

Town of Hampton



TOWN OF HAMPTON BOARD OF SELECTMEN June 14, 2010 Minutes

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

6:00 PM Nonpublic session - RSA 91-A:3., II., (a) Grievance Hearing

7:30 PM

SALUTE TO THE FLAG

I. Public Comment Period

Art Gopalan, 20 Windmill Lane, would like to take a couple of minutes to discuss the contract awards. He is glad to see that a transparency is being established in the awarding of contracts. He would like to know how this becomes a policy and not just something that each Board chooses to do. There have been a lot of discussions about fire stations and since we have time between now and when warrant articles must be submitted there should be some public forums/hearings to discuss all the issues around the two fire stations. It will be beneficial to put all the information out to the public before the Deliberative Session.

Chairman Nichols would like to respond. In regards to the changes to the purchasing policy there is a formal document written for purchasing. This policy can be found on the website. Chairman Nichols agrees that it is important to get information out on the fire stations and this was done last year and will continue to be done.

Mary-Louise Woolsey commented that when she was at the Beach Precinct meeting on the 3rd Chief Silver made the comment that he was going to make sure that no more improvements be made to the beach station. She wonders if the RFP for the roof and phone system have gone out and if the phone system will be used in the new building.

Chairman Nichols stated that this will be discussed later in the meeting. Ms. Woolsey also asked where the generator is for the Town Office and Mr. Welch stated that the generator is here but we are waiting for specs on the pad where the generator will be placed. It should be in place in the next 30 days. Lastly she would like to know if some of the gentlemen who have been in

Town for many years are going to be able to share their input on the drainage issues. This is going to be done.

Mike Pierce would like to follow up on a comment made by Mr. Gopalan. There needs to be many public forums in regards to the fire stations. Chairman Nichols believes that we plan to do the same as last year and start discussing this in July.

II. Announcements and Community Calendar

Mr. Griffin attended both the Heritage Committee meeting and the Board meeting at Tuck Museum. He talked to both of these organizations in regards to having committees for the Grist Mill and the 375th Anniversary. He was contacted by Charlotte Preston who has offered assistance in planning the 375th along with some individuals from Tuck Museum. Elizabeth Akroyd of the Heritage Committee is very interested in getting a committee together for the Grist Mill. Mr. Griffin would suggest anyone interested in taking part in these two committees please contact Kristina.

Mr. Bateman announced the Hampton Area Chamber of Commerce is kicking off the 2010 summer with a whale watch Thursday June 17th from 1:30 to 6 o'clock. This is not restricted to chamber members and 80 tickets will be sold. The boat will leave from Eastman's dock and the cost is \$40 with proceeds going to the Hampton Mounted Patrol.

III. Appointments

1. Mary-Louise Woolsey – Engineering Study of WWTP Operations

Ms. Woolsey explained that she has done a little research and would like to ask a few more questions. In regards to the \$46,000 contract to CDM to study the operation of the WWTP, another no bid situation, the engineering line in the Public Works budget is \$63,000 so this is a large chunk of money coming out of this line item. She shared some information given to the Budget Committee by Mr. Price about the reasons CDM was chosen for this and did a little research herself about CDM. One thing that she did find interesting in doing her research is that CDM does have the capability of operating plants and it was stated by Mr. Price at the Budget Committee Meeting that one reason this firm was chosen was because they did not have this capability. She is curious about whether or not Mr. Price is an engineer and the reason she asks this is because she is interested in his evaluation of companies' abilities to provide the services that the Town seems to be looking for. Ms. Woolsey also went onto the nh.gov website and contacted three individuals from DES. She identified herself and explained some concerns that she has with Hampton possibly looking to privatize the WWTP. The comment was made to her that this would be a shame since this is a very well run plant. All the information is public information and the inspection reports for the past three years were faxed to her. She was informed of some small communities that have gone to privatization and how Dover went to privatization a few years ago and has gone back to a City run Treatment Plant. She read several of the reports to the Board including information about how clean the water is in Hampton. She would like to know how many of the members of the Board have looked at these documents.

Chairman Nichols explained to Ms. Woolsey that enough time has been spent on this tonight and he has listed her questions out and will attempt to answer them.

