

Town of Hampton



TOWN OF HAMPTON BOARD OF SELECTMEN April 26, 2010 Minutes

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

6:30 PM Personnel Matter – Nonpublic session RSA 91-A:3.,II.,(a) **Roll call vote required**

7:00 PM SALUTE TO THE FLAG

I. Public Comment Period

The resident of 200 Mill Road spoke of the flooding problems in this area. He believes that when the house was built on the lot next to his the water table was changed. Mr. Welch explained that some of the reason for this problem has to do with the culvert across the street. Mr. Welch went on to explain how the water runs in this area and how replacing the pipe in this area could solve a lot of the problems they are having.

John Gebhart, 4 Bailey Ave, would like to comment on HB 1461 which has to do with the sale of martial art weapons. He spoke about being a victim of an attack by one of these weapons and he will be attending a senate hearing on Thursday. Chairman Nichols stated that the Board will wait until HB 1461 passes before they work on writing an ordinance. There was a consensus amongst the Board that Mr. Bateman will be going on Thursday to testify on behalf of the Board of Selectmen.

II. Announcements and Community Calendar

Mr. Griffin explained that the donations for the Mounted Patrol should be made out to the “Friends of the Hampton Mounted Police” and sent to in care of “Friends of the Hampton Mounted Police”; Kennedy and Laroso, 333 Ocean Blvd, Hampton – the Lighthouse Store.

Mr. Bateman commented that there is going to be a food campaign associated with the National Association of Letter Carriers on May 8th leave any non-perishable items to be donated next to your mailbox.

Chairman Nichols would like to make everyone aware that former Town Clerk Jane Kelley passed away last Tuesday. The Board had a brief moment of silence for Jane. Members of the Board shared some fond memories of Jane and spoke of how she had her own wake 5 years ago. There will be a service on Saturday at the chapel behind her house.

III. Appointments

1. CIP Update – Tracy Emerick, Chair CIP & Mark Loopley, Chair Planning Board

Chairman Nichols explained that he was the catalyst for this meeting tonight. He would like to discuss what he sees as somewhat of a disconnect of some of the financial aspects of what is on the CIP and what actually ends up getting implemented and what people are willing to afford. He shared an example of the fire substation plans in 2006 made by a committee and in 2007 substation plans of double the size proposed by the former Fire Chief. In 2009 the Town number for the CIP was actually 38% higher than what was actually done. He believes there is clearly a place for planning for capital expenditures but if there was a little more discipline not so much as from a standpoint of what gets on the report but more in relation to the cost. He thought that maybe if the Selectmen could get together with the members of the Planning Board responsible for the CIP they could improve it.

Mr. Emerick responded to the example given and stated that the plan for the fire station made by the committee never made it to the CIP committee and the only thing that came to the CIP committee was the plans from the former Fire Chief. Mr. Emerick explained that the CIP report is much more of an administrative document as opposed to an authoritative document. Mr. Emerick gave some information of the members that make up the committee and how if a department head says they need something than that item is added to the report. He also pointed out that the CIP can be handled by the Selectmen and if the Board wants to make it an authoritative document then it kind of has to be handled by the Selectmen.

Chairman Nichols thinks that it would be better if the report got closer to needs than wants. Mr. Welch added that the program should be one of needs documented, established, well thought out needs not something that is a general shopping list of things that would be nice. He would tend to agree with Mr. Emerick in the fact that if this is the way it is to be done then it would need to be done by the Selectmen. Chairman Nichols commented that since the school is included in this CIP report he does not feel that it is something that can be done by this Board. However he would like to know if the Board could somehow be included in the loop when the list is being put together for the CIP report.

Mr. Emerick pointed out that there is a member of the Board on the CIP so they could bring back the list of what the Board sees as needs. Chairman Nichols wonders how he would feel if the Selectmen representative was to bring back to the Board the report for review before it is put into final copy form. Mr. Emerick stated that would be fine with him. The process starts in May.

