

# Town of Hampton



## TOWN OF HAMPTON BOARD OF SELECTMEN January 4, 2010 Minutes

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

ABSENT: Richard Griffin, Chairman

7:00 PM

SALUTE TO THE FLAG

### I. Public Comment Period

John Nickerson, Chairman of Channel 22. Mr. Nickerson needs the Boards advice on the matter of two conflicting programs. They would recommend televising one and recording one. This is in regards to this month on the 19<sup>th</sup> we have the Budget Committee Meeting and the School Board Meeting. It is up to the Board to decide which one will be televised live and which one will be recorded and replayed later. It is easier to televise live from the Selectmen's Meeting Room and that is the location of the School Board Meeting.

Mr. Bateman believes that the protocol would be to televise the Budget Committee live. Mr. Znoj is in favor of the Budget Committee since it is a public hearing on the final budget and the Town will be very interested in this. Mr. Lally agrees although this is unfortunate. Mr. Nichols agrees and his rationale is that he believes the School Board Meeting is just a regular meeting. However the Budget Committee is holding a public hearing.

Charlie Preston, 47 Glade Path. Mr. Preston would like to discuss some Warrant Articles. He spoke about commercial trash and the Solid Waste Ordinance. He also brought up sharing responsibilities between the Town and DRED and whether there is a MOU with the State. He read a letter that he sent to the Director of DRED in regards to this sharing of responsibilities. He thinks that we should be proactive as opposed to reactive. He would seriously appreciate it if we could work with the State.

The Board discussed whether there actually is an MOU and no one present could confirm whether or not one really exists. Mr. Nichols mentioned that we will look into this and referred it to Atty. Gearreald. There was an additional discussion on the sewer system and whether or not the Town receives money from DRED for this.

## II. Announcements and Community Calendar

Mr. Bateman commented that as of January 1<sup>st</sup> any new construction or remodels it is mandated that you have carbon monoxide detectors. The Recreation Department has tickets available for three different Red Sox games, Foxwood trips, a shopping trip to Freeport, trip to the Canadian Rockies by train and an Eastern Mediterranean Cruise. The American Legion Magazine had a wonderful article about the Wreaths Across America.

Mr. Nichols announced that on January 12<sup>th</sup> Winnacunnet High School is hosting a community forum to raise awareness about drugs and alcohol and bullying and harassment. This meeting will take place in the Dining Hall from 6 to 8:30. The Energy Committee with Newburyport Wind Turbine and John Richey will meet on Thursday January 7<sup>th</sup> in the Selectmen's Meeting Room at 7 pm and this will be on channel 22.

Atty. Gearreald announced the public hearing of the House Municipal and County Government Committee of the NH House of Representatives this Thursday the 7<sup>th</sup> at 1 pm at the Legislative Office Building in Concord. This meeting is concerning HB1485 the act granting zoning and planning powers to the Hampton Beach Village District. This will be the opportunity for Town Officials and the public to testify on this. Mr. Nichols is planning on attending and testifying against it.

## III. Appointments - None

## IV. Minutes of December 21, 2009

Page 3: Under Social Services change the following words: "was" to "were"; "one" to "two"; "Article" to Articles"; and "it" to "both".

Page 4: Last sentence change the word "Elderly" to Disabled".

Mr. Bateman MOTIONED to approve the minutes of December 21, 2009. Mr. Znoj SECONDED.

VOTE: 4-0-0

## V. Town Manager's Report

A reminder that the Drakeside Road Bridge is being removed this week and Drakeside Road will be closed at the Bridge Monday through Friday from 7 AM to 3:30 PM each day.

January 12, 2010 at 5 PM will be the last opportunity that citizens have to submit a warrant article to the 2010 Annual Town Meeting.

Please mark your calendars for the Budget Committees Hearing on the School and Town Budget that will be held on January 19<sup>th</sup> at the Hampton Academy.

Winnacunnet High School will be holding a community forum to raise awareness regarding drugs, alcohol, bullying and harassment on January 12<sup>th</sup> from 6 PM to 8:30 PM in the School Dining Hall.

They will be holding H1N1 flu clinic on January 14<sup>th</sup> from 4 to 7 pm at Winnacunnet High School. The vaccine is available to anyone.

## VI. Old Business

### 1. Warrant Articles

Mr. Nichols provided an updated list to the Board of the current drafted Warrant Articles. Mr. Welch suggested withdrawing the Waste Storage and Disposal Warrant Article. The current list includes 25 Warrant Articles. Mr. Welch shared that they received a petitioned Warrant Article today which is an advisory question for the Town on a proposed Constitutional Amendment defining the word marriage this will appear on the Warrant.

