

# Town of Hampton



## TOWN OF HAMPTON BOARD OF SELECTMEN May 10, 2010 Minutes

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

ABSENT: Richard Bateman, Vice Chairman

7:00 PM

### SALUTE TO THE FLAG

I. Public Comment Period - None

II. Announcements and Community Calendar

Mr. Griffin would like to bring up one more time the Friends of the Mounted Patrol. He informed everyone how they can make donations.

Chairman Nichols announced that the second annual North Beach clean up on Saturday May 15<sup>th</sup> from 9 am to 12 noon starting in the area near the public bathrooms across from Cinnamon Rainbow.

III. Appointments

1. Kimberley Mollica – James Street Petition

Mrs. Mollica explained to the Board that she started the petition on behalf of David Griffin 9 James Street. He has hosted a Memorial Day party at his house for the past 25 years. There are people who stay on his property in campers during this time. Two years ago he was served with papers saying he could no longer do this since a neighbor complained. The campers are all located on his property and the guests are always quiet and respectful of the neighbors. Ms. Mollica decided after seeing how upset Mr. Griffin is over this that this year she would try to see if she could get some attention to this matter. She is asking the Board to allow him to have this weekend once a year.

#### Discussion

Chairman Nichols would like to know roughly how many campers there are. It was stated that there are 5 campers. Chairman Nichols asked if the Board would be overriding an ordinance by allowing this. Mr. Welch stated that they would need to call a meeting with the Board of Health Officer since it is an Health Ordinance and not a Selectmen's Ordinance.

Mr. Welch was asked to request that Kevin Schultz attend the next meeting.

The Board was in agreement that they would be in favor of this once they receive approval from the Health Inspector.

Mr. Griffin MOTIONED to allow the Memorial Day event of Mr. James Griffin with joint authorization with the Board of Health at the next meeting of the BOS on May 17<sup>th</sup>. Mr. Znoj SECONDED.

2. Richard Phillips – 1060 Ocean Blvd. “Seawall/Seawall Stair Repair Request

Mr. Phillips is seeking a special permit to repair the Seawall in front of his house. This would involve putting about 15 to 20 boulders back in place that were knocked down in the last storm. He has received the “ok” from the Planning Board and Conservation Board. He needs to access the beach by North Side Park off of Ancient Hwy. This will all be done in one day with no overnight storage.

Discussion

Chairman Nichols asked about the need of a DES permit and Mr. Phillips informed the Board that the permit is in place.

Atty. Gearreald suggested a certificate of insurance must be in place.

It was also clarified that there will be no repairs to the stairway.

Mr. Griffin MOTIONED to authorize the “Seawall/Seawall Stair Repair Request at 1060 Ocean Blvd with the submittal of the Certificate of Liability Insurance with the Town as an additional insured and the appropriate DES permits. Mr. Lally SECONDED.

VOTE: 4-0-0

3. Michael Schwotzer – Monthly Financials

Mr. Schwotzer provided the Board with his report and it will be posted on the Town website. The income for the month totaled \$472k. Of this, the motor vehicle revenue total came in at \$226k which is almost identical to the March figure. Year to date is now \$93k below budget having closed last month’s gap slightly. Other major income areas were: Interest on Taxes @ \$24k; Building Permits @\$24k; NH Highway Subsidy @ \$50k; Parking Lot Leases @ \$33k and the monthly payment from the Real Estate Trust Fund @ \$50k.

The expense summary shows at the end of April the operating departments (with debt service) were 28.3% of the budget, which is lower than the month’s target of 33.3%. In Audit Services, nothing has been billed yet for the initial field work which was done in four days by seven auditors (norm is 3 auditors over 7 – 10 days). Even though the auditors have gone back to their office, the finance group is still supplying them with analysis and back up data. Currently, there is no firm date for a preliminary draft of the audit report. In Management Information Services, regular wages will remain below the target until the recently authorized part-time tech position is filled. The person will also ease the need for OT which is currently at 49% of budget. In Municipal Insurance, Health Insurance came in on budget for the fourth month in a row. This is another of the “important” accounts due to its annual cost/impact of \$2.5M. Unemployment Compensation is a “pay as you go” for municipalities and these costs relate to the reorganization in the Assessing Dept. that occurred late last year. Uniform Pay for the full time police officers is paid out in April causing some of those lines to show 100% expended. A second round of

