

Town of Hampton



TOWN OF HAMPTON
BOARD OF SELECTMEN
February 8, 2010 Minutes

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

ABSENT: Richard Bateman

6:30PM Non-meeting with Legal Counsel - RSA 91-A:2., I., (c)

7:00 PM

SALUTE TO THE FLAG

Dan Arrgue, an Eagle scout, from Troop 177 of Hampton led the Pledge of Allegiance. The Boy Scouts of America are celebrating the 100th anniversary of scouting.

I. Public Comment Period

Gary Meyer, 4 Nersesian Way, as the editor of Hampton Open Press here tonight to discuss the many angry comments he has received on mandatory recycling. He thinks that there is a lack of a clear statement from the Town Manager and the Selectmen in regards to the specifics on enforcement and the actions that DPW and the Town Manager will take to enforce the ordinance. He thinks that the intentions were good but the execution was poor.

John Nickerson, 10 Cogger Street, was taken to Exeter Hospital by ambulance on last Thursday. He wanted to compliment the Fire Department on the job that they do. The staff at Exeter Hospital was very impressed with the job that the ambulance crew did and their exceptional skills.

II. Announcements and Community Calendar - None

III. Appointments - None

IV. Approval of the Minutes of January 25, 2010 and February 01, 2010

Minutes of January 25, 2010 - No Changes.

Mr. Lally MOTIONED to approve the minutes of January 25, 2010 as submitted. Mr. Bateman SECONDED.

VOTE: 4-0-0

Minutes of February 01, 2010 - No Changes

Mr. Znoj MOTIONED to approve the minutes of February 01, 2010 as submitted. Mr. Nichols SECONDED.

VOTE: 4-0-0

V. Town Manager's Report

House Bill 1520 regarding trash violations on the State Beach will be heard tomorrow in the Ways and Means Committee in Room 202 of the Legislative Office Building at 11 AM.

The State has paid their obligation for Highway Block Grant funds in the amount of \$53,118.95 on time and in accordance with the budget.

The Police Department has been working with residents at the Beach for some time regarding the establishment of a crime watch. The Department is hopeful of a well established program to assist the residents and summer visitors to the Beach.

The Town has been working with the Regional Planning Commission in hopes of acquiring the old Shell Gas Station at the corner of Lafayette and Winnacunnet Roads. We have reached the point where approval by the Board of Selectmen is necessary for us to precede further in this effort.

Would the Board care to have the State hold a hearing on the Taylor River Dam or just a meeting with the Board of Selectmen regarding its potential removal.

House Bill 1485 was reported out of the Municipal and County Government Committee as ITL on a vote of 14 to 4.

Thanks to Selectmen Znoj we have tentatively scheduled Pat Remick from the Coalition to meet with the Board of Monday, February 22 to discuss donor town legislation and potential financial obligations.

There will be a free H1N1 vaccine available to anyone 6 months and up at the Nottingham School on Wednesday February 17th from 3 to 6 pm.

Discussion

Mr. Nichols asked for Mr. Welch to elaborate on the Regional Planning Commission and the Shell Gas Station.

Mr. Welch explained that awhile ago they looked into whether there were Federal or State funds available to acquire this property. The property is still contaminated. He met with the State and Regional Planning Commission last week and they suggested that there are funds available for the Town to pay for the monitoring and any clean up that may be left. They also suggested that the Town ask Shell to donate the property to the Town. Therefore his question to the Board is would they be interested in acquiring it as a municipal property not for a building but to take the building down and simply make a green spot. There are funds available to take the building down and any cleanup necessary.

Mr. Nichols would like to know how much they are paying in taxes. Mr. Lally confirmed that the tanks are gone. Mr. Welch explained that Federal funds would cover the cost to monitor the contamination and the Town would not have to expend any funds because the vendor would bill the State and Federal government and be paid directly. Mr. Nichols thinks that it is worth investigating and getting all of this information in writing as discussed by Mr. Welch.

Mr. Welch commented that we will get this in writing and talk to Shell to see if they are interested in donating the property. Mr. Znoj would like to see a business there.

