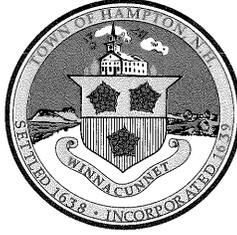


Town of Hampton



TOWN OF HAMPTON MINUTES OF THE BOARD OF SELECTMEN MONDAY, MAY 11, 2009

PRESENT: Richard Griffin, Chairman
Richard Nichols, Vice Chairman
William Lally
Gerald Znoj
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

REGRETS: Richard Bateman

7:00 PM Board of Selectmen Meeting

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

SALUTE TO THE FLAG

I. Public Comment Period

Linda Gebhart, 4 Bailey Ave., provided the Board with two letters in regards to the Seaview that were not included with the information that was previously given to the Board. She feels that this information is key. She also mentioned that at one point the abutters were not notified of changes being made to the property.

II. Announcements and Community Calendar

Mr. Lally mentioned that on Friday night the American Legion will be having a fundraiser at the Inn of Hampton to raise funds for building. It should be a fun night with several bands performing.

Chairman Griffin announced that there is going to be a Flower Sale in front of the Old Courthouse on May 16th starting at 9 am and is sponsored by the Garden Club.

III. Appointments

1. Finance Director – Monthly Financials – Michael Schwotzer.

Mr. Schwotzer touched on the following items: April financials cover the first third of the year and he is using a target of 33%, March income was \$747,000, which is 28.6% of budget, motor

vehicle registrations the largest contributor to income amount, state highway subsidy came in at \$62,000, departmental income \$40,000, parking lots \$58,000, land rent \$168,000, expenses running 27% of budget, outside counsel fees running at 54%, employee separation first retirement at \$58,500, building maintenance 77%, health insurance running 1% above, police are at 24.7%, fire 30.5%, highways & streets 23.5% and municipal sanitation at 28.1% and lastly there are no major issues at this time.

Discussion

Mr. Nichols in regards to the building maintenance he wonders if there is any timeline for the generator grant.

Chief Silver explained that about three weeks ago the grant application was signed by the Board and immediately submitted. He expects to hear within the next four weeks. Chief Silver believes that the total cost for the generator was around \$35,000 and 50% of the cost will be covered by the grant.

Mr. Znoj asked about the motor vehicle permits, that \$2,700,000 is expected for the year and \$813,123 has been collected through the 2009 actual and he questions why the shortfall. He also questioned the bottom line total for income.

Mr. Schwotzer pointed out his analysis on the back and he will have to go back and check the math.

Mr. Nichols pointed out to Mr. Znoj that Mr. Schwotzer has always looked at the motor vehicles as being a reasonable item to look at when calculating where the Town stands revenue wise and the bottom line number is affected by other revenue sources like items that come in December.

Mr. Znoj also commented that the changes the Board talked about over the last couple of weeks are not reflected here therefore these totals and percentages will be changing.

Mr. Schwotzer said that once the Board votes on the changes he will make the changes in his report.

Mr. Znoj added that with the changes some of these line items will be running over budget.

Mr. Schwotzer pointed out that the budget is a tool that was made 18 months ago and things change.

Continued Discussion in regards to budget cuts:

Mr. Nichols sees that the \$85,000 was removed from the retirement line item, which he agrees with, but he is a little concerned since there are still other retirement bills before the senate that could affect the Town. Therefore, we could be here again in June discussing this line item. He asked about the \$50,000 on page 2 under income it is not there today but it was last week.

Mr. Schwotzer explained it was a plug, which is used in accounting practices, when don't know a number but you know that at a later time that the number or numbers will needed to be adjusted. He was getting to the \$6.50 tax rate and to get there he needed an adjustment of

another \$50,000. Since last week, he was able to go back and refine the numbers and no longer needs this adjustment.

Mr. Nichols commented on some of the things that have been restored, including fireworks, the July 4th coverage, sidewalk maintenance and mounted patrol. Restoration of these items was possible by reducing the TAN interest line. There was no reduction in overtime for Police or Fire but Public Works did reduce overtime further. There was a reduction in fuel cost amongst Police, Fire and Public Works. He appreciates the response of the Public Works Director to the comments made by the Selectmen last week. He would prefer to see what Mr. Schwotzer perceives as the excess in the TAN reflected in the \$450,000 holding account as opposed to having its own holding account.