payments, for the returning “specials”, will occur in early summer. The Fire Department’s OT analysis showing April’s YTD cost as being \$69k lower than incurred in ’09. This gap will start to close as we enter the summer season. The billings for Building & Code Inspector’s gasoline account have been corrected and the cost is now in line with the month’s target. Solid Waste Transportation is at 20% of budget which is typically low due to the lag time in billings by the disposal company and the summer season not having started. Additionally, the impact of recycling/less materials going to the landfill is beginning to be reflected in these accounts. The Warrant Articles passed at Town Meeting are listed. A PO for the new Rescue Pumper Truck has been issued at \$539k. The warrant article was written for \$546k which was the purchase price. The difference in the PO amount is made up of two things we were able to get a ’09 engine bringing the price down by \$10,000 and then there was some additional cost involved with the EMS compartment area costing roughly \$3,000.

#### Discussion

Mr. Znoj thanked Mr. Schwotzer for the audit work and appreciates all that he does. In the finance budget and MIS budget the supplies and expenses accounts are already at 69% in finance and 47% in MIS. Mr. Schwotzer explained that in finance the reason for this is that there are contracts that are paid out in January as a onetime expense. In MIS \$4,000 of the expenses was from a PO from the prior year. The MIS expenses are driven by the needs of the users and therefore sometimes one account might be overspent and another under spent for the year. Mr. Znoj would like to know what the mapping expense is in Assessing since it is 50% spent.

Mr. Welch stated that this is GIS Mapping for the tax maps; which is required by statute. Mr. Schwotzer added that this is another one of those accounts where you only get 1 or 2 bills for the whole year. The Planning Board under contracted services budgeted \$16,500 and has spent \$11,600. Mr. Schwotzer explained that this is Rockingham Commission. Chairman Nichols added that when this was discussed at budget there was 2 pieces one for \$11,000 and the other was the balance. There was a discussion on the \$11,000 spent on the lease for the Church Street Parking Lot. Fire Prevention OT 80% spent due to the A block fire and other fires since then. Hydrants are paid twice a year.

Mr. Znoj asked Mr. Welch about the large amounts of money left for paving and reconstruction and would like to know if Mr. Price has a plan in place. Chairman Nichols referenced a letter from March that stated road reclamation and resurfacing based on 2010 budget will be limited and Chairman Nichols read off the roads. Mr. Znoj wants to make sure that the roads are done and that the money is not encumbered. Mr. Welch shared that this will depend on the weather and that would be why money could need to be encumbered. Mr. Znoj would like Mr. Price to keep the Board up to date in his monthly reports. There was an additional discussion about the roads, drainage study and possible availability of grants. Mr. Znoj would like an update on the Salt Shed. Mr. Welch stated that the bids are in and the low bid was \$150,000 but this bid included a canvas type roof. The next low bid was \$154,000. If we cannot work with these bidders we will have to go out again. Mr. Znoj thinks in general the budget looks good and the big three departments are exercising management control. Mr. Znoj would like Mr. Schwotzer to mention to Dyana in the recreation department that if a full time employee is running a ski trip their OT wages should be charged to the Special Revenue Fund in his opinion.

Mr. Lally clarified that the revenue of \$33,000 in leased parking spaces reflects what we have collected so far not the total for leased spaces.

Mr. Griffin thanked him for his report and commented that it is very easy to understand.

Chairman Nichols wonders in regards to the audit if this year we will require a special audit as we did last year when revenue from grants exceeded \$500,000. Mr. Schwotzer stated that will not be the case this year. In regards to tipping fees he would like to see some sort of report in July showing how much was spent on trash and how much went into recycling for the first half of the year. Mr. Schwotzer believes that Theresa McGinnis would have better information to prepare some sort of report for the Board in regards to tipping fees.

Chairman Nichols expressed some concerns with parking lot revenue and the fact that we have only collected \$5,000 so far this year and last year we had raised \$14,000. He also added that the line item for part time wages was raised from \$41,000 to \$50,000. He wonders what the strategy is to increase revenue. He thinks that we need to have some sort of plan in place such as if on Thursday we see that the weather is going to be nice for the weekend we need to plan to have our lots open. Chairman Nichols added that Mr. Znoj also had some questions in regards to the Recreation Department so he would suggest that Mrs. Martin come in either next week or soon to give a monthly report and answer some questions.