Chairman Griffin stated that maybe we should ask Shell to donate it or tear the property down. There was a consensus amongst the Board to have Mr. Welch move forward on this.

Mr. Nichols commented that in regards to the Taylor River Dam he feels that we should hold a public hearing. Mr. Welch explained that the State held a public hearing in Hampton Falls and now does not wish to hold one in Hampton. However he feels that the residents should have an opportunity to be heard. The Board agreed to hold a public hearing and will invite the State.

VI. Old Business

1. Authorization and Approval of the Annual Concurrence - Emergency Operations Plan.

Mr. Welch explained that annually the Board is to sign a sheet each year authorizing the Emergency Operations Plan. This is just a formality and is to be filed with the Plan.

Mr. Lally MOTIONED to authorize and approve the Annual Concurrence - Emergency Operations Plan. Mr. Znoj SECONDED.

VOTE: 4-0-0

Other Old Business

Mr. Nichols would like to follow up on a few issues that have come up over the past few weeks. He would like to know if we have heard anything in regards to Comcast and the senior discount.

Mr. Welch reported that we have heard and talked to legal counsel and it is possible to negotiate a change to the contract. This was recently done in Kensington and the proposal would be a 10% discount for seniors but certain conditions apply. In regards to how this will affect the revenue received from Comcast he was informed that there would be a rate increase for the customers who are not senior citizens to cover the loss in revenue from seniors receiving the discount.

Mr. Nichols clarified that the general public could see a rate increase if the discount is granted to seniors. It is important for the Board to understand this and see the financial impact before making any decisions. Mr. Nichols verified that we still have not heard back from the Precinct Commissioners in regards to attending a meeting and agreeing upon the MOU.

Mr. Welch stated that we have invited the precinct commissioners but have not received an acceptance at this time. Chief Silver has also asked them to attend a meeting. Mr. Nichols would suggest that someone attend the Village District meeting on Wednesday evening and ask what the status is on the MOU.

Mr. Nichols questioned there was request made for some sewer plans about a month ago and Atty. Gearreald asked for some time to do research before the Board approved this request. Mr. Welch has not heard back from Atty. Gearreald on this but he will get an update for the Board.

Mr. Nichols wonders if there is anything worth reporting on the West Side Streets. Mr. Welch does not have any reports back at this time. However the information has been given to the proper individuals to see if there are funds available from the Federal Government. The point person for this is John Nyhan who is currently working with the Senator.

Mr. Znoj commented on a letter from Jamie Steffen on the drainage issue that came up on Cassie Lane asking for the Board's concurrence on something. Mr. Welch explained that he is asking the Board to accept this road but Mr. Welch recommends that the Board does not touch this. He explained that there are three or four streets which the Planning Board is looking to the Board of Selectmen for acceptance and all of them have issues in regards to drainage. Mr. Welch does not feel that residents should be taxed for maintaining drainage on private property.

Mr. Znoj asked about the letter that the Board is being asked to endorse going out to the Precinct Commissioners in regards to taxes. Mr. Znoj clarified that this is to make sure that the properties have the correct classification as to whether or not they are commercial or residential.

Mr. Welch stated that they are providing a list of what is believed to be single family residential units. The Town is capable of doing these themselves but felt that the Precinct should be involved. Mr. Welch read the statute to the Board again to help them understand the reasoning behind doing this.

The Board agreed that Mr. Welch should send the letter to the Precinct. There was an additional discussion about the shift in taxes to the business owners in the Precinct and notification to the residents of the Precinct to be sure that their property is classified correctly.

VII. New Business

1. Scheduling of a Public Hearing for the Department of Transportation for input gathering on the Taylor River Falls Bridge Removal from the Town of Hampton – Discussed above.
2. Mandatory Recycling – The Recycling Committee and Mr. Price joined the Board.

Mr. Price explained that they have received many phone calls on mandatory recycling. Last Monday he informed the rubbish crew that they were to start tagging residents who are not recycling. He informed Mr. Nichols earlier in the week that to the best of his calculations he would say about 1/3 of the residents had been tagged for not recycling. The supervisor at the Transfer Station stated that many residents who brought in their trash over the weekend were picking up literature on recycling and stickers.

