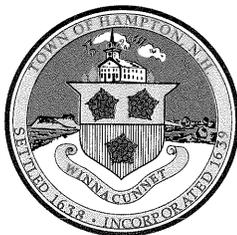


Town of Hampton



TOWN OF HAMPTON BOARD OF SELECTMEN August 17, 2009 Minutes

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

6:00PM

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

7:00 PM

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 - None
- II. Announcements and Community Calendar

Mr. Znoj commented that he felt the public hearing last Monday went well and he learned a lot. He believes that it will be a subject that is discussed at meetings in the future.

Mr. Lally added on a sad note Hampton resident Barbara O'Brien passed away last week.

Mr. Bateman reminded everyone that it is Children's Festival at the beach this week.

Chairman Griffin announced that on September 5th the Historical Society will be holding their Annual Pig Roast.

- III. Presentation – Brian Warburton.

Mr. Warburton is before the BOS this evening to make a special presentation to an individual. He spoke about how wonderful the lifeguards are and how lucky Hampton Beach is to have these great people. He gave some background information on James Donahue including that he first became a lifeguard at Hampton Beach in 1960 at age 16. He presented James Donahue with a

proclamation and read it before the Board. Mr. Warburton introduced the other lifeguards in attendance.

Mr. Donahue thanked the Boards for the proclamation. It has been an honor to serve this great community.

IV. Appointments

1. Hampton Blooms Garden Contest Award Presentation.

Geannina Guzman-Scanlon and members of the Garden Committee were present to present the awards. They thanked their judges and all who participated in the contest.

Business Curb Appeal

At the Beach:

- 1st Place – Sunset Chalet
- 2nd Place – The Aegean Motel

In Town:

- 1st Place – Old Salt
- 2nd Place - Appleton Oaks

Residential Curb Appeal

At the Beach:

- 1st Place – 4 M Street
- 2nd Place – 22 Cutler Ave

In Town:

- 1st Place – 2 Bourn Ave
- 2nd Place – 16 Ann’s Terrace

Community Curb Appeal

At the Beach:

- 1st Place – Daniels Landing
- 2nd Place – Rocky World

In Town:

- 1st Place – Grist Mill
- 2nd Place – United Methodist Church

Porch, Patio or Deck

At the Beach:

- 1st Place – Coffee Break Café
- 2nd Place – Three Fellowes

Window Box or Container

- 1st Place - 8 River Avenue
- 2nd Place – Maza Tusumi (Eccentric Hair)

They also presented a special award to Mr. and Mrs. Bolyea. Mrs. Gebhart expressed that everyone who participated is a winner and will receive a ribbon. There will be a celebration tonight.

Chairman Griffin thanked everyone who participated for a job well done. He also mentioned that there has been vandalism done to many of the flowers at the Beach. He asked anyone who sees this happening please bring it to the attention of the Police Department.

2. Michael Schwotzer – Monthly Financials Report

Mr. Schwotzer presented to the BOS the July income and expense statements. The target he is using is 58.3. July income totals \$665,000 which is 53.5% of the budget. Motor vehicles reflects an adjustment made for the vehicles that were registered early to avoid the \$30 increase by the State. Income was as follows Motor Vehicles \$234,000, taxes \$64,000, departmental income \$33,000, parking lots \$97,000, cable franchise \$96,000 and real estate trust came in at \$125,000. As for expenses they are at 53.9%. If you take out the spike charges and department reductions we are at 56.3%. Legal expenses of \$69,000 for a payment made for a settlement. Personnel administration at 52.6% if spike charge is disregarded. Police budget at 49.9%. Fire budget at 57.3%. When doing an analysis on fire overtime \$14,000 has been reclassified to regular wages. The reason for this reclassification is in regards to workers comp wages. Highways and Streets came in at 43% and Sanitation is at 51.4%. The small departments are running within budget. Municipal Debt Service is at 66.3%.