Mr. Lally believes that one of the problems that Mrs. Martin has is staffing since most of her help is students. Mr. Griffin thinks that it is important to have the lots open on the warm weekends but not necessarily during the week.

#### IV. Minutes of May 03, 2010

Page 1: First paragraph, seventh line; replace the word “has” with “will”.

Page 6: Second paragraph, single line; remove the wording “beach fire substation” and replace with the following “Fire Department Facilities Upgrade Plan in total”

Mr. Lally MOTIONED to approve the minutes of May 03, 2010 as amended. Mr. Znoj SECONDED.

VOTE: 4-0-0

#### V. Town Manager’s Report

I have been requested to meet with the Manager from the Town of Exeter on the 1970 Sewer Agreement for Warner Lane and Roberts Drive. I have forwarded a copy to the Board. I made note that the cost per year to Exeter for treatment of the waste water from these streets is \$2,500 and has not changed since 1970. I suspect that Exeter will be requesting an increase in that sum and will advise the Board on the meeting and any possible changes to the agreement.

We are keeping an eye of the DES’s new rules proposed for stream crossings or culvert placements for drainage. Implementation of these proposed rules could substantially increase costs to the Town of what is routine work on drainage and greatly delay work required to handle drainage. A decision by the State should be forthcoming this week. The State is suggesting that there be off sight mitigation whenever a culvert is being put into place.

Would the Board like to utilize their meeting for the Taylor River Dam presentation on June 14<sup>th</sup>? The State would use the first half of the meeting and the Selectmen the second half. The State will not hold their meeting during a Selectman’s meeting.

I have the formal letter to be signed by the Chairman on behalf of the Board to start the process for the Perambulation of the Hampton – Stratham Town Line.

## Discussion

Mr. Lally commented in regards to the 1970 Sewer Agreement for Warner Lane and Roberts Drive with Exeter he would like to make sure that there are still only the 29 properties connected since there has been a lot of development in that area. Mr. Welch spoke with the Superintendent of Water & Sewer in Exeter today and there is still only the 29 properties connected.

Mr. Lally would suggest that the State be able to hold the meeting about the Taylor River Dam on June 21<sup>st</sup>. Mr. Lally added that since they do not want to hold the meeting during a Selectmen's meeting we could allow them use of the room and show up as a citizen to ask any questions. Mr. Griffin agrees.

Chairman Nichols commented that in conjunction with the drainage meeting they had discussed putting a policy together addressing the issues of drainage such as things we are legally accountable or not legally accountable for, some of the ethical considerations and role Public Works might play in helping people with flooding issues. He would like Mr. Welch to elaborate on this.

Mr. Welch has spoken with John and Dave to see if in fact we can help people with their basements in the case of flooding. The answer was yes and they have some pumps that can be used. He is working on a formal policy so that we will be able to go in and help. As time moves along we will need to get additional pumps and small generators. He thinks the list needs to dovetail to include people with medical needs. The rest of the program deals with what are we going to do with drainage, how are we going to manage it, how are we going to put programs together, so that drainage issues can be resolved. He is going along with what the Board proposed and is doing this in a format of priority. He is having Mr. Price and his department go through the list and put it in order by priority. Mr. Welch spoke with Aquarion today and they are meeting with the neighborhood behind and they are going to clear out some of the area including the drains. There will also be a list of brooks and streams so that these areas can be cleaned and maintained. We are looking into working with the Rockingham County Corrections Department to enlist the help of workers to clean out drains. We will need to clean the catch basins and the pipes between the catch basins.

Mr. Lally agrees that there needs to be some sort of maintenance plan in place since it appears to be a problem. There was an additional discussion on areas that need to be cleaned out and that there will be a need for easements on some properties and other areas are better served without easements and just with the cooperation of the property owner.

Chairman Nichols mentioned a meeting with the State Emergency Management in regards to FEMA money and the good news is that there is money available and there will be more. The good news is that we should be able to get some of this money but the bad news is that it is about 18 months out.