Mr. Znoj thinks that if a line item is added it should be only added if the item will cripple the department. Mr. Emerick stated if the Board wants to do this that is fine with him. Mr. Emerick summarized that they would take the preliminary report and forward it to the Board and then the Board would prepare the final.

Chairman Nichols MOTIONED to appoint Mr. Znoj as the Selectmen Representative to the CIP.
Mr. Lally SECONDED.

VOTE: 5-0-0

2. Brad Jett & John Nickerson – Channel 22

Mr. Nickerson explained to the Board that he and Mr. Jett are here tonight to purchase three items. The three items are a camera for \$2,633 to be used at the Town Office, analog meter

complex compact TV \$7,208 for the Beach Precinct and lastly a shore mixer/portable microphones for \$6,629 for the Beach Commission. The total for these three items is \$16,470.

Discussion

Mr. Znoj wonders if these items were bid out. Mr. Jett explained that they should have another quote that he got online to show a comparison that their vendor is competitive. Chairman Nichols added that the last time a request was made by Channel 22 he did some comparisons of his own online and found that the prices with their vendor were similar. Mr. Znoj would like to know what this is going to do to the fund and Chairman Nichols questioned if this is the only large capital purchases for the year. Mr. Jett explained that in a perfect world this is what they would like but if they have to make concessions and not purchase all of these items then that can be done. He broke the purchases down further for the Board sharing the components of each of the quotes and some of the items that are more of a necessity than others might be. They confirmed that yes this is the only major capital purchase for the year.

Chairman Nichols explained that the question he raised in an email to Mr. Schwotzer was that looking at this fund and if we continue at the current run rate it appears that this fund is going to be run down to around \$6,000.

Mr. Nickerson explained that he spent the morning with Mr. Schwotzer working out a budget. The major expense being the consultant fees for Mr. Jett which was approved by the Board for \$35 an hour for 20 hours a week. A lot of his time has been used with the change from analog to digital. Mr. Nickerson believes that the cost are beginning to level out and possibly even decreasing. Mr. Nickerson also pointed out that the Board has asked the committee to tape additional meetings which have increased expenses. The average cost to run a meeting in this room is around \$105 which includes two people for 5 hours. To hold a meeting at another location the cost is \$350. This is one of the reasons he prefers that the meetings be held at this location. Chairman Nichols clarified that a lot of the run rate had to do with consulting fees that were high last year due to the conversion.

Chairman Nichols would like to know what Mr. Nickerson and Mr. Schwotzer came up with a balance in the fund at year end after preparing a budget. Mr. Nickerson believes it to be in the \$12,000 range. Mr. Jett shared how back in 2008 they were recording maybe 3 wrestling matches and 2 basketball games and this year they are taping between 2 and 3 games a week. He also agrees with Mr. Nickerson in the increased cost when things are not done on site.

Mr. Jett thinks that when we look forward to cost we need to take this into consideration and if something can't be done here than we need to start to say no. Chairman Nichols stated that we have two issues here tonight the first being the approval to spend the \$16,000 and the other being looking at the revenue and expenses for the future of the fund. Chairman Nichols commented that the spreadsheet he received from Mr. Schwotzer today showed an ending balance for the fund at around \$35,000. After seeing this budget and the fund balance Chairman Nichols would be in favor of approving the expenses.

Chairman Nichols MOTIONED to approve the capital purchase in the amount of \$16,470 for Channel 22. Mr. Bateman SECONDED.

VOTE: 5-0-0

Chairman Nichols added that even though the fund balance has dropped considerably since 2008 it has been for the best and in the future it will be important to watch expenses and look for ways to increase revenue.

Mr. Griffin commented on the fact that Channel 22 is being asked to do a lot of things and that we need to prioritize what is being done. Maybe in the future we might want to look at how many games can we afford to tape in a year. He would also suggest that the Hampton Beach Commission should be taped here. There was an additional discussion about conflicts in meeting times and that is why sometimes there needs to be a second location. Mr. Griffin will discuss with the Commission if it is possible to hold the meeting at the Town Office.

