

Town of Hampton



TOWN OF HAMPTON BOARD OF SELECTMEN April 05, 2010 Minutes

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

6:00 PM Nonpublic session - RSA 91-A:3., II., (a), & (c) **Roll call vote required**

7:00 PM

SALUTE TO THE FLAG

I. Public Comment Period

John Nickerson on behalf of Channel 22 would like to request permission from the Board to purchase a piece of equipment needed for the Economic Summit. He explained the equipment needed and how it can be used to broadcast live. The cost is just under \$3,000. Mr. Znoj clarified that it would be purchased out of the revolver account.

Mr. Bateman MOTIONED to approve the equipment purchase for Channel 22. Mr. Griffin SECONDED.

VOTE: 5-0-0

Lynn Mitchell co-owner of Mrs. Mitchell's Gift Shop explained how the business has run for over 40 years and some of the hurdles this business and other businesses affected by the fire are facing. She is here tonight to ask that Title 5 Taxation Chapter 79E Community Revitalization Tax Relief be adopted by the Town in order to speed up the redevelopment of the three burned out sites. By adopting this program the community will not lose any revenue and in fact will see a tax gain over time. This is a partnership between the Property Owners and the Community to give real value in this area. Chairman Nichols pointed out that this is an agenda item.

Ann McKeon her family is the owner of the property at 275 Ocean Blvd the Surf Motel. She would just like to echo what Lynn is asking for and the importance of it for her

family's business. She gave some history on how long her family has been running a business on the beach.

Nancy Stiles would like to thank the Board for putting this item on the agenda and expressed how important this is to these Business Owners.

Lori who takes care of the Police horses for Hampton shared how everyone wants to keep the Mounted Patrol on duty. She provided the Board with a list of signatures supporting the horses.

II. Announcements and Community Calendar – See below

III. Appointments

1. Jobie Chase, NH Bureau of Public Works & Brian Warburton, DRED – North Beach Seawall Phase 3

Mr. Warburton announced members with him tonight including Deputy Chief Sawyer. Mr. Warburton informed the Board that they are now in phase 3 and the progress that is being made. Deputy Chief Sawyer has put together the change in the traffic pattern. The construction will be in place until June 25th. Mr. Chase would like to preview the traffic control plan. The actual work is from 8th and ending just past 10th street. Mr. Chase showed the Board a drawing of the plans. Chairman Nichols thanked them for coming.

2. Edward Tinker, Assessor – 2009 Abatements & Beach Tax Exemptions – Provided the Board with the first set of abatements for 2009.

Mr. Lally MOTIONED to except the abatements as presented minus the Kelly abatement. Mr. Bateman SECONDED.

VOTE: 5-0-0

Chairman Nichols asked if Mr. Tinker has any sort of status as far as the process of the beach exempt properties going forward. Chairman Nichols added that a letter was sent to the Precinct Commissioners about 10 days ago. Mr. Tinker has spoken with one of the Commissioners and was informed that the information has been passed on to their Attorney and believes that they will be getting back to us this week. Chairman Nichols asked Mr. Welch to follow up with the Commissioners on this since there is a timeframe.

Mr. Tinker would like to bring up an item under New Business the approval of current use application for Westcott, One Landing Road. He provided the Board with a map to show them the area and a form to sign to approve this.

Mr. Lally MOTIONED to approve the Current Use Application for Westcott, One Landing Road. Mr. Bateman SECONDED.

VOTE: 5-0-0

3. Michael Schwotzer, Director of Finance; Police Deputy Chief Sawyer; Fire Chief Silver; John Price, DPW Director – Finalize Budget Revision

Chairman Nichols informed everyone that tonight they hope to finalize the budget. Mr. Schwotzer has incorporated all the changes made at last week's Selectmen's Meeting. Mr. Schwotzer explained that the Offset Account is essentially being built in case there are shortfalls in the income categories. The Offset Account is now sitting at \$516,000. He has done a review of motor vehicles using numbers from the end of March and since more income was deposited in

March than expected his estimated shortfall for motor vehicles for 2010 is \$416,000. He also presented a general fund analysis with the estimated ending general fund balance. Mr. Schwotzer provided information on the Undesignated Fund Balance and the Overlay Account. Chairman Nichols explained that the Overlay is essentially a reserve against abatements for property taxes in terms of the amount this year is \$250,000 which is close to the same amount as last year. Mr. Schwotzer summed up that these are the changes that he has made based on discussions and that if the Board would like to discuss any further changes the Department Heads are here to discuss them.