Chairman Nichols wants to know the status on the generator for the Town Hall. Mr. Welch has received word that the generator and switch are in. Mr. Schultz has been out but as soon as he is back full time he along with Mr. Price and Mr. Silver will begin the work. He believes the work will be complete in the next 30 to 45 days.

## VI. Old Business

### 1. Vic DeMarco – Parking Lots and Funding

Mr. DeMarco explained that approximately 8 years ago we began to open the parking lots whenever there is a show at the Casino. The lots have also been open this season whenever there has been a warm day. Chairman Nichols reiterated that the thing that caught his eye was that there was only \$5,000 in revenue in April. Mr. DeMarco has daily reports back to 2001 and he would tend to believe that if we went back and looked at last April the weather may have been better. He has opened the lots and worked them himself on all the nice days so far this season. They have advertised and only received two applicants. They do have many employees returning from last year.

Mr. Znoj commented that they are not missing any opportunities. Mr. DeMarco did add that they have not had the man power to open the Church Street Lot and Island Path. Ideally it would be beneficial to have a few retirees to help cover the time before the students return for the summer. Mr. DeMarco would also like to explain the additional money in wages is because all the lots will be open 7 days a week, Church Street will be open on Wednesday, Thursday, Friday and Saturday night and Island Path will be open every night. There was also discussion about how the other lots in the area pay better and we have been paying \$8 an hour for the past several years.

#### Discussion

Chairman Nichols would comment that if we are having trouble finding people to work we might need to offer a more competitive level of pay which could possibly be offset by increased revenue. This is something the Mrs. Martin, Mr. Welch and Mr. DeMarco should look at. Mr. DeMarco stated that he has put in every year for increased wages and is told that there is to be no increase in wages.

#### Other Old Business

Mr. Znoj wonders if Mr. Welch has any update on the Grist Mill. Mr. Welch stated that the tree has not been removed yet. They have asked the State to come down and mark the trees that need to be removed. He believes the windows have been repaired and Public Works will continue to work on the shingle repairs. Mr. Znoj wonders where we are as to whether or not the dam should be restored or not. Mr. Welch provided some information about the water levels and the area behind the dam and flooding problems that could occur. He believes that a decision should not be made until the Board is informed as to how much it will cost to fix the dam.

Mr. Griffin wanted to ask about the bill that Ms. Stiles spoke about in regards to fines for littering at the Beach. Atty. Gearreald believes that the bill has passed and is waiting the signature of the governor. This bill allows the Town to fine people according to DRED regulations and the fines collected would be shared equally between the State and the Town. Mr. Griffin clarified that we would have to have policemen present to enforce this. There was a discussion as to whether or not this includes the beach only and it does. However the Town ordinance that passed will cover the other areas including the west side of Ocean Blvd. The State should be putting signage up to let people know of this change and once they have done so the Town will see if there is a need to put up additional signs. Police Officers will be fining people who they catch littering.

Mr. Griffin would like to discuss the televising of meetings and how it is much cheaper to have the meetings at this location. Mr. Welch agrees that it is much cheaper to tape meetings at this location. Chairman Nichols thinks that this is an item that will need to be discussed during the

budget process. A budget will need to be put together for Channel 22 taking into consideration what types of things will be televised and the revenue. Mr. Griffin would like to know if he should suggest at the Hampton Beach Commission meeting that they should come to the Town Hall for their meetings. Chairman Nichols thinks it would be a reasonable thing to request. They will need to check for scheduling. Mr. Lally would like to comment that he thinks that the taping of the sports events should continue.

## VII. New Business

1. Approval and formal Vote and Approval of 2009 Abatements – Deferred to next meeting.
2. Approval and formal Vote and Approval of 2009 Disabled Credits for the following individuals: Duprey, Jane T Hall, Brian W.; McGrade, Kevin M.; Mclean-Duhamel, Judith A. Duhamel, & James A.; Kalil, Deborah; Dabriskas, John; Fournier, Frederick M. & Joanne; Lundgren, Jon R.; Mercier, Kevin

Mr. Griffin MOTIONED to approve the 2009 Disabled Credits. Mr. Znoj SECONDED.