Chairman Nichols suggested that maybe when looking at 2011 starting at a reference point of what they are taping now and the cost for each event. Then we can look at this and see where we should go and what events will broadcast. Chairman Nichols pointed out that the slide stated the need for volunteers and maybe it should be added that they are paid a stipend.

Mr. Lally reminded everyone of the scholarship that had been offered in the past and suggested that this might be something that they do again. It might encourage students to volunteer with the expectation that a scholarship could be in their future.

3. John Price – DPW Departmental Update

Mr. Price provided the Board with his 1st quarter report. The department has begun today the annual spring yard waste collection. Many man hours were expended during the storms in February and March. Repairs have been made to pump stations from the storms. The sewage treatment plant was pumping between 13 and 15 million gallons a day during the storms. Recycling and trash for the 1st quarter trash down to 1214 tons and recycling up to 527 tons. Mr. Price suggested that his report be posted on Channel 22 and the Town website.

Discussion

Mr. Griffin stated that there is a problem at Osborne Terrace and Ocean Blvd where the Dunkin Donuts/McDonalds was. There have been numerous numbers of trash bags and recycling at this location. He believes that this is a sign of the problems that we will have in the summer since this appears to be left by renters. He thinks that something needs to be done by Public Works such as notifying this landlord.

Mr. Price and Mr. Welch both stated that they have not been made aware of this problem. Chairman Nichols believes that we know how we are going to handle the beach in the summer and that is we are not going to leave it behind. Chairman Nichols thinks that we need to first identify someone who is a chronic offender, second Mr. Price should go down and talk to the individuals and lastly if it continues it should be brought to the Board to decide what step will be taken next in regards to a fine. Mr. Price will take a look at this tomorrow. Atty. Gearreald will have to draft a letter to send to these individuals as a follow up to Mr. Price visiting them.

Mr. Lally was asked about how the committee stands in regards to enforcing recycling on the beach during the summer. Mr. Lally updated the Board that a letter has gone out and has received a lot of positive responses.

Chairman Nichols would like to comment on the recycling numbers for the 1st quarter and the jump from 21% in 2009 to 30% in 2010. Mr. Price commented that you will see the recycling budget line has been overspent and he will need to purchase more recycling bins.

IV. Town Manager's Report

The ground breaking for the Redevelopment Project at the Hampton State Park will be held at the Marine Memorial at 11 AM on May 5, 2010

The Economic Summit will be held on May 5, 2010 from 2 PM to 5 PM at the Ashworth Hotel.

Please remember that the April leaf collection program started today. Be sure to place your leaves, pine needles and grass clippings for pickup the same day as your trash in biodegradable paper bags or loose in barrels.

Please member to register your dogs before May 1st to avoid fines and penalties. If you have lost your dog during the past year, please notify the Town Clerks Office so that you may be taken off of the dog list.

Please remember to make your calendars for Household Hazardous Waste Day, Saturday, May 22, 2010 to be held behind the Hampton Old Town Hall Building on Winnacunnet Road from 9 AM to 12 Noon. If you have questions about what you can bring for collection please review the Town's website.

For those interested in purchasing rain barrels through the Conservation Commission joint program with Aquarion Water Company remember that you order must be received by April 30th. Order forms are available at the Town Hall. Barrels are \$75 each.

I would request that the Board appoint Michael Schwotzer as the Acting Town Manager for the dates of May 26 through May 31 and June 15 through June 20 as I will be on vacation during those periods.

There is a request that the State Park would like 17 parking spaces in the Church Street Lot for employees as they had last year.

This is the last week for people who live within the Beach Precinct to send in their form for the exemption from the residential property tax for promotional taxation. If you own a single family home/condo as long it is single family and you do not lease or rent the property then you can apply for this exemption which will lower your taxes from the Precinct. Friday is the last day that these forms will be accepted.

