

Town of Hampton



TOWN OF HAMPTON
BOARD OF SELECTMEN
February 22, 2010 Minutes

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

6:00 PM Non-meeting with Legal Counsel - RSA 91-A:2., I., (b)

7:00 PM

SALUTE TO THE FLAG

I. Public Comment Period

Nancy Stiles, 1 Hayden Circle, would like to respond to comments made at the last meeting about the stimulus money going to the bigger communities. She has had a conversation with the office today and was told when the money came through it was pretty much targeted to different areas. A lot of it went to education and some of it was at the discretion of the Governor and was used to back fill the budget on corrections. As to whether another stimulus is coming that is under discussion at the current time and if it does come through it will be even more structured than the last one. Mr. Nichols questioned who was doing the structuring and it is Federal Officials.

II. Announcements and Community Calendar

Chairman Griffin would like to mention that the Town of Hampton has lost a friend who was really interested and supportive of how the Town operates. Gary Meyer passed away on Saturday. He was a nominee running for a couple of different elective offices. He contributed a lot to many different committees and organizations. He will be missed. Its people like Gary that volunteer to do so much that make Hampton the Town that it is.

Mr. Znoj would like to echo what Chairman Griffin said and added that he was running for Budget Committee and Library Trustee. He was a fresh face and making an impact.

Mr. Lally agrees and announced the passing of Jack Ford. His thoughts go out to both of these families.

and it is a carryover that was in there in 2009, 2008 and 2007. This was just to make sure that the percentage amount was agreed upon and that this is not a request to expend this money.

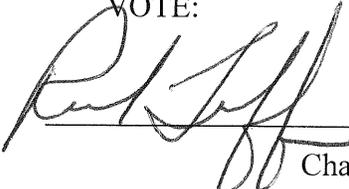
VIII. Consent Agenda – No Items

IX. Closing Comments

Mr. Bateman thanked Mr. Paquette for the statistical information in regards to the number of hits the website received last week.

X. Adjournment

Mr. Bateman MOTIONED to adjourn. Mr. Nichols SECONDED.

VOTE: 5-0-0

Chairman

Mr. Bateman's condolences go out to both families. Mr. Bateman shared some of the great things that Mr. Ford had done especially for the young people of Hampton.

Mr. Nichols commented that Gary was one of the most enthusiastic people to jump into things in Hampton over the past several years. He did not know Mr. Ford but has heard about some of the great things he has done. His condolences go out to both families.

Chairman Griffin also did not know Mr. Ford but had heard many good things. Both of these people will be missed.

III. Appointments

1. Michael Schwotzer – Financial Statements – January 2010 Income/Expense Statements.

Since this is the first report of 2010, his comments will be brief due to minimal actual expenditures and many months to go before forecasting of the year end totals can become even close to accurate. The motor vehicle income total came in at \$153.7k, which is \$43k below budget (off 22%) and lower than both 2009 and 2008. He will continue to monitor/report on this segment since it represents over 40% of the income budget and is a good indicator of the overall economy.

The expense summary shows the year to date expenses by department. At the end of January, the operating departments including debt service were 7.52% of the budget, which is lower than the month's target of 8.33%. The majority of the departments are below the target level and don't have any major issues. Some of the "smaller" line items are over the year-to-date target and these will be addressed. The Town Manager's department supplies & expense line is over the target due to processing the initial payment for the codification project which is covered by a '09 PO. In Personnel Admin the \$96k booked to the Buy-Back program occurs only once in January. In Municipal Insurance, Health Insurance came in on budget; the \$98k in Workman's Comp covers the 1st qtr and the Membership Dues are annual. The PO analysis shows that 27% of the 2009 encumbrances were paid out in January. This was due to paying out against some of the large POs in the Public Works Department.

In regards to FD OT analysis he asked the chief why in January of 2010 totals \$10,000 while in January 2009 OT totaled \$31,000. The chief provided the following answer to Mr. Schwotzer. We have kept the January OT down from last year for a number of reasons. First, in '09 we were filling shifts to maintain 8 fire personnel on duty at all time. In '10 we are filling to maintain 7 on duty until he knows what budget has been approved. The goal is to save the money in the first quarter to be able to fill the shifts during the 2nd and 3rd quarters of the year. In '09 we had one member out on extended sick leave and those shifts were filled. In '10 we have not had to fill any extended sick.

