \$1 million budget cuts that the Town Manager has the departments working on he still feels that they should continue with this process. He feels that once the departments come up with the cuts the Board can go through and make a sub list of these items to be cut. His reasoning for this is that even if everything is worked out at the State level he fears that the predicted revenues for the year are on the high side, which could mean that the budget will still need to be cut.

Mr. Lally thinks that it is great to have these figures.

Chairman Griffin thinks that we need to keep in mind that we might not receive the Rooms & Meals.

Mr. Znoj pointed out that we also have that setback from the State of 35% for the pension plan.

Mr. Nichols asked when the retirement rates are subject to change. The rate that we are currently operating under is good until June 30, 2010. He believes that if the stock market stays were it is then these rates are bound to go up.

Mr. Welch stated that there has been talk of raising the rates a significant amount.

1. Michael Schwotzer and Mark Gearreald - Update of Retirement Legislation.

Atty. Gearreald provided the Board with a packet including three different bills. The first bill he discussed was HB 1645, which contains the anti spiking provision that the Board has been discussing for several month.

The second bill is HB 223, which has already gone through the House Committee and passed over to the Senate. There was a Senate Committee meeting favorable to this bill last Monday. This bill changes sections 33 and 34 of HB 1645 and would delay the spiking provision until July 1, 2010. This would allow for greater study of this charge and the fairness. The Senate Committee has not taken a vote at this time.

The last bill is HB 641, which addresses many other problems. Some of these problems include recalculating the impact of the spiking charge, deducts employer, employee and the States contributions, spiking charge would only be collected at 25% in 2010, 50% in 2011 and 75% in 2012. The effective date of this bill would also be July 1, 2010.

Mr. Schwotzer wanted to see if we could get the spiking charge as a ratio and not a percentage. The pension value will always be the same we are just trying to figure out how much the Town is going to have to pay. Mr. Schwotzer feels that they have changed the math in the bill to make sense. He feels good that we have gotten some changes through to the House.

Discussion:

Mr. Nichols asked if we do have a contract to pass in the future for a union would the Town still be exempt from the spiking provision since the contract would not have been in effect on August 28, 2008. Atty. Gearreald and Mr. Welch both believe that the Town would not be exempt. Therefore, this will need to be brought up during negotiations.

Mr. Welch feels that there are still a lot of problems that hopefully an actuary will be able to straighten out.

Mr. Bateman and Mr. Lally both felt that we would have to wait and see what happens.

Mr. Znoj asked Mr. Schwotzer if the State is looking at the big picture and thinking of a new design. Mr. Schwotzer answered no, he does not feel that they will go backwards but corrections will be made in his opinion.

Chairman Griffin said this is why representatives from Hampton need to continue making these trips to Concord.

2. John W. Price - DPW Departmental Update

Mr. Price discussed the following:

Assisted in the Penguin Plunge clean up along with Vic and Ken Lessard; a group of employees attended Solid Waste training; the DPW fell behind with sidewalk cleaning since they are down

to one sidewalk plow, and the many storms that required street plowing, budget for salt on target but hope they don't get another storm, cleaned snow from catch basins; repairs to vehicles; completed one year inspection of the upgrade at Waste Water Treatment; demolition material removal has been low; recycling down 46%; accepted a bid for recycling bins; have plans to change Transfer Station hours in order to support budget cuts by switching hours of some employees; the Transfer Station will be open on Saturday and Sunday from 8 to 3, final measurements for compactors and that he will be attending 53B meeting on Wednesday evening.

Discussion:

The Board was pleased with the change to the hours at the Transfer Station.

Mr. Znoj questioned if the hours could be extended until 4 pm on Saturday.

Mr. Lally asked if the branches that were put out from the ice storm would still be picked up. Mr. Price said that they have started to pick up the branches today and will continue to do so.

Mr. Znoj wondered how much salt did the Town use. Mr. Price does not have a final number yet but will provide it to the Board when it is available.

Chairman Griffin asked how long Mr. Price has been the Director and Mr. Price confirmed he has been with the Town since May and has been Director since August.

VIII. Minutes of March 09, 2009

Mr. Bateman MOTIONED to accept the minutes of March 09, 2009. Mr. Lally SECONDED.

VOTE: 5-0-0

IX. Old Business

1. Town Manager's Report

The House Committee on Public Works will be holding a hearing on Capital Budgets tomorrow in Room 201 of the Legislative Office Building. At 1:15 PM, the Committee will hear a proposal on the Hampton-Exeter District Court to be constructed on State land.

I have issued a memorandum to the Finance Department on March 12, 2009 instructing the department not to issue any pay increases to employees without written authorization from the Town Manager and rescinding, subject to vote of the Board, any pay increase to the Town Manager for 2009, given the vote on the budget and the State's threat to remove up to \$1 million from the receipts paid to the Town. I would request that the Board ratify that action.

