

Town of Hampton



TOWN OF HAMPTON BOARD OF SELECTMEN December 21, 2009 Minutes

PRESENT: Richard Griffin, Chairman
Richard Nichols, Vice Chairman
William Lally
Richard Bateman
Gerald Znoj
Michael Schwotzer, Finance Director
Mark Gearreald, Town Attorney

6:30 PM Nonpublic session - RSA 91-A:2., I., (c)

7:00 PM

SALUTE TO THE FLAG

I. Public Comment Period – No Comments.

II. Announcements and Community Calendar

Mr. Lally spoke about the Greeters at Pease Air Force Base. The list of items needed for care packages to be sent to the troops will be posted at the Town Office.

There was a discussion as to when the State Representatives will be coming. No date has been set at this time but it will be announced as soon as one has been set.

III. Appointments – No appointments.

IV. Minutes of December 07, 2009 and December 14, 2009

December 07, 2009

Page 1 – Under Public Comment Period first speaker – Mr. Meyer’s discussion, insert the words “and cons” before the word “pros” in the second sentence.

Page 7 – Under the discussion on the Capital Reserve. 4th paragraph remove the words “Salt Shed” and insert the words “Public Works Capital Reserve”.

Page 7 – Under the discussion on the Capital Reserve. 5th paragraph change the number “32” to “34”.

Mr. Znoj MOTIONED to approve the minutes of December 07, 2009 as amended. Mr. Lally SECONDED

VOTE: 4-0-1 (Bateman)

December 14, 2009

Mr. Bateman MOTIONED to approve the minutes of December 14, 2009 as presented. Mr. Lally SECONDED

VOTE: 5-0-0

V. Town Manager's Report

The Tax Collector's Office will be closed tomorrow Tuesday, December 22nd so that required training can occur.

Effective January 1, 2010, new requirements regarding the installation of mandatory carbon monoxide detectors will go into effect. Please check with the building department if you are planning a new structure or modifying an existing structure; to be sure whether or not these requirements will require an installation on your property.

The Friends of the Old Stage Road Bridge have completed the major re-construction on the bridge and will be holding a ribbon cutting ceremony at 11 AM on Saturday, December 26, 2009.

We have requested that individuals who own basketball net units that are in the public way to remove them so that snow plowing operations will be safe. Failure to remove the units will result in the Town removing them. Should the units be struck or damaged during plowing operations the Town is not responsible for replacement or repairs.

Please do not plow snow across the streets or roads within the Town, it is a violation of existing ordinances and laws. Also do not place your snow in sidewalks, it prevents us from clearing the sidewalk.

Have received a letter from the 401 Tavern thanking the Town for all the assistance after the fire they had.

Discussion - No questions

VI. Old Business

1. 2010 Warrant Articles – Mr. Welch provided the Board with the drafted Warrant Articles.

Discussion on money Warrant Articles:

Rye Sewer

Mr. Znoj wonders why the Warrant Article for Rye is not included in the supplied drafts. Mr. Welch has passed this Warrant Article on to Legal Counsel for some changes to verbiage.

Mr. Nichols wonders what the expense is involved with Rye since thus far we have only discussed the revenue involved from Rye.

Mr. Znoj wonders if there is an actual contract stating what the Town will charge Rye. Mr. Welch explained that there is and it can be revised once every five years. Mr. Welch also shared that Rye is also billed for any related cost. The contract will expire in 2013.

Chairman Griffin stated that Rye has always paid the bill when it is due and it has been a good working relationship.

Salt Shed

Mr. Nichols commented on the report provided and would like further information in regards to foot print of building and other items. Mr. Welch also has a report from Mr. Price answering some of Mr. Nichols questions.

Mr. Welch commented that he asked Mr. Price to come in with a price somewhere around \$100,000 to \$150,000 and the amount proposed is \$120,000. There was also the question of the water content discussed at an earlier meeting. The proposed shed could store a quarter of the amount of salt used by the Town in an average season.

Location will not be a problem. Mr. Znoj is in favor of being able to store more salt. He would also like to see the research on the water content.

Social Services

These are the same as last year with the only amendment being that last year there were two separate Social Service Articles and this year both will be included with the rest.

Head Quarter Fire Station Related

Mr. Nichols confirmed that Chief Silver is still working with the architect on the cost and hopefully it will be available after Christmas.

Mr. Znoj wonders what is being done to the station on Winnacunnet Road. It will now house the Communication Center and will be able to house all the fire equipment if needed in an emergency.

It was discussed that additional information should be added to the Warrant Article describing what the expansions will be to the current building.

The Board will be meeting at 6 pm on January 22nd to vote on all tax effect Warrant Articles.

Discussion on no tax effect Warrant Articles:

Capital Reserve and Road Improvements are both supported by the Board.