Chief Silver is fine with the changes made. Deputy Chief Sawyer brought up the Detective overtime line and how they would like to see this line item brought back up to the area of \$32,000. Mr. Price has no comments at this time.

Discussion

Mr. Znoj would like to discuss the line item for Detective overtime as brought up by Deputy Chief Sawyer and he would like to see this line item brought back up. Chairman Nichols pointed out that if you add up all the overtime accounts for 2009 you come up with less than the budgeted amount. Therefore he would ask if there is any room to move some overtime money from another line item to this line item. Deputy Chief Sawyer expressed concern with doing this reminding everyone that do to the amount of rain last year they did not need to fill as many shifts and how they sent Specials home early last year. Mr. Griffin is in favor of this recommendation. Chairman Nichols explained that he expected to change some line items tonight and Mr. Schwotzer will keep track of any proposed changes so that the budget can be completed tonight. Schwotzer explained that this is a \$21,000 increase

Mr. Znoj MOTIONED that line item 4210.2.140 currently budgeted at \$9,678 be moved to \$32,000. Mr. Griffin SECONDED.

VOTE: 5-0-0

Mr. Znoj asked Mr. Price about the compost at the Transfer Station at \$18k. He did not see this in the 2008 budget but did in the 2009 and wonders where it came from. Mr. Price explained how the compost is created and is then available for the public. It was not in previous years because his predecessor had an agreement with a vendor who came in and took most of the compost with them leaving only a small amount for the Town. There was a discussion about whether or not there was a charge to the public for this and there is not. Mr. Lally did point out that they are being charged indirectly by having the \$18k in the budget.

Mr. Znoj MOTIONED to move the Cemetery budget back to \$114k as it was in the Selectmen's budget. Mr. Bateman SECONDED.

VOTE: 4-1-0(Nichols)

Chairman Nichols commented that he is going to vote against this since it is an elected body and there is about \$5 to \$10 thousand dollars that he thinks could be spent differently. He does not feel that this money should be taken from other departments in the Town.

Mr. Lally would like to comment on the Mounted Patrol and how upset many people are about this. He spoke about how this has been on the ballot before and passes unanimously. Deputy Chief Sawyer stated that it can be saved but it is all about money at this point. It was clarified that the \$41,000 was needed for training, boarding and wages. This would only allow them to be used for a ceremonial unit and it would take a substantial amount to make them a law

enforcement unit. Mr. Lally expressed that this would be really missed by many residents and he would like to see the money put back in the budget. Deputy Chief Sawyer also added that they have two riders currently who are both out of work at the time and it is not certain that they will be back by the summer. Chairman Nichols would like to comment that one of the things that he brought up was keeping the \$21,000 in the budget to maintain the horses and put together a warrant article next year to bring it up to what the unit needs in regards to training. There was an additional discussion about the horses, riders and trainers. Mr. Griffin is not in favor of putting this to the voters again since it has passed twice. Mr. Griffin commented on how he has sat here over and over again seen problems with either the horses or the riders. Chairman Nichols added that the department is going to keep all the equipment it is just a matter of not keeping the horses. Deputy Chief Sawyer pointed out that he did go up and give the required 30 day notice today.

Mr. Lally asked the fire chief if there is anything in the budget that is going to cause him to loose in regards to the upkeep at the beach station. Chief Silver does not expect to lose anything in regards to maintenance at the beach station if the budget presented tonight is passed. Chairman Nichols pointed out that this line item went from \$12,000 in the default budget to \$20,000 in the revised budget tonight. He will not be able to repair everything in the building but it does get them going in the right direction.

Mr. Griffin wonders when a cause of the fire will be determined. Chief Silver stated that the decision will probably be seen from an insurance agent before you do from the fire department. The reason for this being that a decision cannot be made by the department until they are sure it is something that can stand up in court.