Discussion

Mr. Nichols asked about some changes to the balance sheet from 2007 to 2008. Mr. Schwotzer did receive the email but will need some time to research this question. Mr. Nichols pointed out that motor vehicle income is only down by \$46,000 from last year. Mr. Nichols questioned the annualized figures and would like Mr. Schwotzer to check some of his formulas because he came up with some different totals. There was a discussion about the \$69,000 paid out as a settlement under legal and when that money will be moved out of the reserved fund. It was explained that at the end of the year the money in the reserved fund will be broken down and it will be decided what should remain in the reserved fund and what needs to be moved to the unreserved fund. Mr. Nichols added that the fire overtime is still over budget. Mr. Nichols would like Mr. Schwotzer to take a look at the retirement in the revolvers in regards to police. Mr. Schwotzer will look at this but explained that it is a journal entry that he makes at the end of each month by person. There was a continued discussion on special details and the new legislation in which the Town has to pay in more to the retirement system for these wages.

Mr. Lally would like to know what the Town's biggest liability in Debt Service is now. Mr. Schwotzer would say the Infrastructure is currently the largest. He also added that they have three years left on the Police Station.

Mr. Znoj pointed out income from Rye Sewer is budgeted at \$85,000. He knows we are going to get the Rooms and Meals Tax from the State but he wonders about the Highway Subsidy. Mr. Schwotzer confirmed that we have received a payment for Highway Subsidy. Mr. Znoj pointed out that overtime under police crime control and investigation is running over and sick leave in fire suppression is running over. Mr. Znoj noticed that there is \$110,000 in paving and sidewalk reconstruction and he wonders if this money is going to be used to get some sidewalk work done. Mr. Welch confirmed that we are in the process of spending this money. He would also like to know why tipping fees are under administration and also under transportation. Mr. Schwotzer will have to get a definition as to what goes to each of these accounts. Mr. Welch believes that one goes to Turnkey and one is for the segregated waste. He also made the observation that Parks and Recreation overtime is 93% spent.

Mr. Bateman asked how we are running so far this year for Parking Lot Revenue. Although we had a terrible June we are running about the same as last year. Chairman Griffin pointed out that in Ogunquit they were charging \$25.00 in their lots.

Chairman Griffin asked about health insurance and whether dependents are covered under a family plan until age 26. He also wonders about step children. Mr. Schwotzer explained that he recently did an analysis and there are a large number of employees on a single plan. However it is true that both step children and dependents up to age 26 are covered under a family plan. He did add that the Town offers three types of coverage single, 2 person and family. So anything over 2 would be considered family coverage. He added that if a dependent is not a student and is over 19 the employee would be taxed on the coverage for the dependent. Mr. Schwotzer will get some more information for the Board on how this coverage works. Mr. Nichols pointed out that a family plan is a family plan whether someone has 2 children or 6 children the cost is the same.

3. Fire Chief Christopher Silver – Selection of Architect for Fire Station.

Chief Silver introduced the firm that they will be working with on this project. They have selected Goudreau & Associates of Chester NH. Chief Silver explained the process that they went through when selecting an architect. He would ask that they grant the Town Manager the authority to sign a contract with Goudreau & Associates once they have finalized one thing that both parties have agreed too.

Discussion

Mr. Znoj asked how long it will take once the contract is signed to have some plans ready. Chief Silver stated that a timeline is part of the contract. As certain components of the project are available they will be made available to the public. There will be designs for headquarters and a substation.

Mr. Lally questioned were one can see other work done by this firm. They have a safety complex design for the Town of Rindge and the Fire Station Design Consultant on their team has 9 fire stations in MA on his resume.

Mr. Nichols confirmed that the two station designs and the cost involved with each would be presented separately. Mr. Nichols would like to see the contract and the cost involved before the Board gives Mr. Welch permission to sign the contract. Chief Silver explained that the cost proposals ranged from \$30,000 to \$120,000 and this firm is definitely on the low end. Once the final agreement is negotiated the cost will be available at that time.

Chairman Griffin questioned what the estimate is for the Rindge complex. It started out at \$3.8 million for the whole complex. The Board was reminded that many components go into calculating the cost of a project like this one and until they begin to compose the schematics of this project a price cannot be derived. There was an additional discussion on sight location and when that should be determined by.

Chief Silver would also like to request that the Board permit the appointment of up to 3 members of the community to work on this project with himself and other members of the department.