Mr. Schwotzer explained the TAN is written at \$6.9 million the rate currently is 2.86 if we were to borrow that amount of money for 6 months the expense would be \$98,000. Mr. Schwotzer does not believe that we will borrow the whole amount or hold it for 6 months but without knowing how the monies are going to come in from taxes, he does not feel comfortable reducing the TAN interest amount further at this time.

Mr. Nichols is satisfied with Mr. Schwotzer's concerns in regards to how the income will come in for taxes. Since we will know more about this in early July and also know how things have turned out in the State Legislature than we can discuss this further at that time.

Mr. Lally agrees with Mr. Schwotzer and since we do not know what is going to happen at the State level this is the way to go. He also appreciates that the departments listened to the recommendations made by the Board last week. The 4th of July coverage is back in and is essential.

Mr. Znoj happy to see the fireworks and mounted patrol back in. He sees that the fuel accounts have been adjusted and DPW has also made adjustments in chemical overtime and part time wages. He is still very concerned with overtime and if we are going to run over it is going to be in the overtime accounts.

Mr. Welch added that he believes the departments have responded to the Boards request of last week and in order to approve this there needs to be a motion by the Board. There will need to be a motion to approve the cuts, put them into a holding account and the withdrawal of \$450,000 from the undesignated fund balance so there is no impact on the tax rate.

Mr. Nichols commented that it is not clear to him sitting here today that we know the amount that we are going to want to withdrawal from the undesignated fund balance until we get a little bit closer to setting the tax rate.

Mr. Welch does not disagree he is just trying to level off what we have know. They agreed that this will be discussed again before going up for the tax rate setting in November.

Mr. Nichols MOTIONED to approve the \$450,000 in reductions and reallocations, that we approve the holding account containing \$450,000 and approve the shifting of \$450,000 from the undesignated fund balance to offset the tax rate. Mr. Lally SECONDED.

VOTE: 4-0-0

1. Robert Estey, Assessor & Saint James Bldg. Assoc. request for Exemption.

Mr. Page, representative from St. James Lodge and Mr. Estey reviewed what the Selectmen received in their packet. The Saint James Bldg. submitted an application for exception as a charitable organization. The application was received on a timely basis and included the application, the organizations financial statements and articles and bi-laws of the entity. Mr. Estey also included the only Board and Land Tax appeal relative to a Masonic Lodge and the RSA for charitable organizations statute along with a definition of charitable.

Discussion

Mr. Nichols stated that he has reviewed the information and it made sense to him.

Mr. Znoj questioned if this is a Masonic Lodge.

Mr. Page explained that it is actually the Saint James Bldg. Assoc., which is a 501c310 charitable organization nonprofit holding company, which holds property for other nonprofits to hold meetings. The Masonic Lodge is one of the tenants and the primary reason for them becoming in existence. Mr. Page mentioned another of nonprofit organizations are the Boy Scouts.

Mr. Znoj asked if they are filed with the State as a charitable organization and if their mission is filed.

Mr. Page explained that they are filed as a charitable organization and that their mission is to provide meeting space for other nonprofit organizations.

Mr. Lally would like to hear Atty. Gearreald on this.

Atty. Gearreald pointed out that in 2006, the building association filed a charitable exemption request and a number of questions were put to the organization requiring extensive responses, which Mr. Page provided in September of 2008. Atty. Gearreald wonders if for the Boards sake Mr. Page would be willing to update the responses provided in 2008.

Mr. Page commented that the information should be relative to the current application. Mr. Page explained that when they filed in 2006 they were denied for not having a timely filing.

Atty. Gearreald explained that the Board has until July 1st to respond to this application. He provided Mr. Page with the letter from September of 2008 so that he would be able to update the information.

Mr. Page stated that the information is up to date except for the financials, which were provided with the application.

Atty. Gearreald suggested that if this is the case Mr. Page should send a letter stating that.

Mr. Lally suggested that once the information is provided to the Board it could be put on the agenda for vote and that Mr. Page and Mr. Estey would not need to come back.

Mr. Nichols asked Mr. Estey if the Board does not approve this request does Mr. Page have the same recourse as anyone else would. Mr. Estey confirmed that if they are denied at this level they can appeal to the Board of Tax and Land Appeals or Superior Court.

Chairman Griffin stated this would be reviewed under Old Business next week.

Atty. Gearreald reiterated one last time to make sure that the Board has all updated information. Mr. Lally asked if it needed to be notarized and that is not necessary.