Discussion

Chairman Nichols asked Mr. Welch to respond to the bid environment, requests for proposals and the number of companies that the Town looked at. Mr. Welch explained that they looked at more than half a dozen companies and they did not go out to bid since this was the only company that does not operate municipal WWTP. They do operate plants for the Federal Govt. and overseas and they do operate private companies. CDM would not be considered to operate the WWTP in the future. Chairman Nichols asked Mr. Welch to look into the cease and assist order in Louisiana in regards to CDM. Mr. Price is not a certified engineer. Chairman Nichols is happy to hear that the State inspections have gone well. In regards to looking at these reports from the State Chairman Nichols has not but this is one of the reasons the study is being done and when that report is made available he will be studying the report.

Mr. Griffin commented that when he became a Selectmen 7 years ago one of the first issues the Board had to deal with was a problem with the WWTP. It was stated at that time this was just the beginning of many problems to come. However this has not been the case since he has not heard a squeak out of the WWTP since that one time. This is why he is in favor of a study so that the Board can find out if other things could possibly go wrong.

Mr. Lally is trying to go back and find a Public Works Director who was a certified engineer and he cannot come up with someone who was. However we have had some very good directors and this is not something that is required in their job description.

Mr. Znoj thought the study of the WWTP is a good idea and he looks forward to getting the report. He thinks evaluating departments is a great idea. He also looked at Mr. Price's resume extensively and thinks that his background is great for the job he has.

Mr. Lally and Mr. Znoj both commented that they do get the reports from the State and the departments on a regular basis.

Mr. Bateman commented that there is a lot of information that passes through their hands and they try and stay up on all the information. He thinks all of them try and stay up on a variety of different things and they come from different backgrounds.

Ms. Woolsey would just refer them to article 9 number 4 of the Selectmen's creed that states learn the backgrounds and purposes of major motions before voting.

2. Michael Schwotzer, Director of Finance – Financial Report

Mr. Schwotzer provided the Board with his report for May and it is available on the website. It will be several months before he will start to forecast end of year totals. This is due to multiple reasons including the seasonality of the larger department's spending pattern. For example, just multiplying the May numbers by a factor of two point four (12/5ths) would show a "savings" of over \$4M which he does not believe to be anywhere close to accurate.

The income for the month totaled \$366k. Of this, the motor vehicle total came in at \$236k which is \$10k more than the April figure. Year to date is now \$70k below budget (at 38.9% vs. the target of 41.7%) having closed last month's gap by over \$25k. He will continue to monitor/report on this segment since it represents over 40% of the income budget. Other major areas were: Interest on Taxes @ \$43k; Building Permits @ \$15k; Departmental Income/Misc @ \$39k and Parking Lot Leases @ \$32k. He does not have revenue from parking lots at this time but they are doing well.

The Expense summary shows the year to date expenses by department. At the end of May, the operating departments (with debt service) were 33.6% of the budget, which is substantially lower than the month's target of 41.7%. In Assessing the revaluation project is underway with the \$42k having been billed through May against the PO amount of \$195k. The volume of work and the associated costs will increase between now and mid-September when the preliminary valuations are due to the Assessor. In MIS the job description for the recently authorized part-time tech position has been completed and a "help wanted" ad will be placed next week. The hiring of this new person will help reduce overtime cost. In Planning Board when the supplies & Expense account was reviewed, a \$511 charge was found to be miscoded. This error will be corrected in June and would result in lowering the overall percentage to 46.7%. The remaining overage is explained by the annual payment to the Rockingham Planning Commission. In Municipal Insurance, Health Insurance has now come in on or slightly below budget for five months 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 of the Assessing Dept. that occurred late last year. Just a heads up the gasoline lines in all departments will be negatively impacted starting in June. The State of NH has just announced that a new annual contract has been signed with its fuel supplier. The cost for gasoline purchased from them will increase 41% from \$1.94 to \$2.74 per gallon (this is with no taxes included). We are currently looking into alternate sources to purchase gas for Town vehicles such as Hess. The Fire Department's OT analysis showing May's YTD cost as being \$50k lower than incurred in '09. This gap has started to close as we approach the summer season. The Solid Waste Transportation is at 27.7% 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.

He explained to the Board that tonight he provided a memo with answers to questions from Mr. Znoj.

Discussion

Mr. Znoj thinks that we are in excellent financial shape we are really stable and controlled. He would ask that in the future if a line item is 20% or more over spent an explanation in Mr. Schwotzer's report would be appreciated. There was a discussion about water cost increase for the Town Hall and it has to do with the 22% rate increase and the quarterly fire hydrant cost. There was also a discussion about overtime at Public Works including time in admin which goes back to March and plowing and overtime at the transfer station to help pass stickers out to the public many of which are seasonal residents and are now back in Town. In recreation overtime that is related to a trip will be put through the revolver. Mr. Znoj added that overtime in recreation is 77% spent at the end of May he would suggest that if there is a budget for this it should not be overspent.