VOTE: 4-0-0

3. Approval and formal Vote of 2009 Elderly Exemption of the following individuals: Breen, Karin & Paul G; Hall, Ruth M.; Faro, Charles S.; St. Germaine, Jeannine G. & Roland C.; Keer, Gary C & Katherine; Brown, Glenna J & George H.; Hoffman, Thomas H.; McCafferty, Barbara A. Revoc Trust; Nicholson, Katherine.

Mr. Lally MOTIONED to approve the 2009 Elderly Exemptions and 2009 Veteran's Tax Credit for the following individual: MaGee, James J. Mr. Griffin SECONDED

VOTE: 4-0-0

4. Sherburne Drive Road Acceptance Letter to the Board

Chairman Nichols received a letter with a request for road acceptance Sherburne Drive subdivision. Mr. Welch has reviewed the request. He does not believe that Atty. Gearreald has received anything in writing from the Planning Department stating that they are done with this subdivision. Therefore this may be a little premature. Atty. Gearreald has gone over the deeds and other documents for Sherburne Drive and the roadway. There are quite a number of deficiencies in this subdivision that need to be addressed. Some of the areas that need to be addressed are: the defect in the deed for the roadway; the source deed and roadway deed are incomplete; the issue of utility lines within the roadway; location of structures; the easement given to the utility company by the contractor; and the drainage easements.

Atty. Gearreald explained the drainage easements and that they give the Town permission to go in and maintain the drains at the expense of the property owner and the Town can place a lien on the property if need be. Since this is the first of 5 roads to come up in this way the Board needs to make a policy decision as to whether we even want to accept the ability to do the work because there is a cost involved.

### Discussion

Chairman Nichols wonders if these drainage maintenance issues affect properties other than the ones in question here. Mr. Welch stated that indirectly they affect the drainage in this district and they do actually affect the individual property and subdivision. Atty. Gearreald added that the impact of non maintenance does affect the road in some cases and off-site properties.

Chairman Nichols feels that right now we have a number of issues that need to be communicated to the Planning Board and Town Planner as well as the developer. Atty. Gearreald has sent the entire report containing these issues to the Town Planner.

The Board agreed that the next step would be to set up a meeting with the Town Planner.

Other New Business

Mr. Lally was at the monthly meeting this afternoon of the Recycling Education Committee and they are looking for another alternate. Anyone interested should contact Kristina in the Town Managers Office.

Mr. Griffin wonders if any consideration has been given to Hampton's 350<sup>th</sup> anniversary that is coming up. Mr. Welch stated it has been brought up at this meeting once but no one has come forward officially wanting to do anything. There was a discussion about the 350<sup>th</sup> anniversary. The 350<sup>th</sup> anniversary is in 2013. This could end up being a way to extend the season.

VIII. Consent Agenda

1. Parade and Public Gathering License "New Hampshire Towing Association" – 05/30/10
2. License for Coin Operated Amusement Devices "Hampton Beach Amusement Corp" – 211 Ocean Blvd.
3. Street Closure Permit Request for Pine Road on 05/30/10

Discussion

Mr. Znoj would like to know the route of the NH Towing Association. He remembers one year when they went down Route 1 in front of the Miraculous Medal Church blasting their horns during a church service. Mr. Lally believes that they go down 1A to High Street down Locke Road to Winnacunnet and back down to the beach. Mr. Griffin stated that they have asked in the past that they keep it down near churches and it is a pretty tame event. Mr. Znoj's only point is that if they are going by the Church he would rather not hear the noise. Chairman Nichols suggested that we make another effort to communicate the request to keep the noise down around churches.

Mr. Znoj MOTIONED to move the consent agenda as presented. Mr. Lally SECONDED.

VOTE: 4-0-0

IX. Closing Comments - None

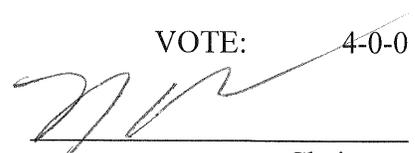
X. Adjournment

Chairman Nichols MOTIONED to adjourn the public meeting and to enter into a non-meeting with Legal Counsel under RSA 91-A:2.,I.,(b).

And;

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

VOTE: 4-0-0

  
Chairman