Chairman Nichols brought up tipping fees and he has spoken with Mr. Price and feels that this line item can be decreased by 9%. Chairman Nichols stated that the new amount for this line item would be \$566,138. According to Chairman Nichols calculations the net impact of the changes made tonight is about \$3,000. Chairman Nichols provided a summary of where they were when this started to where they are now. He commented that if they had sat back and done nothing the municipal tax rate would have been raised from \$6.41 to \$6.68.

Chairman Nichols asked if there were any estimates of what the Town would be receiving from FEMA for the past storms. Chief Silver stated that there will be a meeting next Monday on what will be reimbursed. Chief Silver does not have the number with him tonight on what will be submitted by the Town.

Chairman Nichols MOTIONED to approve the revised budget as communicated to the Board by Mr. Schwotzer adjusted by roughly \$21,000 increase in Crime Investigation overtime in Police, \$12,190 increase in Cemetery and roughly \$28,000 decrease in Solid Waste Tipping Fees. Mr. Lally SECONDED.

VOTE: 4-0-1(Bateman)

Chuck Rage commented to the Board that the Commissioners and their attorney had gone over the letter from the Assessing Department and are fine with that letter being sent out.

Chairman Nichols asked if Mr. Price could give an update on the flooding before he left. Mr. Price commented that it has been a wonderful week and they have been able to help a lot of people. He has given a copy of the master drain plans to the engineer for Cogger Street and High Street and will probably have more information for the Board next week. He gave some more information about some of the problems on Cogger Street. In regards to High Street the homes

are built in a swamp land and he is not sure what we are going to be able to do. This is why we needed to get a professional engineer in to look at these problems. Chairman Nichols clarified that he will have something for the Board in two weeks when he gives his report.

4. Norman Silberdick – Tide Mill Road Classification Issue and Opening of the Gates.

Mr. Silberdick and other neighbors are here tonight to get an update from the Board on where this item stands. Mr. Welch stated that Town Counsel is working to execute deeds because there needs to be a transfer of land in order to consummate the vote at Town Meeting. He has approval from one property owner but the other is a condominium unit and we do not have approval from all of those owners yet. Once this process is complete a petition can be brought to the Board to lay out Hardardts Way as a public highway and if they decide to do that the gate can be opened. Mr. Silberdick wonders who would be submitting the petition. Mr. Welch stated that it could be submitted by the Board itself or it could be submitted through Public Works. There is a specific legal document that has to be drawn and it is very technical. Chairman Nichols pointed out that the Board of Selectmen has it under their authority as opposed to needing a vote at Town Meeting. Chairman Nichols added that if the Board is supportive of opening the gates it would probably be sometime this summer. Mr. Griffin added that he has always been in favor of this. Mr. Lally also does not have a problem with this.

5. Vic Lessard, Ken Lessard – Issue of Flooding

Mr. Lessard gave some history about the drainage issues throughout Hampton. He also spoke about how you can learn things from books but experience is what really counts. He feels that trust is really lacking in this Town now. He spoke about the flooding that takes place at his units off of Route 1. He wonders why things were not done right by the engineers in the beginning. He thinks that they should get someone who knows the Town to do these jobs. He asks the Board why don't we do it and do it right. He wonders what he should do. Mr. Lally commented on Mr. Lessard's question, in that he understood the answer of the question of "what" Mr. Lessard should do, which is something that Mr. Lessard does not want to do and that which is to sue the Town. Mr. Lally is not recommending to Mr. Lessard that he sue the Town. Mr. Lessard stated that he does not want to sue the Town and if he did he would want to see people replaced.

Discussion

Chairman Nichols clarified that the impact of the flooding from this storm was worse than in 2006. Mr. Lessard stated that it can all be fixed but it is going to cost money. He explained how the water needs to go under the tracks not over like the Town currently has it going. Chairman Nichols wonders if Mr. Welch agrees with the solution Mr. Lessard is giving.

Mr. Welch agrees that a culvert does need to be put in and direct the water to another outlet. Mr. Welch thinks that the solution is multi faceted one of the things that we need to do is we have a 1986 Master Drain Study that needs to be updated, need to put in a phased program to eliminate these three problem areas discussed tonight and we need to incorporate those drains into a master drain system. This is a big problem and is going to cost a lot of money. His feelings are that it should be done in phases starting now.