The January activity in the four revolving accounts was minimal. In fund 24 Recreation the \$20k in but the income and expense are reflective of paying ahead/collecting for 2010 trips (skiing/Red Sox games).

Discussion

Mr. Nichols pointed out that Mr. Schwotzer has looked at the 2010 budget as opposed to the 2009 budget. He wonders if the 2010 budget is not approved what we would be looking at for percentages and numbers. Mr. Schwotzer stated that we would basically be seeing a shift from the overtime lines down to Public Works. Mr. Schwotzer explained why he chose to use one of

the 2010 budgets. Mr. Nichols would also like to comment on the \$153k for motor vehicles and the fact that this is actually the lowest number in over 3 years. At this point he wonders if Mr. Welch or Mr. Schwotzer has any concerns about State revenue shortfalls based on legislation they might have seen. Mr. Welch has not seen anything yet. Mr. Nichols clarified that the buy-back program included both union and non union. Mr. Nichols wonders about the overtime in Public Works under highways is at \$32,000 for January and last year the total overtime for the year was \$64,000. This will have to be answered by Mr. Price but it is probably in relation to the weather. There was a discussion about tipping fees and accruals made by Mr. Schwotzer. Mr. Nichols would also like to suggest that in the Cable Committee fund technical support be recorded under contracted services instead of supplies & expense.

Mr. Znoj clarified that in Assessing \$79,065 has been spent of the \$195,000 under contracted services for Vision Appraisal. It was explained that the appraisal process is under way by Vision Appraisal and there is a payment schedule in place for the \$195,000. Mr. Znoj questioned the new equipment line in MIS being 56% spent already. Mr. Schwotzer explained that \$12,000 is encumbered from 2009 for a purchase made in December. Mr. Znoj brought up the expenses for the District Court building and the possibility of taking the building down. There was a discussion about the training account under crime control being 74% spent already. Mr. Welch pointed out that it is normal to incur this type of expenses at this time of year. Mr. Schwotzer added that this is for the new recruits. Mr. Znoj questioned the career incentives under fire. Mr. Schwotzer explained that this is paid in November and is moved to the EMS fund. Mr. Znoj pointed out several other accounts that a large percentage of the line item is already expended.

2. Pat Remick – Coalition Communities - Advancements on “Donor Towns”

Ms. Remick explained the new formula and how “Donor Town” will come back. Hampton is not currently scheduled to be a “donor town” but given the current economic situation with the State this could change. She explained how the formula works and the new formula. One of the big changes has to do with the Free and Reduced Meals factor.

Mr. Nichols confirmed that the numbers she is using for Hampton include the Hampton School District along with Winnacunnet.

As of July 1, 2011 even if a town is not scheduled to become a Donor again on 7/1/2011, or to receive less money (a total of 120 towns will get less), this could change if the Legislature makes a tweak in the formula OR increases the SWEPT (State Wide Education Property Tax). When the formula goes into effect it will cost the State an estimated \$70M more in FY2013 than in FY2011. The State already is covering the increased cost from FY09 to FY10-11 with \$80M annually in federal stimulus money. Where will the additional \$150M come from in FY2012. She tends to believe that the State is going to have to go back and change this formula to cover this cost. Meanwhile, municipalities are being hammered with other decreases (Revenue Sharing, meals and rooms, etc), while being required to pay higher Retirement System share. Some lawmakers contend the new formula is constitutional but the NH Supreme Court has made no such ruling. When the formula was constructed, developers had to go back and add “fiscal disparity aid” because the originally allocated far less funding to the original five Claremont lawsuit towns and other property-poor communities. Extending the transition would provide time to improve the formula. Possible Legislative changes would be changing the Free and Reduced Meals factor. The new formula provides a tiered allocation amount for every child in each school with more than 12% eligible for Free and Reduced Meals service instead just those

eligible - \$863 in Hampton because rates are below 23.99%. She showed how the Free and Reduced Meals factor would affect each of the Hampton schools. These were only estimates but the overall impact would be instead of receiving \$1,502,483 the Town would receive \$223,508 which is a difference of \$1,278,975.