2. Board of Directors Hampton Area Chamber of Commerce – 20th Annual Seafood Festival

Doc Noel President of Hampton Area Chamber of Commerce introduced Jude David, Chairwoman of the Seafood Festival and that Ms. David has been in charge of this event for the past 8 years.

Ms. David highlighted some of the events that will take place: 20 year anniversary, weekend following Labor Day, she provided some history, 50 top restaurants, 80 crafters, local businesses providing end of year sale items. Friday's events planned are a kiddieland, entertainers, chef demonstrations, two stages with entertainment; main events include fireworks, and the dedication of the Festival to the victims of 9/11 and on Saturday night, Air Force Band of Liberty, Sky Diving Show and the Sand Castle demonstration.

Ms. David explained that 620 volunteers are needed to run this event. She thanked past volunteers and informed people how they could go about signing up to volunteer. This year they will also be offering Wheel Chair Accessible Bus Service, and she spoke about the free shuttle service provided by from 13 different locations. The shuttle service is the easiest and quickest way to get to the event and is free. Ms. David also gave a breakdown of the expenses to run this event. She also spoke of the impact of weather and Hurricane Hannah last year, the potential losses due to weather again, which would be devastating. The Chamber Board of Directors has taken an extensive look at this and has made necessary changes including increased booth cost and number of booths and fee to attend on Friday night. She also gave a breakdown of the economic impact and the cost of the event increases each year. The admission is \$5 per person per day and children under 12 are free.

Discussion

Chairman Griffin asked about admission and whether an evening would be free and it was explained that due to costs, each day a fee will be charged.

Mr. Znoj asked how many people do they draw in each day.

Ms. David said that the most accurate number that she can provide would be what the insurance company insure them for and that number is around 70-75,000 in attendance.

Mr. Lally commented that the Town takes in significant amount parking lot revenue that weekend.

Mr. Noel explained that the Town receives substantial revenue from this event.

Mr. Lally pointed out that they also pay the Town for 10 police details per day.

Mr. Nichols wanted to make sure that the Chamber is aware of the discussion that the Board had in regards to coverage from the Fire Department for this event. Mr. Nichols believes that since the Chamber is a private entity than they should be billed for this coverage, as other entities are when they come to Town for an event. He feels that the Board does not have the right to ok funds being spent on this event on behalf of the taxpayer.

Ms. David said she spoke with Chief Silver about this but does have one question for the Board and that is how much is detail and what part is just needed to present for an event of this size.

Mr. Nichols believes that would have to be decided by Chief Silver. Chief Silver explained that he and Ms. David will need to sit down and see what work needs to be done and then they would be able to put a cost on it. Mr. Nichols is happy with these answers and as long as Chief Silver and Ms. David can work out the Fire Department coverage, everything else should fall into place.

Mr. Noel would just like to add that an event of this size could not be what it is without the volunteers and he thanks them all.

Ms. David would like to go over a few items that they review each year including the traffic pattern and the requested 5 parking spaces in the Church Street lot that have been provided in the past.

3. John & Linda Gebhart and Geannina Guzman-Scanlan – Trash at the Beach – and Brian Warburton also joined them.

Mrs. Gebhart opened the conversation by informing the Board that they are here to discuss trash, dog waste and noise at the beach. They are here to see what can be done as a community to address these problems. Mrs. Gebhart gave the perfect example of the weekend of April 25th and how the beach was littered with trash mainly because the receptacles were overflowing and individuals had nowhere to dispose of their garbage.

Ms. Guzman-Scanlan feels that we should have some sort of a responsibility to keeping this resort community clean and she does think that Mr. Warburton does a great job.

Mr. Gebhart thinks that we need to start gearing up for the season during April vacation and not waiting for July 4th. He also explained that many communities have ordinances in place holding the property owners responsible for keeping the sidewalk in front of their property clean. He would also suggest saturating the place with signs stating that one should dispose of trash in a proper receptacle.

Mrs. Gebhart would like to suggest that business owners try to reduce the amount of paper products. She would also suggest fining people for littering.

Ms. Guzman-Scanlan added that when people are going to the transfer station they need to keep their trash covered since when you drive down 101 towards the dump it is littered. She would also like to see a message going out promoting recycling and there is also a need for more trash receptacles.

Mr. Warburton explained that he and the other three here tonight really made a great effort to keep the beach clean that weekend in April. He believes that the big issues are cigarette buds, recycling, trash receptacles and styrofoam. He strongly believes that we all need to communicate and educate to make this happen and possibly start fining. He also showed the new dog waste signs that are going up and the bags for the waste.

