

Town of Hampton



TOWN OF HAMPTON BOARD OF SELECTMEN December 28, 2009 Minutes

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

7:00 PM

SALUTE TO THE FLAG

I. Public Comment Period - None

II. Announcements and Community Calendar

Mr. Znoj would like to announce that the Town Clerk does not take Visa.

Mr. Lally announced that there will be fireworks on New Year's Eve at 8 o'clock.

Mr. Bateman announced that the Penguin Plunge will take place on February 7th.

Mr. Nichols informed everyone that the H1N1 vaccine is now available to everyone.

III. Appointments – None

IV. Town Manager's Report

The State Department of Transportation will be working on the Drakeside Road Railroad Bridge superstructure starting Monday, January 4, 2010. Drakeside Road will be closed daily from Monday, January 4th through Friday, January 8th from 7:30 AM to 3 PM so that the overhead deck and superstructure can be removed. Message Boards will be in place starting December 29th regarding the closure. The School Superintendent's Office has been notified as well as Police, Fire and Public Works.

It is requested that the Board amend the Town's Traffic Regulations so that there continues to be no through truck traffic on Drakeside Road. The purpose of the bridge removal was to allow public safety equipment safe passage.

In past years the Town has carried the expense of mailing Precinct annual exemption forms to more than 500 residential properties in the Hampton Beach Precinct.

We would like to discontinue the practice as it is a Town expense. It appears from reading the 1979 Act of the General Court that after the adoption of the Act by the Precinct members; which exempted all single family properties from the tax at the Beach as a tourist attraction; no other action was required and the annual request form is not required under the law.

Regarding a report given to the Selectmen two meetings ago on the water content of salt, it is not true that the Town's cost is marked down for excess water content. Only the State enjoys that privilege which is not and will not be expended to the Town or other municipal governments.

Winnacunnet High School is hosting a community forum to raise awareness regarding drugs, alcohol, bullying and harassment on January 12th from 6 PM to 8:30 PM in the School Dining Hall.

The Town Clerk cannot accept Visa cards since under NH law the Town is not allowed to pay the transaction fee charged by the credit card companies. Visa does not wish to sign these types of agreements. It was clarified that this was only for governmental purposes.

There is an exception under RSA 72:29A it is for surviving spouses of individuals who are killed or died while in active duty in the Armed Forces. The minimum tax credit is \$700 and is applied to the individual property. The Town is currently granting an exemption of \$1400 but it did not adopt this amount. Mr. Welch would suggest that the Board draft a Warrant Article for the \$1400 exemption. It was explained that the minimum amount is \$700 but the Town can choose the amount. The Board agreed that the Town Manager should draft the Warrant Article since this is what has been done in the past. There are only 5 individuals that this affects.

Discussion

Mr. Nichols agrees with the Town Manager in regards to the Precinct mailing. If it is not required by law to do this each year than why put people through the hassle of doing this. Mr. Nichols also shared with the Board that he requested from the Assessor how many properties actually make up the Precinct out of the 9300 or so parcels in Town. Out of the 2250 properties only about 500 were exempt. This means close to 80% of the Precinct is commercial. He also pointed out that some of the commercial properties listed are actually not commercial.

Mr. Lally wonders what makes a property commercial. Mr. Welch clarified that the main difference currently is who receives the exemption. Mr. Lally expressed concern with if the commercial trash Warrant Article passes some of these properties that are rentals could lose their trash pickup.

Mr. Nichols would like to add that his reason for bringing this up is because of the tax savings that can be had by the individuals who are currently listed as commercial and are actually residential. There was an additional discussion between residential and commercial property. Mr. Welch explained again that properties in the Precinct that are commercial pay the whole tax while residential properties pay a partial tax. All he is simply saying is that the residential property owners do not need to apply for the exemption the Commissioners should have certified them to us to begin with and this would give them a permanent exemption. Mr. Nichols explained that it is the Precincts responsibility to report which properties should be in the 2000 category and which properties should be in the 3000 category. However having said that Mr. Nichols believes that between the Atty. and the Assessor once the legalities are worked out we can send a letter to the Precinct asking them to address this and make sure that the properties are listed accurately.