Chairman Nichols brought up a Hazard Mitigation Grant Program that goes beyond the FEMA reimbursement with the intent being to be proactive and address future problem situations. He wonders if some of these major problems could apply to this. Mr. Welch believes it can

provided that we have a proper engineering plan in place. Chairman Nichols agrees that a phased program is necessary.

Announcements and Community Calendar

Mr. Lally mentioned the passing of Janet Reynolds and the wake will be held on Wednesday at Grey's Funeral Home from 5 to 7 with the funeral service on Thursday at Our Lady of the Miraculous Medal at 10.

Mr. Bateman expressed condolences to Janet Reynolds family.

IV. Minutes of March 29, 2010

Page 1: Remove the double "that the".

Mr. Bateman MOTIONED to approve the minutes of March 29, 2010 as amended. Mr. Znoj SECONDED.

VOTE: 4-0-1 (Lally)

V. Town Manager's Report

The Department of Public Works will be conducting the annual curbside leaf collection during the week of April 26, 2010. The Department will collect yard wastes (leaves, grass clippings, pine needles, etc) at curbside during the week of April 26, 2010 on your regular rubbish collection day. Materials must be placed in either biodegradable paper bags or loose in trash barrels and free from any trash or paper products because the materials collected will be composted. Twigs, branches or brush may only be taken to the Transfer Station and will not be picked up this time.

The Department of Public Works continues to work on flooding in various areas of the community. The most severely affected areas include Cogger Street and High Street. We are actually force pumping the water from the Cogger Street area but relief will take some time because the ground water is higher than the land surface. The Department is actively working on a long term solution and the Director has a request tonight regarding that objective.

The President has declared a major disaster for Rockingham and 5 other counties in New Hampshire. The amount of damage to personal property does not rise to the level required by Federal law to allow FEMA assistance to individuals only to governments.

There is an attempt to scam small businesses to make the complete grant applications. Please note that SBA does not send people out to the businesses that you must contact them to make your application.

The Garden Club has contacted the Town and they would like to use this lot for their sale.

VI. Old Business

1. Approve Letter RE: The Hampton – Rye Treatment and Disposal of Wastewater Agreement per 2010 Town Meeting Article 20

Chairman Nichols commented on the letter that the Board received.

Discussion

Mr. Znoj wonders about the additional five years being on the same terms. He wonders if the terms could be made a little better for the Town. Atty. Gearreald explained that the Town

Meeting voters took away the Selectmen's authority to deal with the sewer and that is why the terms remain the same. Mr. Znoj wishes that he had known this before the vote this year.

Mr. Znoj MOTIONED to approve Letter RE: The Hampton – Rye Treatment and Disposal of Wastewater Agreement per 2010 Town Meeting Article 20 and grant permission for Mr. Welch to sign. Mr. Griffin SECONDED.

VOTE: 5-0-0

2. Committee Appointments

Chairman Nichols explained that Kristina has been working with the committees to put together a list of those applying and being appointed to the committees.

Appointments to the Municipal Records Advisory Committee – No term expiration
Town Clerk – Jane Cypher
Treasurer – Ellen Lavin
Tax Collector – Donna Bennett
Assessor – Edward Tinker
Systems Engineer – Paul Paquette
Selectmen Bateman is the BOS representative to this committee.

1-year appointments to the following Boards and Committees – 2011 Term Expiration
Richard Laskey, Library Trustee, Alternate
Susan Kepner, Recycling Education, Alternate
James Steffen, Seacoast Metropolitan Planning Organization
Warren Bambury, Seacoast Metropolitan Planning Organization

2-year appointments to the following Boards and Committees – 2012 Term Expiration
William Lowney, Cable Committee, Alternate
James Potter, Energy Committee
Richard Reniere, Heritage Commission, Alternate
Antoinette Trotzer, Recycling Education
Charles Preston, Recycling Education

3-year appointments to the following Boards and Committees – 2013 Term Expiration

Brian McCain, Cable Committee	John Woodbury, Lease Land Real Estate
Charlie Tyler, Cable Committee,	Richard Reniere, Mosquito Control
Thomas Harrington, Cable Committee	Jill Gosselin, Recreation Advisory
Ellen Goethel, Conservation Commission	Charlene Macdonald, Recreation Advisory
Nathan Page, Conservation Commission	Mark McFarlin, Recreation Advisory
Peter Tilton, Jr., Conservation Commission	Jane AnsaldoChurch, Recycling Education
Richard Desrosiers, Energy Committee	Dennis Kepner, Recycling Education
Maryanne McAden, Heritage Commission	Theresa McGinnis, USS Hampton
Bonnie McMahan, Heritage Commission	Brian Warburton. USS Hampton
Roger Syphers, Heritage Commission	

5-year appointment to the following Committee with 2015 Term Expiration
Arthur J. Moody Leased Land Real Estate Committee

Mr. Lally MOTIONED to approve the list of appointments as stated above. Mr. Bateman SECONDED.