Discussion

Chairman Griffin expressed that the weekend of April 25th was unprecedented according to many residents that have been around for years.

Mr. Warburton said that every year there is a weekend like this and this exact thing happens.

Chairman Griffin wonders if Mr. Warburton is aware if businesses are using the States receptacles to dispose of their trash. Mr. Warburton does not know if this is a problem but reminded businesses that they should be using the receptacles in front of their business.

Mr. Nichols commented that if this had been June it would not have been as big of an issue since staffing levels would be up and more trash receptacles would be available. Mr. Nichols would like to suggest that if there is a forecast like this the Town should probably work to help Mr. Warburton to make sure that the receptacles can be emptied quickly.

Mr. Warburton thinks that commercial trash is an issue. He pointed out that businesses like the Casino and The Galley Hatch have their garbage removed on their own and they do not run into this problem of overflowing receptacles.

Mr. Warburton would like to add on another note that they just got another 150 feet on the North Beach Seawall Project.

Mr. Nichols thinks that what they are doing with the signs is good but there needs to be some sort of a sting so that the word gets out that you are fined at Hampton Beach.

Mr. Znoj thinks that signs, education, fines and increased number of receptacles are necessary.

Mr. Lally pointed out that we need signs and fines. He feels that these things are needed for enforcement.

Mr. Znoj asked if dogs are allowed on the State Beach. Mr. Warburton stated that no dogs are allowed on the State Beach ever.

Mrs. Gebhart would like to discuss the speeding and noise of the motorcycles on Ashworth Avenue. She gave several examples of accidents that have occurred and the motor cycle noise.

Mr. Richard Morris, former representative. He spoke of noise ordinances and the work he has done on them presently and in the past.

Mr. Gebhart would also like to discuss the speeding issue. It appears to him living down by the bridge that when people come down Ashworth Avenue and see the light on the bridge is green they go as faster. He would like to suggest raised crosswalks since they are a good way of controlling speed.

Mr. Nichols suggested that there might be a way of tying these issues of dog waste and trash into the recycling committee.

4. Vincent Iacozzi & Emile Bussiere, Jr., of Thibeault Properties – Seaview (Formerly Goldan Corridor) an “After the Fact” DES Application

No Discussion; the Seaview Representatives were not there.

IV. Minutes of May 04, 2009

Page 5. Rework paragraph to reflect the following: Mr. Nichols reiterated what Mr. Estey had pointed out, that there were 231 abatement request which equates to about 2 ½% of the total properties. That compares to less than 70 in 2003 with a rising market and in 1989 there were 1250 and one year later, there were 850, at which time there was a depreciating market. The Assessor approved 122 of the abatement request and 109 were denied. The median amount was \$356.

Page 11. Rework the last sentence to reflect the following: Mr. Nichols stated that the Board was given legal advice that gives the authority to shift monies from other operating accounts in the amount of \$20,000.00 to be used towards the study for the fire station at the Beach.

Mr. Lally MOTIONED to approve the minutes of May 04, 2009 as amended. Mr. Znoj SECONDED.

VOTE: 4-0-0

V. Town Manager's Report

A thank you to all who participated in the Household Hazardous Waste Collection Day this past Saturday, your help in keeping Hampton free of hazardous waste was greatly appreciated.

It has been suggested that the Board consider the naming of our Parking areas for Hampton residents who have given the supreme sacrifice in serving our nation. It is our understanding that we exhausted the names of those residents who gave their lives from wars that we would deem current such as WWII; the Korean War; the Vietnam War; Desert Storm; the Gulf war; and the war in Iraq. However, we do have a long list of residents who meet this criterion from prior wars dating back to the Revolution. If the Board selects to move forward with such a proposal I would suggest that the American Legion select the names of those to be so honored.

I am suggesting to the Board that we accept the agreement with the Concord Cooperative Single-Stream Recycling. It appears that the general expenses are recoverable in less than 2 years including capital with the exception of 45-gallon containers.

Discussion

Mr. Znoj questioned what the \$221k was for. Mr. Welch explained it is for the wheeled carts 65-gallon containers in which the recyclables would be placed. We would need 4,933 just for single-family residents and cost is \$45 apiece.

Mr. Welch also informed the Board that the Net cost of single stream recycling would be \$33,000.00 in round figures for the first year.