Chairman Griffin expressed that it is going to be important that everyone know the difference between commercial and residential especially with the Warrant Article in regards to the picking up of commercial trash. Mr. Welch explained that what is commercial will need to be defined. Mr. Lally agrees that we will have to have education on this topic. There was an additional discussion on commercial trash pickup.

Mr. Nichols reiterated that there is a consensus amongst the Board to send a letter to the Precinct indicating that the Town will no longer send out the annual exempt forms and that they need to inform the Assessor's Office which properties are exempt versus which properties are commercial.

Mr. Nichols questioned in regards to salt does the Town get the terms of the contract that the State gets. Mr. Welch stated that we do except for the portion in regards to the water content. The State has an agreement with the company since it has its own testing lab. Mr. Nichols wonders if the findings from these analyses have been made public. He questions whether they have found a lot of 10 and 15% water contents. Mr. Welch confirmed that there have been overages but he does not know what they were. Mr. Welch added that the State buys most of their salt in June and July.

Mr. Znoj would like to see some of these testing results if they are public information. Mr. Welch will ask for the results but he has spoken with the salt company and was informed that the salt is much heavier in the winter.

Mr. Bateman wonders if participation in single stream with the Concord Cooperative will be effected if the Town was to lose the tonnage from commercial trash. Mr. Welch stated that we would still be able to participate but it would force the Coop to look for more participants. Mr. Welch added that they have found enough tonnage and will be breaking ground on the facility in the spring so it appears that everything is on schedule. There was an additional discussion on how the pay back works and how it is affected by what we put in.

Mr. Znoj verified that the contract ends with the current company in July and if the facility is not complete there are alternate plans in place. Mr. Bateman just clarified that without the commercial trash there would be an impact on the revenue the Town would receive from the Coop.

V. Old Business

Mr. Znoj asked about the letter in regards to the Energy Block Grant available from the State. This is a grant to make are buildings more efficient. Mr. Welch stated that we are working towards a grant. However we could not file for this grant since you only had three days to file a 40+ page report. We are ready and waiting for another grant that should be coming any day. This will allow us to finish the work on this building.

Mr. Znoj also asked about the Highway Block Grant Aid we are in line to get some payments in January \$53,118 and another payment in April and so on. Mr. Welch explained that it is a statutory requirement that they provide payments each year. This money comes automatically and the Town does not have to apply.

Mr. Znoj asked about the letter that someone is trying to acquire the land were the Shell station was on Lafayette Road. Mr. Welch has given the request to the Conservation Commission and we do not want another gas station there. The land is contaminated and Mr. Welch would

suggest having the building removed so the ground could be tested. It might be a good idea for the Town to acquire this land and maybe make it into a park or something. Mr. Bateman commented that the land is still being tested on a regular basis. There have been several attempts to purchase this land.

Mr. Znoj verified that someone would be attending the Coalition Meeting that is coming up in regards to Donor Towns. Mr. Welch provided this to the Board so they could let him know if he is to attend or if someone from the Board will attend. Mr. Nichols does not mind attending and sharing the responsibility amongst the Board to attend these meetings in the future. Mr. Welch stated that they generally bring up things that the Selectmen must decide on so it is a good idea to have someone from the Board attend the meeting. Mr. Znoj will attend this meeting.

Mr. Znoj brought up an article that includes John Price in regards to the collection system operation and maintenance plan between us and Rye. Mr. Welch explained that the Environmental Service Agency has issued us a permit to operate the Waste Water Treatment Plant and in issuing that they demanded that we have an operation and maintenance manual. We have asked for and been granted a one year extension to complete the manual. They have asked the same thing of Rye.

Warrant Article Discussion

Mr. Nichols wonders if the article submitted last week in regards to the disabled was more of a request for help from the Board. Mr. Nichols reminded everyone that last year the Board sponsored an article for the elderly exemption and he would not be opposed to doing the same thing this year for the disabled. The current exemption amount for the disabled is \$41,000 and the minimum exemption for the elderly was raised to \$120,000. He would suggest that Mr. Welch draft an article for next week raising the disabled exemption with the minimum level matching the minimum elderly exemption amount of \$120,000.