Mr. Price also brought up comments about trash blowing around on the beach since it was not picked up and when he surveyed the situation it appeared to be mostly trash barrels. He is looking to the Board for guidance on how they would like him to handle this problem. His thoughts are that if we are going to stick with the mandatory recycling then we are going to have to go through this tough period. There was a discussion of what the stickers say. Also it was mentioned that the employees are not going through any garbage the decision to not pick up someone's trash is based on noise and sight.

Mr. Znoj questioned what was done in October, November and December in regards to residents not recycling. Mr. Price stated that they put stickers on cans at that time and people who came to the Transfer Station were also notified. Mr. Znoj wonders why if trash was being stickered and not picked up starting in October why did it become such an issue on February 2nd.

Chairman Griffin commented that they may not have been as diligent back then as they have been this week. Mr. Welch commented that they may not have been as aggressive.

Mr. Lally recapped what has gone on over the past several months, the articles in the paper and the education that has taken place. He feels that it gets to a point when it is up to the resident to find out what is going on in the Town. Mr. Lally also pointed out the great job that the Recycling Committee has done. There was an additional discussion about some of the complaints that were received.

Chairman Griffin expressed some of the concerns that have been raised about what is going to happen this summer when the rentals begin.

Mr. Kepner of the Recycling Committee recapped the efforts made by the committee. He explained that a mailing was not done due to the cost involved. They had also considered using the scouts when they did their food drive in the fall but that was not possible since the scouts changed to hang tags. They distributed flyers in many different ways including the Hampton schools and Sacred Heart. There were slides on the website and channel 22. When mandatory was implemented more slides were made for both the website and channel 22. Flyers were also distributed at the Town Hall, Seafood Festival, Library, Craft Fair, Hannaford, different locations at the beach, condos and more. He also mentioned the articles that were in the Hampton Union. One complaint of the Committee would be that they were not notified ahead in a timely manner of the different stages being implemented by the Town including implementing single stream.

Mr. Kepner did also comment that the green sheet on recycling needs to be updated now that single stream recycling has been implemented. He also thinks that the letter from the Board needs to be updated. Another comment that he would like to make is that plastics be added to the list for mandatory recycling.

Mr. Welch added that we did not make plastic mandatory at this time since Waste Management will not take some types but when we go to single stream recycling with the Co-op these items will be taken. One example is that Waste Management will not take plastic bags and the Co-op will. Mr. Welch explained that we did not expect Waste Management to add the single stream recycling.

Mr. Price added that single stream should not be the problem since we were already working on recycling. There was a discussion on the timing and how it was announced quickly by Waste Management and the Town and Board jumped on the opportunity.

Mr. Nichols added that in the future the Board should make sure that the Committee is notified in a timely manner. Mr. Kepner shared the recycling stickers that are available to put on barrels.

Mr. Nichols would like to know how many people contacted Mr. Price with complaints. Mr. Price received somewhere in the neighborhood of 25 complaints. If you combine this with ones received by the Town Manager and Selectmen it was somewhere in the neighborhood of 50 complaints. Mr. Nichols also wonders how much of the responsibility falls on the Town to notify residents. He believes that many efforts were made by posting articles in the paper, signs at the Transfer Station and the literature that was made available. We also eased into this by starting in October and progressing slowly. He also mentioned that fees were not being assessed for not recycling the consequence was that your trash might not have been picked up. At this point Mr. Nichols would question if there is anything that the Board wants to change in how this has been handled over the past week.

Mr. Znoj would add that a date was never put out there that as of this date your trash will not be picked up if it contains recyclables. Mr. Nichols believes that was done by setting the October, November and December deadlines. Mr. Znoj believes that stickers should have been used stating your trash was picked up today but will not be picked up next week if it contains recyclables. Mr. Znoj does not believe a hard line was set as of this date recycling is mandatory.