#### Disabled Exemption

This was discussed last week and some research has been done. It is being recommended to change this so that it matches the Elderly Exemption with the minimum being \$120,000 and maintain the same asset and income level as the Elderly Exemption. Mr. Welch did some research on other Town's in the area and provided the Board with this information.

#### Salt Shed

Mr. Nichols met with Mr. Price, Mr. Welch and Steve Tilton to see if the amount can be brought down from the \$125,000. It was discussed that for the next meeting the following information will be shared the size of building, footprint, actual height, how many pounds of salt can be stored and can we build onto it in the future. Mr. Nichols is comfortable with the amount but would like to see the above information. Mr. Znoj questioned the height of the trailers for dumping and drainage situations. Mr. Znoj agrees that it is important to know how much we will be able to store.

#### Road Improvements

Mr. Nichols reminded the Board that the Budget Committee removed several hundreds of thousands of dollars from the Public Works budget mostly in the area of roads and drainage. Mr. Welch in turn adjusted the streets listed on this Warrant Article. The streets removed were Acorn, Moulton, Richard and Elaine. Mr. Welch explained that there is just not enough money to do all the streets so some had to be removed.

#### Taxi Ordinance

Still waiting for an updated version and Mr. Nichols clarified that the fees would be reduced as agreed by the Board.

#### Petitioned Warrant Article on Lyons, Francis and Williams Street

Mr. Nichols realizes that since this is a petitioned Warrant Article the wording cannot be changed but wonders if it is true that there will be no tax impact. Mr. Nichols wants to make sure that the research is being done so that at Deliberative Session the Board will know whether there is or is not a tax impact by making these public roads. Mr. Welch confirmed that the research is being done.

Mr. Welch explained that the articles will all go to counsel for review and then back to the Board.

Mr. Welch also informed the Board that by the 19<sup>th</sup> of this month there must be an RSA 338A hearing on the Fire Station Warrant Article which requires seven days clear notice. Therefore the Board needs to make a decision as soon as possible in regards to whether or not they are

going to submit this article so that the hearing can be held. The Board agreed to schedule the hearing and if need be it can be canceled. Mr. Nichols received a series of emails about the Fire Station with one being the cost estimates. There will be a meeting tomorrow night at 6:30 for the Fire Station Advisory Committee to go over the cost estimates. He thinks that what is important is that there was a substantial increase in cost from what he expected. Mr. Nichols expected based on past discussions the cost to come in around \$6M and although they have not met to discuss the cost estimates it appears that the bottom line is around \$8 to \$8.5M. This raises some questions about some strategies. Mr. Nichols will be updated and have all his questions answered tomorrow night and he wonders if the Board is comfortable with receiving answers and being ready to vote all next Monday night. Mr. Nichols would suggest that Chief Silver be on the agenda next Monday night to bring the Board up to speed.

## 2. New Warrant Articles

### Administrative Enforcement Ordinance for Violations of Town Ordinances

Atty. Gearreald referenced HB86 which enabled the Town's to enact an ordinance enforcement mechanism administratively which allows for essentially local ordinances to be administered through what has been analogized as a parking ticket type format. The Legislature also enacted provisions which the Legislative body doesn't have to enact which allows for the citation type summoning as is done with violations. This is all new and no one knows the exact form. The provisions include who needs to administer the violations and Atty. Gearreald has drafted this to be administered by the Police Department or by such other Hampton Municipal Agency or Official as designated by the Board of Selectmen. The penalty will be included in each individual ordinance. There was additional information about the enhanced penalties and what these should be but they cannot exceed \$1,000. The appeal process and where payments should be made was also discussed.

Mr. Znoj has read the article and it makes sense to him. Mr. Znoj added that it will add to the revenue stream if it is enforced. Mr. Bateman spoke about being able to issue violations against a Town ordinance and gaining revenue from these violations. Mr. Nichols questioned the enhanced penalties and wonders if they might be too aggressive.

The Board discussed if someone has some type of hardship doubling and tripling the amount is not going to help. It was agreed that something will be written in that if someone has a legitimate problem and is unable to pay the bill they can appeal the enhanced penalties portion. The enhanced penalties will be listed on the violation. It was also suggested that the appeal process should be heard by the Town Manager or his delegate.