Mr. Bateman reminded everyone that last year's numbers came from a comparison and would suggest that the same be done with this. Chairman Griffin reminded the Board that we want to keep the number of Warrant Articles to a minimum. There was a discussion of who qualifies for the disabled exemption.

Mr. Nichols would like to discuss the Salt Shed. Mr. Nichols still thinks that the problem can be solved for less than the \$225,000 proposed last week and possibly less space. He feels that if we can store half a year's salt we will be in good shape. He is happy to work with Mr. Price on this. Mr. Znoj is in favor of the need for a Salt Shed. However it is a matter of size and how much can be stored. He would like to see capacities of the other Towns not just drawings.

Chairman Griffin pointed out that this is something that has not been supported in the past. Therefore we need to keep the number down. It was explained that the height of the shed is important for delivery purposes. Mr. Bateman wonders about the concrete blocks on the outside. Mr. Welch explained that this is a great way to get the area tight. Mr. Bateman explained that he saw a corporation this weekend that used this same concept and was using them for storage. Mr. Lally agrees that it is important to make sure that this Warrant Article is of an amount that has a chance of passing, so keeping the cost down is the way to go.

Mr. Znoj asked about the Tree Warden Article. Mr. Welch has the intention of designating a current employee to do this job. There was a discussion about the Shade Tree Commission and how this would replace that Commission. The Tree Warden would be required to report to the

Town Manager, the Board of Selectmen and the Town Meeting. Mr. Nichols pointed out that it is important to include that there will be no additional cost to the taxpayer in order for it to have a chance at passing. Chairman Griffin confirmed that this position would also be in charge of overseeing the planting of trees in Town. Chairman Griffin also added that there will be volunteers who would like to help this employee. Mr. Welch pointed out that he had put \$25,000 in the budget for the removal and planting of new trees but it was reduced to \$1 by the Budget Committee.

There was an additional discussion in regards to what was removed from the budget by the Budget Committee and the Default Budget.

Mr. Znoj did not understand the Solid Waste Ordinance Amendment or the Waste Storage at all and he wonders if Mr. Welch could clarify it and send it back out to the Board. Mr. Welch explained that with the Solid Waste Amendment we are trying to be cooperative with other communities so that we can share expenses in shipping and costs. We are one of the only Towns in the area who has a Transfer Station. Many Towns have contacted us to see if we would like to share the cost of transportation to the Coop in Concord. These Towns would pay the Town to transport their trash to the Coop in Concord. They would be charged by the ton and also pay an administrative fee. In regards to Waste Storage Mr. Welch explained that there is currently an ordinance for Waste Storage and Disposal and that we regulate this for everyone except residents. This amendment would regulate residential trash.

Chairman Griffin stated that we have been down this road before and no one followed the rules or enforced the rules even DPW. Mr. Nichols commented that this did pass a couple years back. Mr. Welch stated that residential is missing from the current ordinance. Mr. Nichols clarified that this is basically cleaning up the current language. Chairman Griffin is not against this but it should be enforced if we are going to do this.

Mr. Znoj asked about the money that is coming in for mosquito control and wonders if the amount of the Warrant Article can be reduced. Mr. Welch said it cannot be done that way.

Mr. Znoj would also like to discuss the Littering Ordinance and the Entertainment License Ordinance. On the Littering Ordinance he wonders who will enforce. As for the entertainment activities he thinks that the 15 years prior to an application for a felony is too long. Mr. Lally says that the statute is usually 6 or 7 years. Mr. Znoj also questioned the striking the inspection of a private club for use of the license by a member of the Board or other Town employee (i.e. Building Inspector/Police). It was discussed how this was not allowed in private clubs.

Chairman Griffin would like to comment on the new rules/regulations and we need to make sure that we are going to enforce them. Mr. Welch stated that in these new ordinances the Town can write a ticket which is not currently allowed with how the ordinance is written.