Chairman Nichols commented that he agrees that revenue from motor vehicles is improving on a run rate basis he comes up with about \$170,000 under budgeted which is better than the original forecast amount of \$400,000. The State passed their budget this past week and in theory addressed their \$295M shortfall. One element of good news is there was a lot of discussion about lowering the State contribution to retirement from 25 to 20% and they did not do this which is good news for the Town. Chairman Nichols questioned in their budgeting for gasoline it appears that we expected an increase from the State sometime between September and October

he wonders if Mr. Schwotzer knows why this timeframe changed to now. It was pointed out that the diesel remained relatively flat.

3. Edward Tinker, Assessor – Formal Vote and Approval of 2009 Abatements

Mr. Tinker provided the Board with a spreadsheet of all the abatements not just the ones being approved tonight.

Discussion

Chairman Nichols made the observation on a bottom line basis it appears that the sum of all the abatements proposed comes to \$96,884. The overlay set aside for abatements was \$236,000. Although it is not over we are looking to be in pretty good shape.

Mr. Znoj does see some difficulties with some of these.

Mr. Griffin MOTIONED to approve the 2009-59 - Abatement Request - 39 Hobson Ave; 2009-61 - Abatement Request - 11 Merrill Industrial Drive; 2009-61A - Abatement Request - 390 Lafayette Rd; 2009-62 - Abatement Request - 110 Towle Farm Rd; 2009-63 - Abatement Request - 1 Liberty Lane East; 2009-64 - Abatement Request - 1 Mill Rd; 2009-65 Abatement Request - 241 Drakeside Rd; 2009-66 Abatement Request - 500 Lafayette Rd; 2009-69 Abatement Request - 356 Lafayette Rd; 2009-75 Abatement Request - 580 Lafayette Rd; 2009-76 Abatement Request - 6 Scott Rd, 2009-77 Abatement Request - Scott Rd. Mr. Lally SECONDED

VOTE: 5-0-0

4. Fire Chief Silver – Departmental Update & Bids

Chief Silver would like to cover a few things during his departmental update including addressing some of the things brought up during the public comment period. A quick review of some activity. This year the number of fires is slightly greater than 2009 however the severity of the fires this year is greater. He provided the Board with a summary of the fires for 2010. They hope to have the investigation complete on the Surf Motel and adjacent properties fire sometime late in July. They have responded to 785 EMS calls so far this year which is slightly lower than last year. There have been three serious car accidents with one person needing to be transported by helicopter. The employees have been busy completing many training courses and continuing community CPR classes. This year the firefighters have started a new program called Firefighters and Students Together or FAST. This program bridges the gap between firefighters and students by instilling the students with a positive role model. Firefighters have attended 2nd grade gym classes every Monday since January. This program is funded by donations and firefighters volunteering their time so there is no tax impact. The replacement ambulance ordered earlier this year should be ready soon. The pumper truck initial drawings are complete and will be reviewed. Expected delivery of the pumper truck is December.

Repairs will be made to the beach station as a result of damage done during the February storm. We have received adequate funds from the insurance company to make the necessary repairs to the roof. The RFP has gone out for this and we received 7 responses and the cost is going to be \$13,350. There will be replacement of some siding, flag pole and switch replacement to go to

generator.

Chief Silver clarified that repairs will be made to the fire station however he will not recommend

power surges the phone system at Station 1 was damaged and another insurance adjuster came out to evaluate the damage. It was determined that the system cannot be repaired and must be

replaced. Another RFP went out for this and we only received one submission back. The phone system must be compatible with the phone system that was put in last year at Station 2 on Winnacunnet Road. The proposal that they received this year was from the same company as last year who at the time was the low bidder and the amount for this year was almost identical to the one last year. Therefore he would recommend that this one proposal be accepted and the cost

5. Cliff Pratt – Town Clock Report

Mr. Pratt explained that the committee has narrowed the location down to 3 places. The committee would like the Selectmen to recommend one of the 3 locations at the end of his report tonight. They are putting the clock back together and they believe to have all the parts. He does not know how long it will take but hopes in 6 to 7 months to have some part of it running. The plans for the clock after they decide where to put it they are going to construct a building probably 14 by 12 to house the clock and will include reinforced glass sides so people can watch the clock work. This will be paid for with the \$30,000 which was donated for the clock. They will set up an auto wind system so that someone does not have to go in and wind the clock. Something for the Selectmen to consider is some form of electricity for the auto winders and to keep the clock lit until 9 o'clock at night

IV. Minutes of June 07, 2010

Page 3, Insert "Road" at the end of the last sentence first paragraph.