The possible impact for Hampton: Hampton can raise an estimated \$6,609,402 in SWEPT in FY2012, estimated cost of adequacy \$8,808,805, State grant would be estimated \$2,199,403 but if you lose the \$1.2M and SWEPT is increased, is there enough 'wobble room' to keep Hampton out of the 'donor' column.

The current bills in Concord are: HB1664 to change Free & Reduced meals factor, part of overall budget reduction (GOP bill), HB 1674 to continue transition forever – killed last week, HB 1677 to extend it for 2 years, but no specific provision to allow Donors to retain excess SWEPT House vote 3/3, Senate Bill 462 (through 2015 – GOP bill), Senate Bill 464 (through 2013 – Democratic bill) and CACR 34 to target aid. Some of the problems with the Ed funding legislation are: this is an election year, most of Democratic majority does not want to change the formula, some towns will lose big such as Derry losing \$7M while others like Manchester and Nashua, who have a lot of votes, will gain substantial amounts in education funding and people are afraid of a legal challenge.

Ms. Remick's conclusion is there may not be substantial change this year and there is likely to be change next year due to the State's financial situation.

Discussion

Mr. Lally would like to congratulate her on all the work that she does. He wonders if she has seen anything come out of the Supreme Court that makes her lean a certain way. Ms. Remick would answer that they were pretty definite that if the legislature did not finally have something to show of the reason why they were picking these numbers out of the air for adequacy they were going to come in. She thinks at this point there is a standoff.

Mr. Znoj would like a copy of her power point presentation. He does not really understand the formula. Ms. Remick will break it up into 3 parts. In the past we had a formula from 1999 on that was based on who had the votes it was not a methodical formula. Then the Supreme Court came in and said that they had to cost it out and a lot of elements came into play with this formula such as you had to have a principal and custodian and so on.

Mr. Bateman asked how long she has been doing this. Ms. Remick has been doing this for 10 years. He spoke on how at one time he was spending more sending money to schools in other towns than he was on his own children's education. He hopes that her tenure in her position continues because her expertise is necessary to protect us.

Mr. Nichols has a question that relates to the constitutional amendment and she indicated that Governor Lynch said something to the effect that if we just got it to the school systems that needed it we would not need to raise taxes. Mr. Nichols thinks that this sounds like a logical solution and he wonders what politically is preventing this from happening. Ms. Remick thinks that sometimes the legislators forget that the State Wide Property Tax portion is coming from the taxpayers. Mr. Nichols commented that so essentially it is almost a municipal or institutional level of selfishness type of thing where there are municipalities who are getting funding under the current system but in theory don't particularly need it based on the affluence and all that but are getting it and want to continue to get it. Mr. Nichols wonders if there is something with a

constitutional amendment where that cannot take place each legislative session but every other legislative session or can that be based every legislative year. Ms. Remick explained it can be passed but it needs a huge majority from both the house and senate. Then it has a time line to get on the ballot to go out to the public. The Coalition has always said why are you not letting the people vote on this and that we cannot support any system that takes money away from one school child to another. She has heard lawmakers say it is similar to road improvements and not everyone pays the same for these costs. However she disagrees and her argument would be that a child in Hampton does not ever get to enjoy that education in Windham. Mr. Nichols stated that conceivably one could pass the legislature this year, even though it does not appear to be politically the case, that is going to happen or conceivably one could pass next year and then once it passes the legislature what is the timeframe that it moves to the voter. It would go on the next State ballot which is every two years.

Chairman Griffin thanked her for coming and all the helpful information.

3. Fred Fortin & Robert Stewart – Trash and Recycling Problems

Mr. Fortin feels that there are going to be a lot of serious problems down at the beach with the people who are not permanent residents. He hopes that we can come to some kind of conclusion on how to make recycling work on the beach. Maybe we need to be a little less restrictive on the beach.