Mr. Lally thinks this is a great savings for the Town. He thinks single stream recycling is the way to go.

Mr. Nichols only comment is that he understood it to be \$188,000 plus revenue in the second year. Mr. Welch confirmed that is true and that there also will be revenue from the sale of recyclables also.

Chairman Griffin MOTIONED to sign the agreement for Single Stream Recycling. Mr. Lally SECONDED.

VI. Old Business

1. Draft Article 5 – Parking Regulations – explained that there were many inconsistencies. The police and fire have both played a part in drafting these regulations.

Discussion

Mr. Znoj wonders if it can be posted on the website to be reviewed.

Mr. Lally thinks that this should be discussed under Old Business next week.

Mr. Nichols questioned section 16 in regards to no parking areas and if this is a combination of public roads and private roads. Mr. Welch confirmed this to be true.

Mr. Nichols commented that the Town has the right to enforce parking regulations on private ways that are designated as fire lanes.

Chief Silver has reviewed this ordinance and the fire lane ordinance. It is good to combine some parts of these ordinances so that they can be enforced by the police. He does have a few changes that he will bring to the Town Manager tomorrow.

Mr. Znoj asked about the fines and the 20% penalty and he wonders what this penalty is. Mr. Welch explained that this 20% penalty is opposed by the court not the Town.

Chairman Griffin stated that we will take this under advisement next week.

Other Old Business

Mr. Nichols would like the following things possibly addressed next week in the Town Manager's report Ashworth Ave lighting, escalation procedure to do with power outages and lastly having Mr. Schwotzer and Mr. Berry for a meeting.

Chairman Griffin added that there has been many problems with the schools and use of the fields at Tuck.

Mr. Welch announced that the Police Department just received notification today that tomorrow there will be a power outage from 8:30 am to 12:30 pm that will affect 947 Ocean Blvd in the St. Magnus Area. On Tuesday the 19th from 8:30 am to 11:30 am in the general area from North Hampton and Cusack Road to Woodland.

VII. New Business

1. Request for Exemption: Saint James Building Association – on hold until next week.

Mr. Nichols asked for an update from Mr. Welch in regards to the removal of the Taylor River Dam on Route 95.

Mr. Welch explained that the State would like to remove this dam. However, the problem is that the State has not responded to any of the Town's concerns. The State has now sent out a letter stating that they would like to remove the dam and build a bridge. The Town wants the States to remove all the material that they dredge from the construction of the new Dam. The silt material has contaminants such as DDT, which was used on the Apple Orchards and once

disturbed the contaminated silt will cause environmental damage to the Taylor River and the surrounding the floodplain and well water supply.

Chairman Griffin pointed out that the residents of Taylor River have been notified. Mr. Welch responded that yes, they have been notified by letter that their well water could be contaminated by this work.

Mr. Znoj questioned the compliant letter that was provided to the Board in regards to the use of a Town Lot behind Lupo's.

Mr. Welch explained this is all Town property.

General discussion on several ideas around this issue including instituting a fee for parking and Chairman Griffin suggested that the members of the Board go down and look at this property and the Board should discuss it next week before any decision is made.

VIII. Consent Agenda

1. Resolution in Recognition of Service – Mark H. Lavoie
2. Road Closure Request – Jennifer Kimball for Pine Road May 24, 2009
3. 43 Ashworth Avenue Liquor License – Sky Top Holdings, Inc. Donna Buchmann, dba Farr's Famous Beach Shack
4. 9 Ocean Blvd Liquor License – William Murphy dba BZ on the Corner
5. 17 L Street Outdoor Seating Request – Millies Tavern

Discussion

Mr. Welch pointed out that the Board has a letter from the Chief in regards to number 5 and some stipulations.

Mr. Znoj read the letter to the Board. The Board agreed that the stipulations of the Chief are to be incorporated into the approval of the outdoor patio for Millies Tavern.

Mr. Nichols read the Resolution in Recognition of Service for Mark Lavoie.

Mr. Lally MOTIONED to move the Consent Agenda with the stipulations made by the Chief in regards to Millies Tavern. Mr. Nichols SECONDED.

VOTE: 4-0-0

IX. Closing Comments - None

X. Adjournment

Mr. Nichols MOTIONED to adjourn. Mr. Znoj SECONDED.

VOTE: 4-0-0

Meeting adjourned at 9:25 PM


Chairman

Non-Meeting with Legal Counsel – RSA 91-A:2., 1., (c)