Mr. Znoj thinks that this is a good idea.

Chairman Griffin asked for further explanation. Chief Silver feels that by doing this they will get an outside view of what the community wants and not just what the fire department wants.

Mr. Nichols wonders if by granting this request we would be black balling the Permanent Building Committee. Mr. Welch explained that it is the responsibility of the Board and the Town Manager to decide at what time a project is given to the Permanent Building Committee and that time does not have to necessarily be during the planning process.

Mr. Lally would side with the Chief and thinks that appointing 3 members from the community would be a good idea. Mr. Lally would suggest that we have input from the Chief as to who might be a good choice as a member of this Permanent Building Committee.

Chairman Griffin and Mr. Nichols both feel that if there is going to be a Permanent Building Committee it should be formed. Mr. Nichols also believes that there may have been a change in an opinion of the Town Manager and the Chief as to whether or not they still would like to have this committee formed and want that many people involved with the project.

Mr. Welch explained that we currently have 5 resumes from people interested in being on this committee and the purpose of the committee is to oversee any building projects.

Mr. Bateman asked the Chief what his guidelines were for the people he is looking at. He is looking for someone who has a general interest and knowledge of a project like this. He does not feel that the resumes that were submitted were any more qualified than the individuals he was thinking about.

Chairman Griffin asked who the three are that the Chief has in mind. The Chief was interested in having Mr. Nichols, Tracy Emerick and John Nyhan.

Chairman Griffin thinks that now is the time to form this committee and the term for its members is 3 years.

Mr. Lally thinks that it is fine if the committee is formed now but he thinks that members should have some knowledge of the type of building that is being built.

Mr. Welch explained that the committee is to be made up of five members with three year terms. One of the members is to be a Selectmen Representative and no other members can be elected officials, therefore, Tracy Emerick would not be able to be a member of this committee.

Mr. Nichols volunteered to be the Selectmen's Representative as suggested by Chief Silver.

The Board suggested that if anyone else is interested in becoming a member of the Permanent Building Committee that they submit a resume by 8/24/09 and the Board will make appointments to this committee at their meeting on the 31st.

Chairman Griffin MOTIONED to make the appointments to the Permanent Building Committee on August 31, 2009 with all interested individuals submitting resumes by August 24, 2009 and Mr. Nichols as the Selectmen's Representative. Mr. Lally SECONDED.

VOTE:4-0-1(Bateman)

Chairman Griffin MOTIONED to grant permission to the Town Manger to sign the contract for the Goudreau & Associates once it has been reviewed by the Selectmen. Mr. Znoj SECONDED.

VOTE: 5-0-0

V. Minutes of August 03, 2009

Mr. Znoj MOTIONED to approve the minutes of August 03, 2009. Mr. Nichols SECONDED.

VOTE: 5-0-0

VI. Town Manager's Report

I have received a request from the AED (Automatic Emergency Defibrillators) Committee for the Town to accept funds that have been collected for the purchase of AED's to be used in Police Cruisers. Would the Selectmen object to the Town accepting these funds to be received and held in trust for use of this private committee.

Discussion

The Board has no problem with this.

Mr. Bateman MOTIONED to accept the funds that have been collected to purchase AED's and that the funds be administered by the Trustees. Chairman Griffin SECONDED.

VOTE: 5-0-0

The Board had previously suggested that a public hearing be held on the suggestion that the Town adopt an alternate fiscal year. If the Board is still interested in that suggestion may I recommend that the public hearing for citizen input be scheduled for September 21, at 7 PM during the Selectmen's Meeting.

Discussion

Mr. Lally and Chairman Griffin both agree that there should be a public hearing held on September 21st in regards to changing the fiscal year.

The State is beginning the process of planning the construction of the new beach facilities and will be meeting with Department Heads this week to review plans and coordinate activities. The State will also begin work on the 95 toll starting on Thursday.

The American Legion and Wounded Warriors will be holding their beach activity on August 28th from 9AM to 2PM at the 10th Street North Beach access.

The Board was recently forwarded a suggested draft of a Littering Ordinance for the Town Meeting. Does the Board desire staff to continue to attempt to perfect this Ordinance as a warrant for the coming Town Meeting.