We have received from the State the exemption form from the Department of Revenue for low and moderate income homeowners for property tax relief. The form can be found on the State's website and must be mailed by June 30th. If you are having a problem completing the form please come to the Assessor's office and they will see if they can't help you through.

Discussion

Mr. Znoj asked for further information about the form through the State for tax relief. Mr. Welch explained that there is a statute in place that provides help for low and moderate income property owners to receive some property tax relief. It is all through the State and must be filed with the State and comes directly from the State. The form is on the State Department of Revenue site.

Mr. Bateman MOTIONED that the Board duplicate their approach from last year and provide 17 spaces in the Church Street Lot to be used by State employees. Mr. Lally SECONDED.

VOTE: 5-0-0

Mr. Lally MOTIONED to appoint Michael Schwotzer as the Acting Town Manager for the dates of May 26 through May 31 and June 15 through June 20. Mr. Znoj SECONDED.

VOTE: 5-0-0

V. Old Business

1. Sun Valley Seawall Project – Use of the Town parking lot for Construction Vehicles

Chairman Nichols stated that this item slipped by when they were here before. The Board has received a letter from Ms. Preston making this request. The contractor stated that this is only for an F-150 or other like pickup trucks and maybe a dump truck when at lunch or break. There will need to be some permits issued. Atty. Gearreald would suggest that a certificate of insurance for the business should be filed with the Town. This information should have been received by the Town already.

Mr. Lally MOTIONED to approve the use of the Town parking lot for Construction Vehicles regarding the “Sun Valley Seawall Project during the time period of April 27, 2010 to June 25, 2010 and September 7, 2010 into fall completion of the rip rap project. A certificate of insurance must be filed with the Town. Mr. Bateman SECONDED.

VOTE: 5-0-0

Nathan Page Conservation Chairman stated that when they came in for permission they were told that no heavy equipment could be stored on the dune and that they should seek approval to store this type of equipment on private property. The contractor has done this.

2. Mitigation Plan

Mr. Welch asked Mr. Price to provide the Board with information. Mr. Price explained that the mitigation is to take care of Cogger Street, Mill Road, lower end of High Street and over by the railroad tracks by Exeter Road. The Town has hired BETA Group to serve as the engineering firm. We are hoping to sit down with BETA, the Fire Chief and individuals from Concord this week.

Discussion

Mr. Znoj clarified that they will be focusing on the four areas stated above.

Chairman Nichols questioned if Mr. Welch and Mr. Price are looking for the Boards approval to use the BETA Group as engineers to qualify and come up with information on how to solve some of these problems. The estimated cost is in the vicinity of \$22,000.

Mr. Price explained that this amount is to do the study and come up with some kind of a plan to submit to the State for funding purposes. Mr. Lally added that there are some people in Town such as Mr. Lessard who have working knowledge of some drainage problems. He would ask that some of these people might be available to help by talking to the engineers and being involved. The other members of the Board felt that this was a good idea. Mr. Price stated that once they get an engineer on hand he will make sure that this happens.

Chairman Nichols would add that today he did meet with Chief Silver, Mr. Welch and Mr. Price and that by May 28th the memorandum of intent must be submitted to the State. Chief Silver is working on an update to the Hazard Mitigation Plan. Mr. Price stated that they will be meeting with FEMA on Friday about the storm damage. Mr. Page shared some further information about drainage issues and a meeting scheduled for this Friday.

3. 2010 BOS Goal Objectives

Mr. Griffin came up with four major things. They are union contracts, issues to do with the fire station, drainage issues and trash issues. Chairman Nichols asked how Mr. Griffin would describe trash issues. Mr. Griffin believes that they are ongoing and he is concerned what is going to happen in July when Waste Management walks away. Mr. Welch believes that Waste Management is going to come back with a contract. He wonders what's going to happen with recycling after July. Chairman Nichols stated that he had one of his goals as increasing recycling from 21% to 30%. Would this be something that Mr. Griffin would like to have as a goal and it is.