Cable TV origination fund

Mr. Nichols for clarification purposes explained that it was originally set up for \$35,000 and it went up somewhere along the line in 2005 or 2006 to \$70,000 and for the last few years it has been at \$100,000. Mr. Nichols explained that the \$100,000 is the amount not to exceed and that 75% of the Franchise Fees go into the general fund to help reduce the tax rate.

Recreation Infrastructure

This article includes the following: repairs to the hockey rink on Hardardt's Way, chain link fence and back stops at Tuck Field.

Cemetery Burial Trust

This is a little lower this year. Mr. Welch explained that this is from the sale of plots.

Road Improvements

Mr. Nichols commented on the fact that the Budget Committee removed \$266,000 from roads and drainage. He expressed some concerns that if the budget passes as proposed by the Budget Committee that there will not be enough money to do all these roads. It was discussed that some of the roads should be removed from the Warrant Article. Mr. Welch explained that we just go down the list of roads and they do not all necessarily get done. Mr. Nichols thinks that the Warrant Article should contain a realistic number of roads that can be completed.

EMS Fund

Mr. Znoj suggested some new wording and Atty. Gearreald has reviewed the changes and agrees that they should be made.

Discussion on Ordinances with zero dollars involved:

Solid Waste Ordinance

This will include language giving the Selectmen flexibility in regards to charging the State. The main reason for adding this language is in regards to recycling and being able to charge the State if they do not comply with recycling.

Taxi Cab Ordinance

Mr. Nichols brought up the many fees involved and how they compare to current fees. Mr. Welch explained that currently we charge \$25 total for a license and there is no way to monitor or regulate the license. Mr. Nichols pointed out that currently a business is charged \$25 and under the new ordinance if they have a couple of drivers they could be charged \$700 or more. He wonders if this is a fair increase. Mr. Nichols does not question the need for the ordinance but does question the fees. Mr. Bateman thinks this is a nice place to start and that parameters are needed. There was an additional discussion about the inspection process and the Officer that will be appointed to follow through with the inspection. The Board agreed to lower the fees and Mr. Welch will look into lowering the fees.

Entertainment License

Mr. Nichols and Mr. Lally both questioned the misdemeanor charge. They agreed that a felony should remain but the misdemeanor charge should be removed. They also discussed the time frame for dancing ending and do not feel that it should be stricter than the current license. They discussed the fee and its fairness. Mr. Welch explained the biggest thing they did with this license is to restrict the outdoor noise.

Mr. Lally questioned some of the restrictions in the license. He just wants to make sure that the wording is not going against any laws and is very clear. Mr. Lally also questioned the enforceability of the section that deals with businesses reporting any of their employee's license violations to the Board within seven days. The Board agreed that this is too much to expect the businesses to do and it should be removed.

Petitioned Articles

Board discussed the petitioned Warrant Article to increase the Disabled Exemption. Mr. Welch informed the Board that the parties involved has been notified that this article is being returned

since it does not meet the requirements under the statute. It can be resubmitted if the necessary changes are made.

Mr. Nichols expressed concerns with the petitioned Warrant Article to accept Lyons, Francis and Williams Street as Public Roads. He is concerned with the last statement stating that there will be no impact on the tax rate since these roads have been maintained. He would ask that Mr. Welch and Mr. Price to do some research on this to be sure this is true.

Mr. Znoj wonders what makes a street acceptable. Mr. Welch explained how the process works. The Board cannot change the language of this article but would like to be able to provide the public with the facts.

Mr. Nichols would like to bring up some concerns with the petitioned Warrant Article in regards to commercial trash. He read a section to the Board that states that additional language should be inserted into the current ordinance prohibiting public processing collection and or disposal of all commercial, industrial and condominium waste. One comment is that commercial is not defined. The thing that really concerns him is prohibiting public processing. He interprets this as meaning that a small business cannot even take their trash to the Transfer Station to be disposed.

Mr. Welch agreed that this is true according to what is written in this petitioned Warrant Article. Mr. Nichols questioned whether legally the wording can be changed at the Deliberative Session. Mr. Nichols expressed concern that if this article passes it could cause havoc. Chairman Griffin spoke about how this whole article is in poor form.

Other Old Business

Mr. Nichols asked about the Cole Street parking ban and some seasonal signs. Mr. Welch does not believe this can be done. There is no parking on the west side of the street already so if we declare the east side a fire lane than there will be no parking. Mr. Welch will have to look into this further but he does not think there is a solution. Mr. Nichols feels that Mr. Sullivan should be notified if this is not something we can do.

Mr. Lally announced that if anyone is looking for Christmas gifts donations can be made to the Hampton Community Coalition.

Chairman Griffin would like to bring up the Hampton Beach Commission. The State Representatives were present and the following items were discussed: the beach having their own zoning and planning board, warrant article about the martial arts weapon sales being regulated, former Senator Preston spoke about Seabrook Precinct and going to get money to re-do the sidewalks on both sides of Ocean Blvd.