Discussion

Mr. Lally explained that a subcommittee is being formed to discuss these issues. The first meeting will be held on March 3rd at 4 pm in the Selectmen's Meeting Room. Mr. Lally has contacted some real estate and business people at the beach. At the first meeting they want to find a way to let everyone know what is going on when they return in the spring. They also want to devise a plan through people who rent property and so that everyone is on the same page. Maybe there will be a certain location at the hotel where recyclables can be left. Mr. Lally shared some information with some of the videos that received hits on the Town's website last week and the recycling video received over 3,000 hits just last week. He also shared some information on garbage that has been tagged and some people who have been tagged multiple times. Mr. Welch shared the number of notices issued over the past couple of weeks.

Chairman Griffin also brought up the trash that is left behind and how some recycling is dropped when being emptied. He feels that there will be a need for a spring clean up.

Mr. Welch informed the Board about some repeat citations that have been issued over the past couple of weeks. There is also one commercial vendor who is refusing to recycle. He agrees that there will be a need for a spring clean up.

Chairman Griffin wonders what is going to be done to the people who are not recycling. Mr. Welch explained that their trash will not be picked up and we are working with them on recycling. If they continue to not comply they will have to be brought before the Board.

Mr. Bateman spoke about a road race this past weekend and the large number of people who attended. There was a problem with trash and recycling and how in the future something different will need to be done. He also feels that in the future when there is this type of event there will need to be some kind of traffic control on the bridge.

Mr. Znoj wonders if with the mandatory recycling are there fines in place. Mr. Welch stated that individuals can be fined up to \$500. Mr. Znoj thinks that letters should be sent so that there is a paper trail. Chairman Griffin agrees that a letter should be sent.

IV. Minutes of February 08, 2010

On page 3: second to last paragraph change the word “them’ to the following “the precinct commissioners.”

On page 6: second to last paragraph change the word “ARIA” to “ARRA.”

Mr. Znoj MOTIONED to approve the minutes of February 08, 2010 as amended. Mr. Lally SECONDED.

VOTE: 4-0-1(Bateman)

V. Town Manager’s Report

I have been in contact with the Real Estate Broker for Shell regarding the old gas station at the corner of Winnacunnet and Lafayette Roads. Shell is not interested in anything other than a straight sale of the property in a long arm sale. I have left them with the understanding that should they reconsider the position that the Town would be willing to discuss a donation of the property as a public park.

In the matter of the inquiry regarding agreements between the State (DRED) and the Town on the handling of trash at the beach. We have concluded our search and are unable to find an agreement between the State and Town on this matter. We continue to bill the State in accordance with our historic billing pattern. Only for comparison purposes a total of 7835.5 tons of solid waste was transported to the Turn Key Landfill in Rochester for the year 2009 of which the State’s portion was 82.14 tons.

The Board requested that we investigate the creation of an anti-graffiti ordinance for the Town. Our research indicates that we are unable to find a State enabling act that allows the Town to enact and enforce such an ordinance. It appears that legislation would need to be filed for the next legislative session in 2011, if the Town wishes to proceed in this area.

The Selectmen’s Office has received a request to hold a public hearing on the question of accepting Baron Road. May I suggest that the Board consider hold the hearing on March 8, 2010 during the Boards regular meeting.

The Department of Public Works reports that during the first week of notification to individuals regarding failure to recycle 1297 notices were posted with the figure decreasing to 725 in week two and 207 in week three just concluded. 72 properties have been noticed between 2 and 7 times for violations, mostly commercial or multi-family structures.

A special parade is being planned for Scott Lego, the Olympic Bronze Medal Winner to be held from 9AM to 11AM on Saturday, February 27 on Route 1 from the Hampton Falls Common to the Seabrook Town Hall. Please make note should the parade actually be held.

There is one copy of the Town report available for viewing. The report should be online by Wednesday and the remainder of the copies should be delivered to the Town Hall sometime late Friday afternoon and out for distribution on Monday morning.