Page 10: Item #5 was tabled.

Mr. Bateman MOTIONED to approve the minutes of June 07, 2010. Mr. Tally SECONDED.

VOTE: 5-0-0

V. New Business

1. Bid for Solid Waste – Bid 2010-023 Recycling Collection/Transportation

Mr. Welch explained that we did go out for proposals and only had one bidder which was Waste Management. They have since given the Town an additional offer which stretches out the contract period for 2 years. The cost is still the same up in the mid \$300,000. Mr. Welch has asked Mr. Price to have his staff make some phone calls and see if we can do this work ourselves. Mr. Welch provided the Board with a proposal from Mr. Price since his staff has done the research requested.

There are a number of components in doing this work ourselves. One is the disposal of the material which could be done by Casella. Mr. Price explained that he has spoken with Casella and seen how they process the materials. They have a facility in Charlestown. If the Town was to pick up the material and put it through the compactor Casella would then charge \$270 per load

savings of about \$100,000. Chairman Nichols wonders who is going to manage this and the whole implementation of this. Mr. Price has people to do this and the job will fall onto him and one section might suffer for 30 days. Mr. Price thinks it is worth it to save \$50,000 to \$100,000 per year.

Mr. Znoj thinks that we are subsidizing the recycling program at this point.

Mr. Lally met with the Recycling Committee today and shared this information and they are concerned. We really need to make paper mandatory.

Chairman Nichols stated that with what Mr. Price and Mr. Welch are presenting here it looks like it's going to eat into that by \$100,000 maybe \$55,000. Although there is a savings he is concerned with all the things that are going on in Public Works including drainage, roads and all kinds of issues. His intuition tells him trying to do this in 12 days is not realistic. Maybe it should be postponed until next year. Mr. Welch agrees that it is a huge task but he does support bringing this in house.

Mr. Griffin commented that many people are not happy with Waste Management.

Mr. Lally thinks that we need to bite the bullet and use Waste Management for one more year.

Mr. Znoj is in favor of bringing it in house now and working through the hiccups.

Mr. Bateman commented on using part-time employees could cause additional problems since they will be pounding the machines unlike the fulltime employees who take care of the equipment. He would like to know if Mr. Price is looking at the fulltime crew or the part-time crew. Mr. Price personally would want the fulltime crew and that is the only way that Mr. Bateman would vote for this.

There was an additional discussion on the cost involved with fulltime employees and the fact of cramming this into 12 days. It was also discussed who will drive the trucks and whether or not they will be fulltime or part-time employees.

Mr. Griffin and Mr. Znoj both agree that if Mr. Price thinks this should be done than give him the chance.

Mr. Griffin and Chairman Nichols are not in favor of hiring fulltime employees.

There were additional comments made on the job that Waste Management does both pros and cons.

Mr. Price explained how the retro fit will work on the packers.

Chairman Nichols stated that it is very hard to walk away from a possible savings of \$100,000 but with only 12 days to do this it is just not realistic.

Mr. Griffin MOTIONED to bring recycling in house as presented tonight with the understanding that Public Works will need to hire 8 new part-time employees. Mr. Znoj SECONDED.

VOTE: 2 – (Griffin, Znoj) – 3 (Nichols, Bateman, Lally) – 0

Mr. Price asked the Board to go into a non public session to discuss a personnel matter.

Chairman Nichols MOTIONED to go into a non public session under RSA 91- A:3.,II.,(a). Mr. Lally SECONDED.

VOTE: 5-0-0

There was a discussion about whether or not the contract with Waste Management could be for 6 months and Mr. Welch has already tried this with them and they are not in favor of a 6 month contract.

Mr. Lally and Chairman Nichols both think that we have to bite the bullet for one more year and need to make sure that things are in place for July 1st next year.

Mr. Lally MOTIONED to Award the Solid Waste “Bid 2010-023 Recycling Collection/Transportation: to Waste Management of New Hampshire, Inc., at the original estimated grand total, with 13 Beach Cart Recycling Collections, of \$358,900.00. Chairman Nichols SECONDED.

VOTE: 3 – (Nichols, Bateman, Lally) – 2 (Znoj, Griffin) – 0

Mr. Bateman is not in favor of either option and wants to make it clear that the Board will not sign another contract with Waste Management next year in regards to recycling.