Chairman Griffin commented that the trash was being picked up whether or not it contained recyclables over the last couple of months. Mr. Nichols thinks that the date has come and gone and in the future the Board will know to do things a little differently.

There was a discussion as to how the DPW is tracking the residents who received stickers and trash was not picked up. There was also a discussion as to how they would proceed in the future. Mr. Welch commented that the principal part is to get the heavy items out of the system by recycling.

Mr. Nichols thinks that there needs to be a plan for the Beach since there are many summer rentals. He does not have a solution but thinks that a plan needs to be put into place. He would suggest that maybe Mr. Lally and the Recycling Committee get together with some of the individuals who have rental properties on the beach to come up with this plan. Public Works also needs to be involved in this process. They will need to decide how to get the word out and the consequence if recycling is combined with trash.

The Recycling Committee has already been working on some ideas on how to address this issue. Mr. Nichols added that maybe this can be brought up at the Precinct meeting on Wednesday so that they can be involved.

Mr. Kepner went into more details about the changes that he has made to the recycling information sheet and the letter from the Board of Selectmen. Mr. Nichols thinks that the committee can come up with a draft and then it can be reviewed by Mr. Price and Mr. Welch.

Chairman Griffin wonders if the recycling sheet can be put with the stickers when trash is not picked up. The Board agreed that the recycling sheet with the letter from the Board was good to go and Mr. Price can choose the color of paper. It was also decided that when someone's trash was not picked up the sheet will be attached to the sticker.

Mr. Kepner stated that there is another subcommittee who are planning another Earth Awareness Fair on April 24th from 10 to 2 in the parking lot at the Academy Junior High.

Other New Business

Mr. Nichols would like to give an update on ARRA which was in a newsletter from Bev Hollingsworth. Thus far \$539M has come into the State and gone directly to the State. If you include municipalities and other entities such as university's a total of \$961M has come into the State. This is interesting since over half of the total amount went to the State of NH. This stimulus package was about jobs and this money paid for only 2021 jobs. It appears that the implementation of the program seems to have been more about balancing the State budget then it did about creating jobs.

Mr. Nichols also came across an article in the Portsmouth Herald which noted that the success of the program has been largely a partisan debate and the defining success might require eye of the beholder deciphering. So there is basically a lot going on between the Republicans and Democrats as to whether or not this was a good idea. What was very interesting according to the

Office of Economic Stimulus the City of Portsmouth received about \$13M. Mr. Nichols wonders if we applied for any funds other than Chief Silver's application for the Fire Station.

Mr. Welch stated that the only thing we were eligible to apply for was the Fire Station. One of the reasons for this is that we did not have any shovel ready projects.

Mr. Nichols did add that it appears the schools did receive about ½ million dollars with the district receiving around \$1.3M. He thinks that some time needs to be spent trying to understand this better for the future. It was also discussed that most of the decisions were made at the State level as to how the funds that were received by NH would be distributed. There was an additional discussion on how the money was spent from the stimulus.

Chairman Griffin shared that he has heard that all the funds have not yet been distributed. Mr. Nichols still feels that most of the decisions were made at the State level and therefore this is worth discussing with the legislatures in case more funds become available in the future.

Mr. Welch agrees that a lot of things were decided here in the State but the fire station funds were decided in Washington. Mr. Nichols wonders if the Board should send a letter to each of the representatives for Hampton with these facts.

Mr. Welch also pointed out that some of the reasons why Hampton did not receive funds is because a warrant article would have had to been passed allowing for the construction documents to be shovel ready for the Fire Station.

VIII. Consent Agenda – No items

IX. Closing Comments - None

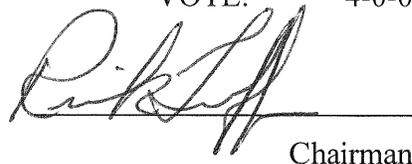
X. Adjournment

The Board voted unanimously by roll call vote to enter into a Nonpublic session under RSA 91-A:3., II., (c).

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

Meeting Adjourned

VOTE: 4-0-0


Chairman