### Selectmen's Authority to Lease or Rent Property

Atty. Gearreald explained that a statute was passed that allows the Town Legislative Body to lease or rent municipal property for up to 5 years without a vote by the public.

Mr. Nichols wonders if we want to give the Selectmen the power to go from being allowed to do this for 1 year to 5 years. Mr. Bateman feels that if you are going to rent a property to someone you hope that they are going to make improvements and giving them 5 years allows them time to make these improvements. Mr. Znoj thinks that with the instances that have come up this year 5 years would fit well.

### Renewal of the Rye Wastewater Agreement

Atty. Gearreald explained that last year there were two Warrant Articles that related to this subject. Article 43 last year set a renewal period for 5 years which was the minimal amount of time that the agreement allowed which means that the current agreement would expire in November 17, 2014. Article 44 passed which allowed the Selectmen to notify Rye that when the agreement expired in 2014 the Town would not be renewing the agreement. Atty. Gearreald's understanding is that this Board would look favorably on a renewal of the agreement when it expires. Therefore he has drafted language asking the voters if they would like to rescind the direction they gave last year to not allow another renewal upon the expiration on November 17, 2014 and instead vote to authorize this Board to renew the agreement for an additional 5 years.

Mr. Znoj is fine with this Warrant Article and supports it 100%. He has made some suggestions about revenue and no capacity problems. There was a discussion about the expenses involved however the revenue still out ways the cost.

There was a discussion as to the order of the articles. Atty. Gearreald and Mr. Welch will have the Warrant Articles in a suggested order to the Board by the end of this week for their review.

#### Other Old Business

Mr. Lally was sorry that he missed the dedication of the walkway/bridge. There will be another opening in May. This was a nice community project.

Mr. Nichols wonders if there was a follow up in regards to the parking issue on Cole Street. Mr. Welch stated that since this is a private road it is a hard thing. We really have no regulatory control past declaring it a fire lane which would mean there would be no parking on this street. Mr. Nichols feels that if we do not have any authority then we should at least get back to Mr. Sullivan letting him know this.

Atty. Gearreald reminded the Board that there will be a public hearing on the 7<sup>th</sup> for HB1485 which is the legislative act to grant zoning and planning powers to the Hampton Beach Village District. If the Board wishes for him to go and speak on their behalf he would need Board authority to speak against or in favor as the Board wishes. Mr. Nichols only question with that is that if Mr. Welch and he are attending and Atty. Gearreald has the Warrant Articles to work on maybe his time would be better spent on this. The Board agreed that it depends on Atty. Gearrealds work load and if he has the time the Board does not have a problem with him speaking on their behalf.

#### VII. New Business

##### 1. NH Used Oil Collection Grant Assistance Program Application.

Mr. Welch explained that we need to do some work on the existing facility with a total cost of \$1,900. We are asking the State under their funding for used oil collection centers to provide the \$1,900.

Mr. Lally MOTIONED to Authorize the Town Manager, the Chairman and the Vice-Chairman of the Board of Selectmen to sign the NH Used Oil Collection Grant Assistance Program Application. Mr. Znoj SECONDED.

VOTE: 4-0-0

Mr. Znoj commented that we are all happy to see the Rooms and Meals Tax for \$672,101.

Mr. Bateman brought up if we as a municipality were given the opportunity to charge an additional 1% to Rooms Tax throughout the Town what we would receive. It was discussed that the Rooms and Meals Tax is collected from the entire State and then distributed to the Town's based on population not what was collected from each Town. Therefore they cannot calculate what the 1% would equal if the Town was to have its own tax on rooms.

VIII. Consent Agenda

1. Appointment of Health Officer – Kevin D. Schultz
2. Appointment of Deputy Health Officer – Milon C. Marsden
3. Assessing Appeal Settlement Agreement – Bakman

Mr. Lally MOTIONED to Move the Consent Agenda. Mr. Znoj SECONDED.

VOTE: 4-0-0

IX. Closing Comments

Mr. Bateman commented that notes that are left in the Selectmen's boxes un-signed will not be addressed. If it is important to an individual they should sign the note and then the Board will discuss.

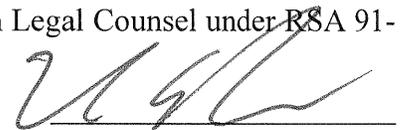
X. Adjournment

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

VOTE: 4-0-0

Meeting Adjourned at 8:25

The Board agreed unanimously to enter into the non-meeting with Legal Counsel under RSA 91-A:2, I., (c)



Vice - Chairman