VI. Town Manager’s Report

The informational meeting to be held by the State Department of Transportation on the question of removal or reconstruction of the Taylor River Dam will be held in the Selectmen’s Meeting Room on Monday, June 21, 2010. The meeting will start at 7 PM with an opportunity to see any exhibits and talk informally starting at 6:30 PM.

The Concord Co-Operative Solid Waste District has voted to construct the single stream recycling facility subject to receipt of ARFAM Contracts. There have been some changes to the agreements during the evolution process. An additional method for withdrawal has been provided and the tipping fees originally provided for have been removed. In place of the tipping fees will be a tipping cash credit of \$35.00 per ton for materials delivered and tipped.

The Town will be meeting with a representative from the State on June 22nd concerning the installation of a flood gate for Brown Avenue.

Note is made that Town Counsel has completed and filed in the Registry of Deeds the necessary documents for the portion of Tide Mill Road laid out at Town Meeting. This portion of Tide Mill Road is now officially a Town Class V Highway.

The petition process for the layout of Hardardt’s as a Town Highway has been started and we understand that the petitions will be filed by June 23rd so that the Selectmen can schedule the date for a public hearing at your meeting on June 28th.

I have instructed the Department of Public Works to coordinate a combined GIS System for the Town. We currently have a number of separate systems that can be better coordinated together for the benefit of both Departments and citizens. The goal is to coordinate all systems for easier access.

The Police Department has received notification of the approval of grant funding for Hampton Route 101 East Corridor Enforcement Funds effective June 8, 2010 in the amount of \$7309.50.

In response to a prior request I have furnished a short memorandum together with all current Federal and State requirements for erecting billboards next to Interstate and Federal Aid Highways under the Federal Highway Beautification Act. In short a billboard can be erected on Town land near Interstate 95 and Route 101 if both the Federal and State Governments will grant

waivers and variances for lack of the required 660 foot setback required in statutes and regulations.

He would like to make a note that later tonight the Board will sign the Dog Warrant and he would like to plead with people to register their dog. The Town currently has 540 people who have not registered their dog. Fines can exceed \$100 per dog.

The brand new basketball court was vandalized over the weekend. There were also cones thrown into the bathrooms at Tuck.

The Board has received the preliminary report from BETA on drainage.

Discussion

Mr. Lally commented that maybe something can be set up with residents in Town to get some information and thoughts on things like drainage. Mr. Welch stated that there are many people in Town who are knowledgeable and it is a good idea to get this information on tape. Maybe this is something that can be done by the Heritage Committee. Mr. Price added that Mike Plouffe, Nathan Page and Vic Lessard did sit down with BETA to discuss drainage.

Mr. Znoj asked about the billboards and what it will take for the Town to get these variances/waivers. Chairman Nichols questioned the land lines. There is not a lot of optimism after reading the regulations.

VII. Old Business

1. Review of Fundraising for Mounted Police – Not discussed.

Other Old Business

Mr. Znoj has a lot of old business but feels it is too late to bring it up.

Chairman Nichols would like to discuss the coin operated license for Lupo's that was removed from the consent agenda last week. Atty. Gearreald clarified some information.

Chairman Nichols MOTIONED to approve the coin operated license for Lupo's 595 Ocean Blvd. Mr. Znoj SECONDED.

VOTE: 5-0-0

Mr. Znoj would like to bring up a report from the Comcast representative. Chairman Nichols thinks that this should not be discussed at this time since they are in negotiations.

VIII. New Business

1. Bid for Solid Waste Discussed before Town Manager's Report
2. Request for Project Approval and Signage along the Hampton River in Sun Valley for "Chucky's Fight"

Mr. Bateman MOTIONED to approve the request for the "Chucky's Fight" project and the posting of the signage along the Hampton River in Sun Valley. Mr. Lally SECONDED.

VOTE: 5-0-0

3. Dog Warrant

Mr. Bateman MOTIONED to issue the Dog Warrant. Mr. Lally SECONDED.

VOTE: 5-0-0

IX. Consent Agenda

1. Use of Town Offices for Parks & Recreation Car Wash Fundraiser
2. Notice of Welfare Lien
3. Parade & Public Gathering License "Granite State Quest"
4. Street Closure Permit – 3rd Street
5. Board Appointment "Year" Correction – Leased Land Real Estate Commission
6. Dance Hall Permit for the Victoria Inn

Mr. Bateman MOTIONED to move the consent agenda. Mr. Znoj SECONDED.

VOTE: 5-0-0

X. Closing Comments - None

XI. Adjournment

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

And;

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

VOTE: 5-0-0



Chairman