

Town of Hampton



TOWN OF HAMPTON BOARD OF SELECTMEN September 21, 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 Hearing – To authorize the Town to collect “Taxes for One 18-month Accounting Period”. Establishment of a fiscal year period of July 1 to the following June 30.

Mr. Welch explained that this would involve an act by Town Meeting to petition the general court for an act authorizing the Town of Hampton to collect taxes for one 18 month accounting period. Mr. Welch went on to read the provision explaining the period for which taxes would be paid and revenue and expense period to be budgeted. The purpose of the act is to provide for a single accounting period that is identical to the Town, the School, the County and the State. This will ensure that funds are appropriated authorized by vote of the Town before they are collected and expended. There will be no change as to when tax bills are issued or impact on the tax rate. If the Town votes to make this change the Town Meeting could be changed to March, April or May by statute.

Art Gopalan, 20 Windmill Lane. Mr. Gopalan would like it to be better explained how the 18 month tax bill would be broken out. What benefits besides aligning the accounting periods are there. He would like to see an illustrative example of what the average tax payer is going to see in that 18 month period. Mr. Welch explained that according to statute the tax bills are issued in June and December and that will not change. The December bill is the bill on which the DRA calculates the tax rate. What will happen is that you will get a June bill, a December bill and a June Bill in that sequence on an 18 month accounting period. As long as there are no drastic changes in an upward fashion to the appropriations your tax rate and tax bill should remain relatively the same.

Mr. Nichols added that he went through the whole process as to how does this affect me and the only thing that he found was that the tax bill was due June 1st as opposed to July 1st.

Mike Pierce, 16 Hedman Ave. Mr. Pierce questioned Mr. Welch's comment that the Legislature had to act on it. Mr. Welch explained that the Town does not have the power to enact this the Town Meeting would have to act on the article, it would have to be approved by the Town Meeting and then the Selectmen would have the power to submit it to the Legislature. It has to go before the General Court to be enacted into law because it does not conform to the current law. Mr. Pierce also wondered if the tax rate would still be set in the November timeframe. As a general rule the tax rate is set between September 1st and November 1st but by law could go until March 1st. There was a discussion as to whether the School Board would have to change their election from March and it was agreed that they did not have to make any changes nor did the Town if they did not choose to. There was also a discussion as to whether or not the dates that things currently have to be completed by would change or not and the only thing that would change is the deadline for the Town Report.

Arthur Moody, 3 Thomsen Road. Mr. Moody pointed out that according to statute there is no need to have a Public Hearing to change the fiscal year. He shared some of the problems that North Hampton has faced since switching to this fiscal year. He wonders if there are any thoughts of going to a quarterly tax collection. In his opinion it will be so confusing that it will not pass. Mr. Nichols suggested that the Town should look into some of the problems that North Hampton faced. Mr. Welch stated that you have to be very carefully how you appropriate.

Mary Louise-Woolsey, 148 Little River Road. Mrs. Woolsey has several problems with this concept. She is concerned with the 2010 warrant and the number of articles. She does not feel that the current fiscal year is broken. She shared several statutes with the Board. If this is a reasonable option for this Town she does not see any reason to rush and they should consider holding off for now. She summed up with that they need to watch the number of warrant articles and please do not rush this.

Mr. Znoj expressed that after listening to the public we need to provide some more examples and education. We need to provide the advantages and savings involved.

Mr. Lally says that he agrees with Mr. Nichols and this is not rocket science. It is easy to figure out if you just take a few minutes to sit down and take a look. He does agree with keeping the number of warrant articles down. He does not want to beat this thing to death and we should put some education out there.

Mr. Bateman thinks that it will be rejected for the wrong reason since the word taxes is involved. He thinks that we can educate but unfortunately many do not receive a newspaper anymore.

Mr. Nichols thinks that it does require a different level of education than what was provided tonight. If it is on the ballot in March then it might be a good idea to have a Frequently Asked Questions section. He is a little concerned with the timing on this in relation to the State and the State budget. His concern with the 18 month period is the State budgeting could affect the Town for a 12 month period instead of a 6 month period as it currently does.

Chairman Griffin agrees that this could be a hard sell. He agrees that keeping the number of warrants to a minimum is very important.