Mr. Znoj has several keep budget under control by maintaining a flat tax rate, new fire substation at the beach, drainage plan, progress made with collective bargaining units and keep a sharp eye on legal cost. Chairman Nichols would like to keep the goals quantitative so he would suggest in regards to the budget simply state maintain a flat tax rate of \$6.41. Chairman Nichols asked Mr. Znoj to elaborate on the beach fire substation. Mr. Znoj would like us to get on the march on this and have a substation come in at \$3M or less and start building. Chairman Nichols pointed out that in the past it has been the plan to work on the Winnacunnet Station first and then the beach however what Mr. Znoj is suggesting is to complete the substation at the beach first. Chairman Nichols does not disagree with what Mr. Znoj is saying but his objective in regards to the fire station was to develop a less costly plan for replacing the beach station. Mr. Griffin pointed out that we have to wait for the election. Mr. Griffin commented on the legal budget and that the Board has always tried to keep this under control. Chairman Nichols and other members of the Board agreed that keeping the legal budget under control is being done and should not be considered an objective.

Chairman Nichols pointed out that the Board is looking to come up with somewhere around 5 goals/objectives. In regards to drainage he had stated begin making incremental progress on drainage solutions to flooding problems with the assistance of Federal Natural Hazard Mitigation Grants. There was a discussion about updating the plan and how it was voted down in 2008. Chairman Nichols, Mr. Griffin and Mr. Lally all agreed that instead of updating the study they would rather see the focus on the problem areas and make necessary repairs. Mr. Lally has three objectives the beach fire station, collective bargaining with the six units in Town and drainage. Mr. Lally pointed out that the Town has hired a new lawyer for negotiating and believes that things will improve in 2010. He also added that the budget is always of importance to the Board.

Chairman Nichols summed up the five objectives as follows: maintain a municipal tax rate of \$6.41, issues to do with fire station planning, begin making incremental progress on drainage solutions, increase recycling tonnage from 21% to 30% and progress on union contracts.

Mr. Bateman appreciates Mr. Griffin starting out with the union contracts.

4. Tuck Grist Mill Dam & Pond

Mr. Welch provided the Board with information dating back to 1935 in regards to the Grist Mill. In the 1960's the Town felt that the dam and the Grist Mill needed to be rebuilt and they applied to the State. The State wanted additional information which the Town did not provide them with. They applied again in the 70's with nothing happening and here we are now. Mr. Welch thinks that since we have been talking about drainage it is important to note how the water flows into the Grist Mill. We have to find a way to determine what needs to be done here on High

Street and the Grist Mill. Mr. Welch stated again what the State requires for repairs. There are a number of things that have to be done and we will have to talk to the State. He shared some of the repairs and excavation that will need to be done according to the State. The dam is a relatively small dam. Mr. Welch shared some more information about how things drain into the Grist Mill and the possible repairs that must be made. We have to be capable of lowering the water without disturbing the road way. There is a lot of work to be done and he has instructed Public Works to remove the tree, repair any glass and replace any shingles. The big thing here is to get a reputable engineer in to give us a composite picture of what needs to be done in order to remove the keystones at the beginning of the spill way and return this to a brook or fix it up so it will remain a pond with a control device. They are not inexpensive options. The cost for the engineering study on the Ice Pond was \$10,000.

Discussion

Mr. Griffin read a letter from August 2009 from the NHDES. The letter contained findings made by the State after completing an inspection. Mr. Griffin thinks that it is important to realize that this has been owned by the Town since the early 60's. Mr. Griffin thinks that we need to develop an operation maintenance and response plan for the dam. He thinks a study is probably due.

Mr. Znoj commented that it looks like the State is not telling us exactly what to do but instead asking for the Town to submit plans of what we wish to do for them to comment on.