Discussion

Mr. Bateman commented about the fine being \$100 and all other ordinance fines start at \$125. Mr. Welch will make note of this.

Mr. Nichols would like the town to go forward with the Littering Ordinance.

Mr. Znoj asked about dog waste and cigarette buds. Mr. Welch explained that cigarette buds would be considered litter and dog waste falls under another ordinance.

The inter-governmental agreement between Hampton and Hampton Falls has been approved by the Office of the Attorney General. The Manager would like the Boards approval to allow work to begin on this project with the understanding that all the appropriate people would be involved with the project including the Building Inspector.

Mr. Nichols MOTIONED to allow the work to begin on the Old State Bridge Project. Mr. Lally SECONDED.

VOTE: 5-0-0

VII. Old Business

1. Confirmation of cost changes to the Leased Parking at the Church Street Parking Lot.

Mr. Welch explained that previously the Board had agreed to make some changes to the rate for the Church Street Leased Lot. However, at the time these changes were made the Board was not aware that an additional 9 spaces are being leased in this lot. These changes had a financial impact that would now be quite substantial and he would recommend that although the Board had voted they should vote again to hold it in abeyance until next year 2010.

Discussion

Chairman Griffin MOTIONED to hold the changes made to the Church Street Leased Lot Parking in abeyance until 2010 season. Mr. Znoj SECONDED.

VOTE: 5-0-0

2. Discussion on Commercial Waste.

Chairman Griffin explained that there was a discussion in regards to starting recycling at an earlier date. He also added that at the public hearing recycling was supported unanimously. It was also brought up that the single stream recycling would begin in July of 2010. Chairman Griffin wonders what has to be done to start mandatory recycling as of October 1st. Mr. Welch explained that the Town does not have mandatory recycling. Mr. Welch would suggest that we start small and work our way towards big. He would start with one item a month and would start in October with glass. There was a discussion as to what glass could be recycled and the education process that they would go through before October. Chairman Griffin confirmed that individuals who currently recycle can continue to recycle, but individuals who do not currently recycle will need to remove glass from their garbage.

Discussion

Mr. Nichols thinks this is a good idea but that it should be outlined in writing for residents. He also feels that fines need to be in place and enforced.

Mr. Lally explained that the chairperson of the recycling committee is on board and would like to come and talk to this Board.

Mr. Nichols wonders if we might want to have all this in writing and invite the recycling committee to the meeting in two weeks to discuss.

Chairman Griffin thinks that we need to have the pickup terms in place. The Public Works Department does not have a problem with picking up trash for condominiums as long as it is brought to the end of the road.

Mr. Nichols thinks that this is a very complicated issue and that at this time we should just start with the recycling. After being at the public hearing last week it was brought to his attention how many inconsistencies there are in regards to who's trash is picked up and who's is not.

Chairman Griffin feels that this needs to be resolved since it has been a topic of discussion for many years and is always passed off to the next year.

Mr. Lally thinks that with the enormity of the trash on the beach that commercial trash needs to be removed from the beach more than once a week.

Mr. Nichols thinks that for the time being we continue to collect the commercial trash on the beach until there is an alternate plan in place. He thinks the issue is how it is paid for.

Mr. Lally thinks that we should have Mr. Price continue to weigh the tonnage of trash brought in every few weeks and see what type of impact the recycling has on the tonnage of trash.

Mr. Znoj does think that we need more information in regards to tonnage.

Mr. Nichols confirmed that Mr. Lally thinks that the recycling will make an impact and there will be cost savings involved.

Mr. Lally MOTIONED to continue trash pickup at the beach according to the current schedule and the issue will be readdressed once recycling is put into place. Mr. Nichols SECONDED.

VOTE: 5-0-0

Mr. Nichols reiterated that this motion is allowing things to remain the way that they are for now but that commercial trash pickup will be continued to be weighed and the tonnage will be discussed at a later date. The reason for this is to see if the recycling has the impact that is predicted and that the tonnage coming off of the beach will drop considerably.

Chairman Griffin does feel that some changes need to be made especially in regards to trailer parks. He thinks that the fairness is being left out.