I have, with the assistance of Town Counsel, prepared a "Memorandum of Agreement" (sidebar) between the Town and the Fire Department to allow Probationary Employees to participate in shift swapping. Approval will allow the Town to realize savings from overtime expenses that would otherwise be paid to cover shifts.

I would report to the Board that the Selectmen's Meeting minutes from August 1967 through 2007 and the Boards copies of the Annual Town Reports from 1906 through 2006 have been bound into volumes for the Boards use. We are currently working on a compilation of

ordinances and votes of Town Meeting from 1906 to date for the Town Code Book planned to be published later this year. We are also working on binding the minutes of the Planning and Zoning Boards for preservation.

Today received a call from Mr. Warburton informing him that the State is going to start the next section of 300 feet of Sea Wall for reconstruction and repairs.

There was an accident late this afternoon at the Beach Fire Station. The engine that is housed there was exiting the building and one of the side doors came down taking out a corner of the building.

Discussion:

Mr. Lally questioned if the freeze in pay increases included the 2% approved by the Board for the Town Manager. Mr. Welch confirmed that it did include the increase for himself. Mr. Lally not sure if this is fair since he has saved the Town so much.

Mr. Nichols agrees that Mr. Welch deserves the raise but is sure that Mr. Welch has thought about this and it is the right thing to do at this time.

Mr. Bateman feels that Mr. Welch is doing the right thing.

Mr. Znoj commented that it is a wonderful gesture.

Mr. Nichols MOTIONED to ratify the pay increase freeze as requested by the Town Manager. Mr. Lally SECONDED.

VOTE: 5-0-0

Chairman Griffin thanked Mr. Welch for a job well done.

X. New Business

1. ISO New England Agreement

Discussion:

Mr. Tilton informed the Board that they are proposing to enter into an agreement with ISO New England. In a sense it is an insurance policy that if there is a black out or a brown out the Public Works Department will be able to get off the grid. When the Town comes off of the grid, they will be paid. Mr. Tilton provided the Board with examples of how the plan works.

Mr. Znoj clarified that the generator would be running the Wastewater Treatment Plant while the Town is off the grid and what would be the decibel level for the generators noise be.

Mr. Nichols wanted to make sure that the wear and tear on the generator is minimal.

Mr. Bateman welcomed Mr. Tilton aboard and thanked him for a nice presentation.

Mr. Lally MOTIONED to authorize the Town Manager to sign the ISO-NE Agreement. Mr. Znoj SECONDED.

VOTE: 5-0-0

Other New Business:

Mr. Lally did receive one complaint and there was a little confusion. The other thing he noticed was that the entrance to the handicap ramp was a long distance from the handicap parking spaces.

Chairman Griffin also found it a little confusing. He feels this was in part to the fact that there were two entrances. There was a shortage of wheelchairs. The space was much better. The Moderator was happy with the space.

Mr. Lally did mention that there were two bathrooms outside the building but they were locked. It would be helpful to have those unlocked for the people standing outside.

Mr. Znoj has many of the same thoughts as the others. Some elderly did speak to him saying that they liked Marston better. He also pointed out that we are going to be charged and we were not charged for using Marston. He wonders what lead the Town to change locations.

Mr. Lally said that traffic was on High Street was one of the reasons.

Mr. Nichols said that parking was also an issue at Marston.

Mr. Nichols commented on the warrant article for the elderly exemption. The article that was in the paper in regards to the elderly exemption being suicidal by an Exeter resident and he does not feel that this is a fair statement when you look at the numbers involved.

Mr. Lally agreed that the article was very insulting and he is glad the residents of Hampton voted to pass the elderly exemption.

Chairman Griffin recognized Mr. Pierce. Mr. Pierce stated that the Budget Committee meeting is meeting here tomorrow night and the School Board meeting is at the Police Station.

Chairman Griffin suggested for next's week meeting the Board discuss the priorities for the coming year.

Mr. Nichols would like to request some kind of a report from the Assessor about the abatements that have been filed.

Mr. Lally confirmed that the Board would have to make a decision on all of the abatements that are filed. The Town has until July 1st to respond to the abatement. In order to file for the elderly exemption they must do so by April 1st.

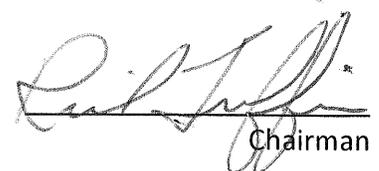
At 9:45 Pm, on roll call, motioned with all members present and voting unanimously, the Board of Selectmen to re- entered into to a Non-Public meeting under RSA 91-A:3., II., (a). Non-public session adjourned at 10:00 PM

XI. Adjournment

Mr. Lally MOTIONED to adjourn. Mr. Bateman SECONDED.

Meeting adjourned at 10:04 PM

VOTE: 5-0-0


Chairman