Chairman Griffin updated the Board on the outcome of the meeting he and John Nyhan had with Senator Judd Gregg. It was agreed that getting money for the seven streets is the most important.

Mr. Nichols commented on the bill on planning and zoning at the beach. He shared that this bill will be discussed on January 7th. Chairman Griffin pointed out that members of the Board should try and attend. Mr. Nichols will attend with Mr. Welch and Atty. Gearreald.

Mr. Welch and Mr. Nichols feel that concerns should be shared with Representative Kepner.

To show the opposition to this legislation, letters should be written and calls should be made to Representative Kepner.

Chairman Griffin MOTIONED to authorize Mr. Welch and Atty. Gearreald to express as the Town's position that there is opposition to the legislation to create a Planning and Zoning Board in the Precinct District. Mr. Lally SECONDED.

VOTE: 5-0-0

VII. New Business

1. Life Insurance and AD & D Insurance Carrier

Mr. Welch explained that we have been going around trying to find ways to save money. We currently pay \$28,656 a year. We have a bid from Davis and Towle to provide the same insurance with one modification for \$16,119.12 a year. The one modification is that the current insurance policy is portable.

Discussion

Mr. Nichols clarified that this is not a negotiating item. Mr. Welch stated that the contract states we have to provide the policy and that is all.

Mr. Bateman MOTIONED to change Life Insurance and AD&D Insurance carrier. Mr. Lally SECONDED.

VOTE: 5-0-0

2. Question of accepting "Marsh Land" from Robert Pearson and Dale (Hartzog) Pearson

Mr. Welch has a written request to give this land to the Town and it will cost the Town \$4.87. Atty. Gearreald commented that this is an estate in Virginia so we need to do a check to see if the probate is in order.

Mr. Bateman MOTIONED to accept this land. Mr. Znoj SECONDED.

VOTE: 5-0-0

3. Question of membership in the Southeast Watershed Alliance

Mr. Welch attended this meeting last week. We do not have to belong but if we are not a member we cannot participate in any discussions or decisions. It does not cost any money to belong. This Alliance will deal with regional watershed issues, regional storm water issues and regional sewer water issues.

Discussion

Mr. Nichols expressed concern that essentially there are costs involved. However these costs can arise whether or not we are members. If going to be taxed either way we should participate.

Mr. Lally MOTIONED that the Town be a member of the Southeast Watershed Alliance and that if Mr. Welch is unable to attend he appoint someone to attend in his place. Mr. Bateman SECONDED.

VOTE: 5-0-0

4. Report on St. James Lodge "In lieu of Tax Agreement"

Changes have been made to their bi-laws. Counsel will draw a payment in lieu of taxes agreement to make sure it is in writing.

5. Underground Tank Removal

Mr. Welch informed the Board of the diesel tank in the ground at the Fire Station at the beach. The cost is \$4,720 for removal of the tank and \$.51 per gallon for disposal of the content.

Discussion

The Board discussed why this tank is there and the reasons for removing the tank at this time. If agreed upon by the Board the tank will be removed immediately.

Chairman Griffin MOTIONED to have the Underground Tank Removed at the Beach Fire Station. Mr. Lally SECONDED.

VOTE: 5-0-0

Mr. Nichols commented that the Board received a memo from the Precinct Commissioners stating that they did not agree with the minutes that were put together. The seven points in the minutes were basically the Memorandum of Understanding that was sent to the Commissioners. Mr. Nichols would like to request that something be sent to the Commissioners asking for a response to the Memorandum of Understanding that was sent to them.

6. Approve and Authorization of the Vision Appraisal Technologies Contract for Town Wide Property Re-valuation

This will be discussed on December 28, 2009.

Other New Business

Mr. Nichols would like to request that we invite the Trustees of the Trust Funds to a future meeting.

VIII. Consent Agenda

1. Appointment to the Highway Safety Committee – William J. Pesola

Mr. Griffin nominated Mr. Pesola to the Highway Safety Committee. Mr. Znoj SECONDED.

VOTE: 5-0-0

IX. Closing Comments - None

X. Adjournment

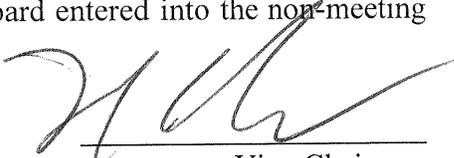
Mr. Znoj MOTIONED to adjourn the meeting, Mr. Bateman SECONDED.

VOTE: 5-0-0

Mr. Nichols requested that the Board enter into a non-meeting with Legal Counsel under RSA 91-A:2., I., (c). Mr. Znoj SECONDED.

VOTE: 5-0-0

Chairman Griffin adjourned the meeting at 9:14PM and the Board entered into the non-meeting with Legal Counsel under RSA 91-A:2., I., (c)


Vice-Chairman