Mr. Moody added that maybe a two year budget period might be good.

II. Public Comment Period

Mike Baker, 11 Johnson Ave, questioned the \$470,000 left from the Infrastructure Project. He wonders with a project this size was there not someone overlooking the project and whether or not anyone was aware of the fact that there was not going to be enough money to complete the project. Chairman Griffin explained that some of these questions will be answered later tonight.

Mary Louise-Woolsey commented that this is one of those projects that there was never enough information provided to the public.

John Nyhan, 4 Penniman Lane, would also like to speak about the \$470,000 left in the sewer project. As a member of the Hampton Area Beach Commission his request tonight is to ask the Board to table this discussion for 90 days. The reason for this is so that the present Hampton Beach Area Commission has an opportunity to review the present situation and facilitate and coordinate discussions with all parties in hope to identify a plan which would benefit both the Beach and the Town. Keeping the \$470,000 in that account keeps the door open for us to use it as matching funds for possible proposals in seeking non local funds. The Commission would then report back to the Board after 90 days with their findings. He hopes that they agree that tabling this discussion is the right thing to do.

Art Gopalan, 20 Windmill Lane, he wonders what type of a contract is in place that there is not enough money available to complete the work.

Chairman Griffin reminded everyone that the Board sitting here today is not the same Board when the decisions were made about this project nor was the Town Manager. The makeup of the Board today is completely different.

Mr. Lally thinks that Mr. Nyhan's request is wonderful and that this should be tabled for 90 days.

Chairman Griffin agrees with Mr. Lally and Mr. Nyhan that this is a good idea and hopes that it is something that can be done.

Mr. Welch explained that this is a bond voted on by the Town and as long as the money is spent on those 7 streets as far as he can see it is ok. However we need to get the opinion of Bond Council. When he came on with the Town he presented the Board with regulations in regards to bidding and the only thing that the Town does now is firm bid price contracts to the lowest bidder and there have to be very specific exceptions why we do not accept the lowest bidder.

Chairman Griffin mentioned that back in the days of Mr. Barrington and Mr. Hangen he brought up the bid process many times and got nowhere with it. This was a project that had many components and many things that went wrong.

Mr. Moody commented that a \$12M project with many things that were supposed to be done and they were not. In regards to Hampton Area Beach Commission that was not voted on by the Town but instead appointed by the Legislature and some members are not even Hampton residents.

Chairman Griffin remembers that a lot of the work that did not get done was due to a lot of complaining from the Island area and the work not being completed because of that. He would like to go on record saying that this is one of the most important things that Hampton has ever done and it looks so much better.

Mike Baker and Chairman Griffin had an additional discussion about the section of the project that was not completed.

June White, 8 River Ave, on behalf of the Precinct they would like to see the money spent on these roads.

Michael Taffe, 7 Concord Ave, spoke about the sidewalk on River Ave between Concord Ave and Boston Ave that was never repaired and is in terrible need of repair. Mr. Lally stated that this is something that could possibly be put into the Public Works budget.

III. Announcements and Community Calendar - None

IV. Appointments

1. Edward Tinker – Assessor - Town of Hampton welcome.

Mr. Welch explained that Mr. Tinker joined the Town last week. He comes to Hampton from Claremont where he was the Assessor. He has numerous years of experience with property assessments. He is going through the department seeing what needs to be done and revised. We will hear from him a lot more in the future starting with the budget.

Chairman Griffin spoke with Mr. Tinker today and expressed that the Board is here to help in any way they can.

Mr. Lally stated that he comes at a time when we just finished a revaluation and have had a rough go of it. He knows that Mr. Welch and Mr. Nichols have spent a lot of time on this and Mr. Tinker comes highly recommended. Mr. Lally went on to welcome Mr. Tinker.

Chairman Griffin asked if Mr. Tinker would like to give the Board any of his ideas or strategies.

Mr. Tinker explained that his first priority is organizing the office. This is only his fourth day.

Mr. Znoj would like him to give a two or three minute capsule of his work experience.

Mr. Tinker's work experience is as follows: past 2 years Chief Assessor in Claremont, 6 years with Avatar as a District Manager which involved being an Assessor for about 12 different communities around the State and prior to that he spent 4 years with CLT which is another company that did assessing in numerous communities.