Mr. Bateman wonders if there is a penalty that can be imposed on the businesses that use the public trash receptacles to dispose of their garbage. Mr. Welch said that there would need to be an ordinance put into place with a fine.

Chairman Griffin confirmed that the trash that is picked up by the State in North Hampton is disposed of in North Hampton not Hampton.

Other Old Business:

Mr. Znoj would like to make sure that the Board has not forgotten that they wanted to put an Emergency Plan in place.

Mr. Nichols agrees that this is something that the Board should be brought up to date on over the next couple of weeks.

Mr. Nichols brought up the issue of coyotes that came up a couple of weeks ago. Mr. Welch stated that the Chief of Police is working with Fish and Game. Once the Chief hears back from the State he has been asked to report back to the Board.

Mr. Bateman expressed that this is definitely a difficult issue. He thinks that the best way is to invite agencies in to help address this problem.

Mr. Nichols would like an update from Mr. Welch as to what the plan is going to be by the next meeting.

Chairman Griffin explained that there is a major problem with the sidewalk in front of Ron's Landing that needs to be repaired. He also added that there are lots next to Ron's Landing that are really littered and need to be cleaned. He wonders if the Town can put these people on notice as to the need to have these areas cleaned. Mr. Welch explained that without a court order the Town cannot enter this property and clean it up. Chairman Griffin asked if a letter can at least be sent to the owners of the properties.

Mr. Nichols pointed out that the properties are currently under foreclosure and owned by some local banks.

Chairman Griffin brought up the fact that Mr. Meyers has submitted some information for the Board to review. Since all of the Board members have not seen this information it was agreed that this information would be discussed under Old Business at the next meeting.

VIII. New Business

1. Location selection for the 2010 Primary and Election.

Mr. Welch explained that nine requests have been made to Winnacunnet to use their facility to hold the elections. However the school can not commit to allowing the elections that are due to take place in September and November of 2010 until that school year has begun. Therefore it is his recommendation that these two elections be held somewhere else.

Discussion

Mr. Bateman would suggest that these two elections be held at Marsden.

The Board agreed that Mr. Welch should go ahead and see if Marsden is available for the elections in September and November of 2010.

Other New Business

Mr. Nickerson submitted a request for an appointment before the Board along with Brad Jett at the Selectmen's meeting on August 31st to discuss the purchase of new equipment.

Atty. Gearreald spoke about the \$69,000 settlement discussed in Mr. Schwotzer's report. He would ask the Board to ratify payment of this settlement. It was explained that once this settlement has been approved by the Court Atty. Gearreald will be filing the appropriate paperwork with the Town Clerk at which time the information about the settlement will become public record.

Mr. Bateman MOTIONED to ratify payment for the settlement of \$69,000. Mr. Lally SECONDED.

VOTE: 5-0-0

IX. Consent Agenda

1. MS-1 Extension Request Form
2. Seafood Festival Sidewalk Vendor License Permits (4)
3. Four-way Stop at River Avenue and Boston Avenue
4. No parking on either side of North Shore Road from Acorn Road to Willow Lane
5. Street Closure - Third Street
6. Entertainment License Permits – Third Street

Discussion

Mr. Lally asked who brought the North Shore Road request forward. Mr. Welch explained that it was recommended by the Police Chief.

Chairman Griffin asked about the 4 way stop at River Avenue. Mr. Welch explained that this is the only location that does not have a 4 way stop.

Mr. Lally MOTIONED to move the Consent Agenda. Mr. Bateman SECONDED.

VOTE: 5-0-0

X. Closing Comments

Mr. Nichols requested that the Board enter into a non meeting under RSA 91-A:3., II., (a).

By unanimous roll call the BOS entered into the Non-Public meeting under RSA 91-A:3., II., (a).

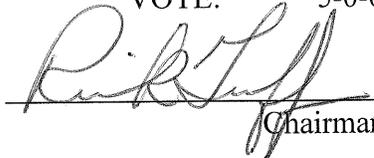
VOTE: 5-0-0

XI. Adjournment

Mr. Bateman MOTIONED to adjourn. Mr. Znoj SECONDED.

Meeting adjourned at 9:40 PM

VOTE: 5-0-0


Chairman