Discussion:

There was an additional discussion on the fact that there is not a contract with the State in regards to the billing for trash. Chairman Griffin would suggest that Mr. Warburton come in and contribute to this conversation. Chairman Griffin shared with the Board that Mr. Warburton does a lot on behalf of the Town. The Board agreed that it would be a good idea to have Mr. Warburton and maybe someone higher up at the State. Mr. Welch will speak with Mr. Warburton and see who else should be invited.

Mr. Nichols and Mr. Lally both agreed that in regards to the graffiti ordinance they are not sure what the purpose is since it is already considered a crime under criminal mischief charge. Mr. Bateman explained that the reason for the ordinance is so that property owners will be nudged to take care of and have the graffiti removed from their properties. The reason for this is that by not removing the graffiti you are inviting more graffiti. The Board agreed to bring this up the next time the legislators come in. Mr. Welch shared some research he has done on ordinances in other communities in areas in Massachusetts.

Mr. Bateman questioned if the Town Engineer has signed off on the drainage issues that existed on Baron Road. Mr. Welch stated that we have been working with the owner of the property and there are a number of issues that still need to be addressed by this Board. There are also a number of easements over private property some of them on the backs of properties dealing with the drainage. The developer has also put underground utilities which includes street lights which would become the property of the Town. The other problem is that under the public highways statute there is a provision in the law to give layouts and rights of way with in the Town to put utilities in there is a current easement over this subdivision for the utilities that are currently there. We have asked for this to be released since under the easement if relocation of the utilities is required it would be at the expense of the Town. Mr. Welch stated that all of these things have been removed and it is up to the Board to address the street lights and drainage and after that the road is clear.

Mr. Bateman shared with the Board the long journey of Scott Lego and how in third grade he autographed an issue of sports illustrated stating one day I will be an Olympian.

Mr. Znoj commented on a letter received from a resident about someone picking through their recyclables. Mr. Welch stated that there is someone who has been coming through Town and removing all recyclables. We are watching out for this individual.

Mr. Nichols commented that the assessed value of the Shell Station is roughly around \$300,000. He found this number to be low and saw that it was purchased by Shell in 1998 for almost \$900,000. The only assumption he can make is that this leaking of the tanks is a factor in making the assessment. Mr. Welch stated that it is and the State has recorded what they call a recordation on the deed indicating that the site is contaminated and no one is going to buy it in this state. Mr. Nichols added that something does not seem right that a company can own a property do something that essentially destroys it and then have their taxes lowered. Mr. Welch explained that the problem is that the State declared it a Brownfield site so automatically the value decreases substantially.

VI. Old Business

Chairman Griffin wonders when the Election information is going to be put up on the sign in front of the Town Office. Mr. Welch believes that the Town Clerk has reserved the sign and the

information should be posted shortly. Mr. Lally believes that it is already up on one side of the board. Mr. Welch added that the electronic signs will also be put out with the information.

Mr. Bateman wonders about the Court House and Old Town Hall. Mr. Welch stated that in less the Board is going to instruct him to put together a warrant article the buildings will remain. Mr. Lally wonders if we can sell the Old Town Hall building. Chairman Griffin wonders why we would want to get rid of it since it is next to the Fire Station. Mr. Nichols would also not be in favor of selling the land. There was a discussion on the historical value of the Old Court House however this is not true of the Old Town Hall. The Board discussed taking down the Old Town Hall and will seek a legal opinion and then hold a public hearing on the topic. Mr. Znoj agrees that this is valuable land. There has been talk about taking down the Old Court House and moving it to another location such as the Tuck Museum.

Mr. Nichols asked about the power outage last Tuesday. He received a few phone calls and the outage lasted from 6:30 until 11 o'clock. In his opinion when there is an outage for this length of time and effecting this amount of people there needs to be a better way of providing information. He called the police department non emergency number and left a message but did not get a call back. He also called Unitil but did not get any further information then what the people were calling him with. Mr. Lally wonders about having a reverse 911 and Mr. Welch said that the Chief has looked into this but the State has told us that we cannot do this. There was a discussion as to the benefits of having a reverse 911. Mr. Welch added that we have also looked to the Power Plant. Mr. Nichols stated that since the State will not allow for the reverse 911 at this time he thinks that something else needs to be put into place. He thinks that there needs to be some sort of communication set up between Unitil and the Town. Mr. Lally commented that he hit zero and got right to a dispatcher when calling the Police Department. Mr. Welch stated that we have discussed with Unitil many times about something needing to be put into place. Mr. Nichols thinks that some parameters need to be set up like timeframe and the number of people that are affected.