Mr. Bateman commented on the commute and hopes that he will decide to become part of this wonderful community. Mr. Tinker is looking into this and hopes to have a long run here in Hampton.

2. Mary-Louise Woolsey – 2010 Budget

Mrs. Woolsey verified that the Assessors contract will be made public since it is public information. She came tonight in response to some things she heard last week. These items included the following: negotiations with the Collective Bargaining Agreements between Mr. Welch and Atty. Gearreald is highly unethical, outside council should be hired for these negotiations, Harvest Festival the Precinct should be charged for police details, cautions them against promising big savings to the taxpayer, gave a breakdown of tax rates on the July tax bill, she is drafting a private petitioned article for the voters to approve discontinuing all collection of commercial waste and disposal of commercial waste, spoke to the voters that you cannot say no all the time and you cannot say yes all the time need to find a happy medium, spoke how the 3 big departments here are the residents insurance, she warned the Board about making any serious

cuts to these departments, spoke about the things that Chief Silver has been saddled with since being appointed Chief, explained the management breakdown at Fire and the fact that it is needed, currently staffing only one ambulance, Police and Fire Chief need the help of the Board to run their departments efficiently, effectiveness of grants that the departments are seeking and her final thought is that she cares compassionately for the employees of this Town.

Mr. Nichols and Ms. Woolsey had a discussion as to the concerns with allowing the Manager to negotiate with the Collective Bargaining Units. She does not feel that it is fair to have employees sitting across from someone who has the power to hire and fire them.

Mr. Nichols informed Ms. Woolsey that although only one ambulance is currently staffed if the ambulance is dispatched staff is called in to cover when the other ambulance is out.

3. Richard Violette – Infrastructure Project at the Beach, specifically the deletion of portion of work on Kings Highway.

Mr. Violette was here to remind this Board of Selectmen that long before the work on the Infrastructure Project began the contract included storm drainage on Kings Highway. This work was supposed to be on Kings Highway from High Street to Sixth Street. However before the project began it was cut back from High Street to 12th Street. He shared his concerns with not having this storm drainage on Kings Highway. Anytime you have a couple of inches of rain the road is flooded. He thinks that some of the \$470,000 could be used to do a study on what can be done about this flooding problem on Kings Highway.

Discussion:

Mr. Znoj asked Mr. Violette if he was Clerk of the Works. He said he was misquoted that way but on the Infrastructure Project he was the guy who took the complaints. He thinks that the money should be spent on a study of those seven streets and add Kings Highway. Mr. Znoj asked about what is the design to build. Mr. Violette explained this is when they come up with a set of plans that are not fully developed and as they run into problems in the field they correct them which adds money to the contract.

Chairman Griffin commented that after hearing this tonight he is reminded that a lot of other things besides the 7 streets were not completed.

Mr. Lally does realize that this is part of the problem but it will probably have to be separated from this.

Mr. Nichols and Mr. Welch explained that this \$470,000 was from a separate warrant article and therefore this money cannot be spent on Kings Highway.

Chairman Griffin summed up that this money can only be used for what was not completed off of Ashworth Ave.

Mr. Lally would like to go back to Mr. Nyhan's request to help. Mr. Lally thinks that this should be tabled for 90 days to see if they can come up with some funds to help.

Mr. Nichols thinks that you can only gain something by waiting 90 days. Mr. Nichols added that he did some research and even in minutes from 2006 it was said that these streets could be done for under \$500,000. He would like to further understand how we got from \$450,000 to \$2M for these streets. He wonders if formal bids have been received for this work. Mr. Welch stated that bids did come in between \$1M and \$1,360,000 in 2007.

Mr. Znoj questioned if there is another way of doing these streets that is not as expensive. There is a less expensive way but the end result is more problems. Mr. Nichols shared an email from Ed MacDonald in regards to an alternative way to complete these streets.

Mr. Lally MOTIONED to table this discussion for 90 days as requested by Mr. Nyhan. Mr. Bateman SECONDED.

VOTE: 5-0-0

Mr. Znoj questioned whether waiting the 90 days has any effect on the Town. Mr. Welch confirmed that a decision only needs to be made by the end of the fiscal year.