VOTE: 5-0-0

Chairman Nichols would also like to mention that there are 2 vacancies on the Highway Safety Committee, 2 vacancies with the Leased Land Committee, 1 vacancy for an alternate for the Rec Advisory Committee, 2 alternates for the Recycling Education Committee and 2 alternates to the Energy Committee.

VII. New Business

1. Approval of Current Use Application – Westcott, One Landing Road – discussed above under Appointments.

2. Approval of Settlement Agreement

Atty. Gearreald explained that this is a matter involving two individuals and the Board has already agreed in Non Public Session to approve this settlement agreement. The Manager needs to be authorized to sign and carry out this agreement.

Mr. Znoj MOTIONED to authorize Mr. Welch to sign the settlement agreement. Mr. Bateman SECONDED.

VOTE: 5-0-0

3. Approval of the Recycling Letter to Residents of the Beach

The letter was put together by the Recycling Committee. There was a consensus amongst the Board to send this letter out.

4. Adjustments to values for the 2010 Fire Damaged Properties at A Street and Ashworth Avenue

Chairman Nichols explained that they received many concerns about the values of these properties on the beach. Chairman Nichols explained that April 1st is a critical date in regards to the tax year and valuing properties. Chairman Nichols explained that as of April 1st the value had to be set in regards to the buildings on the property and since there were no existing buildings on that date there will not be a value on the tax bill for the building. The tax bill that they receive will only be on the value of the land therefore this will not be an issue for the 2010 tax year. Mr. Welch commented on the legislation on the adoption of the Community Revitalization & Tax Relief Incentive Program is confined in this Town to a vote of the Town Meeting. Therefore a warrant article would be needed to be submitted and voted on by the public. There is a long list of what needs to be done by the Board if this legislation is adopted. The warrant article would need to be very specific. Chairman Nichols shared his interpretation of how this legislation works based on the old value of the building and the value of the new building lasting for 5 years. It was discussed that this can be addressed in 2011 at Town Meeting. Chairman Nichols wonders if this would cover these owners since the buildings do not currently exist. Mr. Welch does not think that this would be a problem. Chairman Nichols is for this since it requires Town approval and is not in the hands of the Board. The warrant article can be put forward by the Board or as a petitioned article. The Board agreed that they would put the article forward.

Other New Business

Mr. Welch would like to know when the Board would like to meet with the Precinct Commissioners. The Board agreed that as soon as they could come would be best. Mr. Znoj thinks that all the necessary individuals be present such as Atty. Gearreald and Chief Silver.

Mr. Welch commented that since they did not fund the horses he would like permission to see through the Chief of Police about adopting these horses out to acceptable homes as opposed to putting them out for sale. There was a consensus amongst the Board that Mr. Welch should go forward with seeking adoption of the horses.

VIII. Consent Agenda

1. Amend Article 5 Parking Regulations Section 3 and 6
2. Parade & Public Gatherings License – Rotary of Hampton 5K Road Race
3. Declaration of Surplus Property – Fire Department
4. Street Closure Request – Cranberry Lane to Briar Road
5. Use of Town Offices Parking Lot for the Garden Club Flower Sale – May 23, 2010

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

VOTE: 5-0-0

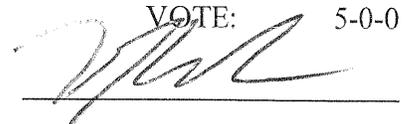
IX. Closing Comments

Mr. Bateman would like Mr. Welch to work with the Department Heads in regards to setting up an auction.

X. Adjournment

Mr. Znoj MOTIONED to adjourn. Mr. Lally SECONDED.

VOTE: 5-0-0



Chairman