Mr. Nichols received a phone call about the road race that traffic was stopped for 17 minutes on High Street and Alexander. Mr. Welch has spoken to the Police Department about this and the parameters were set the same as last year. The traffic is stopped for as long as it takes for the runners to go through since they are timed. Mr. Welch would suggest that in the future this be addressed when a permit is being issued by the Board. Mr. Lally agrees that we do need to look at these applications and the routes involved. The Board agreed that 17 minutes is way too long to be stopping traffic. Mr. Nichols thinks that this should be the responsibility of the Police Department when they are looking at the application. There was a discussion if it is practical to stop cars for 5 minutes and how to control the runners if you are to allow the cars to go after 5 minutes. Mr. Welch shared with the Board that someone was ticketed for pulling out of the line of traffic and passing through the intersection.

VII. New Business

1. Approve and Authorize State Aid Repayment C – Provisional SRF Project No. CS-330195-08 Kings Highway/Facility Plan

Mr. Welch explained that the Board is being asked to sign these because potentially the Town could get \$2M of additional grant money from the State.

Mr. Lally MOTIONED to authorize and approve the State Aid Repayment C – Provisional SRF Project No. CS-330195-08 Kings Highway/Facility Plan. Mr. Bateman SECONDED.

VOTE: 5-0-0

2. Approve and Authorize State Aid Repayment C – Provisional SRF Project No. CS-330195-09 Beach Area Sewers

Mr. Lally MOTIONED to authorize and approve State Aid Repayment C – Provisional SRF Project No. CS-330195-09 Beach Area Sewers. Mr. Bateman SECONDED.

VOTE: 5-0-0

3. Approve and Authorize State Aid Repayment C – Provisional SRF Project No. CS-330195-10 WWTP Improvements (Headworks)

Mr. Lally MOTIONED to authorize and approve the State Aid Repayment C – Provisional SRF Project No. CS-330195-10 WWTP Improvements (Headworks). Mr. Bateman SECONDED.

VOTE: 5-0-0

Discussion

Mr. Nichols wonders how this has changed from past SRF process and funding and the new grants versus the old grants. Mr. Welch explained that the current grant situation has been shut down by the State. Therefore people are not processing these and we have been told to put these grant applications in and when this opens back up and the funding is reapproved, which is another year away, that we will have a pecking order in line to collect that \$2M that could potentially come back to the Town. Mr. Nichols summed up that the money has been spent and voted on by the Town and this will just put us in queue when the process opens back up.

4. Parking Amendment – Amend Snow Emergency Ban Regulations.

Mr. Welch explained to the Board that they have been working hard to solve this problem uptown with parking on Lafayette Road, High Street and the High Street Parking Lot. We have come up with a system where during a snow emergency we are going to allow parking on the street where it is allowed now and in the High Street Lot. This will be allowed during the snow emergency until 9 o'clock at night.

Mr. Bateman MOTIONED to authorize and approve the Amend Snow Emergency Ban Regulations. Mr. Nichols SECONDED.

VOTE: 5-0-0

Other New Business

Mr. Nichols brought up the memo in regards to the operations assessment of the WWTP and he wonders if we might want to have Mr. Price come in to discuss this. Mr. Welch was giving them a chance to read it and thinks that it is appropriate to have Mr. Price put on the agenda.

Chairman Griffin mentioned that the Energy Committee is interested in having Channel 22 do a tour of the WWTP and Channel 22 is willing to do this. The Board agreed that this is a wonderful idea.

Mr. Znoj questioned the merit pay memo and the percentage. Mr. Welch explained that the Board had asked finance to calculate this information and that is what is in the budget for 2010