Mr. Nichols only asks that Mr. Nyhan keep the Board informed.

V. Minutes of September 14, 2009 – Board did not have a copy yet.

VI. Town Manager's Report

A bid was awarded to Simard Construction, the low bidder, to construct a drain line on Winnacunnet Road from number 136 to the Center School on the westerly side of the roadway.

The Hampton River Bridge is now subject to permanent lane closure for the remainder of the winter construction season through early June 2010.

The Town Manager will be on vacation from October 8th through the 11th. I would request that the Board appoint Michael Schwotzer as Acting Town Manager during this period.

Discussion

Mr. Znoj confirmed that the roads will receive full reclamation and be done this year. This is a \$300,000 project out of the Capital Reserve and there is an additional \$100,000 being spent out of the highway budget.

The Board asked to have either Mr. Gearreald or Mr. Schwotzer attend the meeting at LGC on Oct 9th in regards to Donor Towns.

Mr. Znoj asked if the Selectmen will be involved with the CIP Plan. Mr. Welch stated that this is a proposal.

VII. Old Business

1. 2010 Budget Discussion

Discussion

Mr. Lally stated that six months ago they sat here giving their 2009 goals and he thinks that tonight would be a good night to restate those goals. The Board agreed unanimously that these six goals could be reached. He feels that they have done pretty good and in reference to the 2010 budget the tax rate goal that they set was \$6.50. The only goal that he is upset with was the number one goal to determine the location for the Beach Fire Station which has not been done yet. The other goals were site plan for Winnacunnet Road Fire Station, meet with Legislatures, Negotiations with unions and decrease the number of warrant articles.

Mr. Nichols spoke in regards to the Beach Fire Station the Fire Chief is working on this with the Architect so there is stuff happening to reach this goal. Mr. Welch added that the Chief has asked the Atty. for some information on parcels.

Chairman Griffin thinks that people realize that the approach the Chief is taking is different than in the past.

Mr. Lally reminded everyone that the Selectmen cannot control the warrant articles that come in with money attached to them.

Mr. Nichols asked Mr. Welch to explain what he is looking for in regards to clarification from the Board. Mr. Welch explained to the Board what needs to happen as he prepares the 2010 budget. The MS forms that go to the State are going to show the 2009 budget as passed by Town Meeting. This means that the \$450,000 that the Board moved into the holding account has to be moved back to the corresponding line items on the MS forms. Therefore the \$450,000 and the \$650,000 will be taken off the 2009 budget total and that will be the starting point for the 2010 budget. Mr. Nichols stated that the starting point will then be \$24,453,760.

Mr. Nichols still feels very strongly that overtime does need to be reduced.

Mr. Welch commented that one thing he mentioned at an earlier meeting is that we have bought one electronic billboard sign, a light tower and a camera tower. By the end of this year we hope to buy one more of each and he found out that there are additional Federal monies available for Emergency Management items. He has asked the Chief to file to get three of each the only stipulation being that the Town has to match the price of one in order to get the three.

Mr. Lally and Mr. Znoj agree that these billboards are very important.

Mr. Welch has told the departments that if there is money in their budget and they have items that they really need they should get them now. He added that he has informed the Department Heads that the encumbrances need to be reduced.

Mr. Nichols confirmed with Mr. Welch that after doing some of the things that need to be done he expects to come in about \$300,000 under budget.

Mr. Nichols shared some historical information that there was only \$302,000 in warrant articles passed. Mr. Nichols mentioned that the Mosquito Control Commission has submitted their budget and it has gone up. He is not sure who negotiates this contract with Dragon Mosquito but he thinks that someone should go back to them and suggest that they do it for the same price.

Mr. Bateman thinks it has been a very interesting year for the budget and we need to look at May and make sure that we think it will happen against next year.

Mr. Znoj thinks that he said quite a mouthful last week and he is very firm in what he said. He does think that in regards to commercial trash that the Town does not have the means to weigh this trash and wonders how we are going to go about possibly charging these businesses.

Chairman Griffin does not believe that it is fair to say that since he does not believe that is what the Board agreed to.

Mr. Lally believes that we agreed to give the mandatory recycling a try for 18 months to see what effect it would have on weight at the Transfer Station.