Mr. Lally said that the police do write a lot of tickets for littering and that is something that Chief Sullivan can give us a report on.

Mr. Welch explained that the ordinances will allow the Board to decide who has the power to enforce these rules and assess fines. Mr. Lally reminded everyone that at one time Public Works had stickers to place on barrels for those who were in violation.

There was an additional discussion about larger recycling containers and there are bids out for these larger bins on wheels.

Mr. Znoj thinks that the articles that are going to be paid out of the Undesignated Fund Balance it needs to be explained that this is not going to violate the safety net for the Town.

Other Old Business

Atty. Gearreald asked the Board to approve the minutes from a non public session on December 14, 2009 that need to be approved by the Board.

Mr. Nichols MOTIONED to approve the minutes of December 14, 2009. Chairman Griffin SECONDED.

VOTE: 4-0-1(Bateman)

VI. New Business

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

Atty. Gearreald explained that he and Mr. Tinker have worked closely with Vision Appraisal and the contract for \$195,000 is ready for the Boards signature.

Discussion

Mr. Welch explained that the signed contract would allow for the money to be encumbered in 2009.

Mr. Znoj would like some clarification on the photos and that any land with a structure will be photographed. The update period is believed to be the period from April 1, 2008 to March 31, 2010. The measure and list will have to be done on all properties that were sold and any new construction. Mr. Znoj also questioned if someone from Vision Appraisal is asked to appear before a court on behalf of the Town there will be a \$1,000 per day charge.

Atty. Gearreald explained that would only be if the Town requested them to attend such a hearing.

Chairman Griffin MOTIONED to Approve and Authorize the Vision Appraisal Technologies Contract for Town Wide Property Re-valuation. Mr. Bateman SECONDED.

VOTE: 5-0-0

2. Authorization of Town Manager Signing of the Recording of Groundwater Permits at Registry of Deeds.

Mr. Welch explained that the Department of Environmental Services requires the Town to file a notice at the Registry of Deeds to say that the Town Landfill is in fact a special area called a Groundwater Management Zone. Mr. Welch went on to read the notice.

Mr. Nichols MOTIONED to Authorize the Town Manager to sign the Recording of Groundwater Permits at Registry of Deeds. Mr. Bateman SECONDED.

VOTE: 5-0-0

3. Approval of the Resolution for the 2008 Abatements

Atty. Gearreald explained that there have been a number of appeals that have been sent to the Board of Tax and Land Appeals. The Town is required to attempt to meet with the appealing party to try to work matters out.

Mr. Tinker has been conducting these periodically and in front of the Board tonight is actually a deal with one particular property at 10 Westridge Road. Based on objective factors and an inspection Mr. Tinker recommends that a resolution be had which is in between what we have now and what was proposed by the taxpayer. This abatement would cover the 2008 and 2009 tax period.

Mr. Nichols MOTIONED to Approve the Resolution for the 2008 Abatements. Chairman Griffin SECONDED.

VOTE: 5-0-0

VII. Consent Agenda

1. Library Trustee – Nomination of Richard Laskey

Mr. Bateman MOTIONED to Move the Consent Agenda. Chairman Griffin SECONDED.

VOTE: 5-0-0

VIII. Closing Comments

Mr. Lally would like to bring up possible dedications of the Town Report. Mr. Lally would like to put in the name Charles Burlington who passed away last year. He was a past Public Works Director and long time resident of the Town. Chairman Griffin requested that if anyone would like to nominate someone they should contact Kristina in the Town Managers Office.

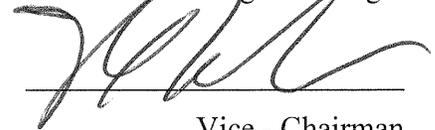
IX. Adjournment

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

VOTE: 5-0-0

Meeting Adjourned at 9:05

The meeting was adjourned at 9:05PM and the Board entered into the non-meeting with Legal Counsel under RSA 91-A:2., I., (c)



Vice - Chairman