Chairman Nichols thinks that the things listed in the letter from the State can be done. He would like to get some information from an engineering firm with some suggestions. Chairman Nichols thinks that one of the first steps is to have a study done and provide the information to the Board. Mr. Welch stated that it would be nice if they narrowed the scope down so that he would know if they want to restore the dam or leave it in its current condition and not raise it. Mr. Znoj and Mr. Griffin think that they do not know this until they are provided with some information in regards to cost. Chairman Nichols would like Mr. Price to get an estimate on the cost of a study.

Chairman Nichols thinks that we should look at some of the basic maintenance questions raised by some of the neighbors/residents of this area. Chairman Nichols thinks that some of the 17 questions asked by these abutters can be answered by the Board even before the engineering study is done. Mr. Welch stated that one thing that can be done now is removing some of the growth from the dam. Mr. Znoj brought up the many questions about FEMA funds and Mr. Welch does not believe there will be any funds since there is not any damage from the storms.

Mr. Page stated that the Conservation Committee would like to see this dam stay and they will look to see if there are any grant funds available. He believes that the cost will be around \$70,000.

Mr. Welch said that the State has complete authority but they do want to work with us. Chairman Nichols thinks that we might want to have a separate meeting to discuss the Grist Mill. Mr. Page believes that not all of the flooding problems on High Street are coming from the Grist Mill. He spoke about another drain in front of the large apartment complex that appears to be causing some of this problem. Mr. Price stated that this drain is on private property so it is not something that the Town can go in and fix.

Chairman Nichols would like to set up a separate meeting to discuss this further maybe once Mr. Price has had a chance to talk to the engineers. The Board will be sure to notify these residents who have raised some of these questions.

Other Old Business

Atty. Gearreald provided the Board with an update on research being done as a result of Article 26 passing at the Town Meeting to open the access road to the Treatment Plant off of Tide Mill Road. Atty. Gearreald has prepared some deeds and would ask that the Board sign these deeds. Mr. Griffin commented that when dealing with issues like the Grist Mill isn't the Heritage Committee somehow caught into the Grist Mill. Mr. Welch stated that they have a responsibility of the mill. Mr. Griffin suggested inviting them when we have the meeting on the Grist Mill.

VI. New Business

Mr. Lally pointed out that all the street lights from C Street up to the fire scene are out. Chairman Nichols commented that they are working on this now.

Mr. Znoj brought up the Budget Committee meeting from last week and how the same people continue to make the same arguments on items that were covered last year. He also commented on how they went after one department head by name and read court cases that are still in the process of being appealed. He thinks that the committee is out of line and there was no control. He hopes that the new Chairman will bring this under control. Mr. Lally attended the meeting as the alternate and he agrees with Mr. Znoj. Mr. Griffin watched the meeting three times and agrees with Mr. Znoj also. It was agreed by these Board members that it was not right for the Budget Committee to speak about a department head in the manner that was done especially when only one side of the story is being told.

VII. Consent Agenda

1. Proclamation – National Nursing Home Week
2. Hawkers & Peddlers License – Gerald Sterritt dba “North East Ice Cream, LLC”
3. Coin Operated Amusement Devices – Owen Carter, 29 Ocean Blvd
4. Coin Operated Amusement Devices – Jerelyn A. Gray, Casino Bldg., F Street “Funarama”
5. Coin Operated Amusement Devices – D. M. Sales Corp., 225 Ocean Blvd
6. Parade & Public Gathering License – American Lung Assoc. “Cycle the Seacoast Ride”
7. Parade & Public Gathering License – New Balance “Girls on the Run, NH

Mr. Bateman MOTIONED to move the consent agenda as presented. Mr. Griffin SECONDED.

VOTE: 5-0-0

VIII. Closing Comments – None

IX. Adjournment

Chairman Nichols MOTIONED to adjourn. Mr. Griffin SECONDED.

VOTE: 5-0-0

By roll call vote the Board voted unanimously to enter into a Nonpublic session RSA 91-A:3.,II.,(a)



Chairman