Mr. Nichols believes that the Board agreed to defer commercial trash and proceed on implementing mandatory recycling. We have obviously embarked on this course with the plan in place for mandatory recycling. He thinks that before embarking on anything with commercial trash we need to see where we are at with mandatory recycling and he does not see this happening until March or April or May of next year.

Chairman Griffin does not think that it should be the opinion of the Board that they support the warrant article that Mary Louise-Woolsey mentioned earlier this evening.

Mr. Znoj thinks that commercial trash is something that we need to start thinking about.

Mr. Nichols thinks that we need to wait 6 or 7 months to see what happens.

Mr. Bateman stated that we have three dates set and are working toward that.

Other Old Business:

Mr. Bateman last week abstained from any discussion in regards to charging for the officer coverage needed at the Harvest Festival. Since he is not going to be that officer he would like to now give his opinion. He wonders if we charge the school's for details than maybe we should be charging for the officer in charge of guarding the beer tent.

Mr. Nichols pointed out that when we charge Winnacunnet it includes four other Towns. Mr. Nichols also added since there is money left in the budget he was willing to do this for the Commissioners last week.

Mr. Bateman does not have a problem with putting more officers on the street for the weekend but does believe that they should be charged for the officer who covers the beer tent.

Chairman Griffin added that he wonders how many more beer tents are going to be allowed at the Beach. The reason for this is that there are businesses open who now have to compete with these beer tents. He is not so sure that this is a good idea. This is of course for the future.

Mr. Bateman suggested that in the future the Board should look at whether or not they want to issue sidewalk sale permits to the businesses since it does propose a safety hazard when they move this merchandise into the streets. It would be much easier if they just leave the stuff in the stores for people to come in and see.

Mr. Lally agreed that this is a good point.

Mr. Lally asked if the fire station plans for uptown includes a lot of demolition. They have not got to this point. He also wonders about the demolition of the old Town Hall and Court House. Mr. Welch has had an offer to have the demolition done for free and the Town would just have to absorb the cost of removal. Mr. Welch does believe that these buildings will be down before the addition is made to the fire station.

Chairman Griffin has had several complaints about noise at different establishments at the beach. These establishments have speakers that blare the music outside the building. Mr. Welch stated that the ordinance does not address this problem directly. However the common law is that if you are disturbing people in their home after 10 pm this constitutes a nuisance. There have been a number of complaints and if the Board would like the ordinance strengthened that can be done.

Mr. Nichols asked about the Entertainment License and is this not something that can be stipulated in their license.

Mr. Bateman stated that they need to have copies of these licenses on file at the Police Department so that they can look it up when someone calls to complain.

Mr. Nichols question is that in order to play music outside do they need to have an Entertainment License and if so can't we tell them they have to stop. Mr. Welch answered that as far as they know they do have a license but they do not abide by it. He also explained that these

establishments have outside sitting areas and once the police come by to tell them to turn the music down when they return for the second time they are spotted coming and the establishment turns the music down.

There was an additional discussion in regards to the Dance Hall Permits and Entertainment Licenses and the Liquor Commission. The Board agreed that they have control over the Dance Hall Permits and maybe it would be a good idea to tighten up this ordinance.

VIII. New Business

1. Coalition Communities “Return of Donor Towns” – this was discussed earlier and the Board is not in favor of this.

IX. Consent Agenda

1. Agreements on Un-paid Property Taxes
2. Entertainment License Year Round- 401 Tavern, LL., 401 Lafayette Road
3. Entertainment License for the Harvest Moon Fall Festival – Hampton Beach Village District, Ocean Blvd
4. Parade and Public Gathering License – Life Chain, 289 Lafayette Road
5. Request permission to showcase an Art display in the Town Office building – Jane Ansaldo-Church, Hampton Parks and Recreation Department’s Arts and Crafts Program

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

VOTE: 5-0-0

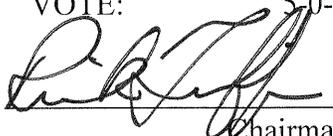
X. Closing Comments - None

XI. Adjournment

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

VOTE: 5-0-0

Meeting adjourned at 10:24 PM


Chairman