

# Town of Hampton



## TOWN OF HAMPTON BOARD OF SELECTMEN July 12, 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 Non-meeting with Legal Counsel - RSA 91-A:2., I., (b)

7:00 PM

SALUTE TO THE FLAG

### I. Public Comment Period - None

### II. Announcements and Community Calendar

Mr. Griffin would like to ask Mr. Welch who did the beautiful flowers in front of the building. The work was done by the Hampton Garden Club and Mr. Griffin compliments them on the wonderful job they have done.

Chairman Nichols announced that they have a previously unscheduled meeting of the Board of Selectmen next Monday July 19<sup>th</sup>. The subject of that meeting is to discuss Fire Station planning. This will be the only item on the agenda that evening and there will be a public comment period following the discussion.

### III. Appointments

#### 1. Michael Schwotzer – Monthly Financials

Mr. Schwotzer provided the Board members with a copy of his report and the report is available on the website. He will start to forecast end of the year totals with next month's report. The accuracy will still be suspect due to July being only one month past the midpoint of the year and

on this segment since it represents over 40% of the income budget. Other major areas were: Interest on Taxes @ \$108k; Building Permits @ \$14k; Departmental Income/Misc @ \$141k (including the School Officer @ \$38k and payment of welfare lien @ \$36k); Parking Lots @ \$72k and RE Trust @ \$54k.

The Expense Summary shows the year to date expenses by department. At the end of June, the operating departments were 43.4% of the budget, which is significantly lower than the month's target of 50%. In MIS the "help wanted" ad for the recently authorized part-time tech position has been placed resulting in several resumes being received. The hiring of this new person will ease the need for the current level of OT which is at 69% of budget. Personnel Administration the NH Retirement costs are running below the target because the budget was calculated to include the contribution rate increase (an additional 1% impact) which will start in July. If the \$511k budget for "Other Cost Offset" is disregarded, the % used rises to 42% vs. the month's 50% target. In Municipal Insurance the annual payment for Liability & General Insurance was booked in June \$7k below budget. Health Insurance has now come in on or slightly below budget for six months in a row. This is another of the "important" accounts due to its annual cost/impact of \$2.5M. The Police Department's overall expenditures are at 43% of budget. This usually means that after the increased costs of the summer season are incurred, the end of year will remain below budget. The Fire Department's OT analysis showing June's YTD cost as being \$112k lower than incurred in '09. This gap will begin to close as we enter the summer season. Chairman Nichols would also like to point out that the Chief has been running a second ambulance at the beach during the heavier times. The Fire Department's Fire Suppression, six months or half of the budgeted Career Incentive costs (\$113k) have been transferred to the EMS Revolving Fund. This is a departure from prior years when the whole credit was booked in the month of November. The overall department is now at 45.2% of budget. Lifeguards have been hired and are working at the Town's beaches. PW Highways & Streets is now at 44.3% of the budget compared to the 39.6% a year earlier. This is reflective of an earlier start on some of the larger projects (Paving for example). Engineering is over budget due to a \$20k payment for the High & Cogger Streets drainage evaluation. A minimal amount of TAN Interest Expense was booked (\$307) in June which is reflective of the small amount of borrowing (\$200k) needed before payments of the first tax bill started to be received. In the EMS fund reporting of ambulance revenue continues to run at least a month behind. The check for the new ambulance (\$168k) has been cut and is being held for the July delivery.

He would like to revisit the conversation that they had two weeks ago in regards to the budget. He wants to mention that he wants to look at the retirement numbers again and believes that the fire amount is going to be larger than he predicted. In regards to medical he reiterated that he is using 17.5% based on July increases. Once again these numbers are preliminary and will change.

#### Discussion

Chairman Nichols asked him to touch on the capability to make use of the funds in the EMS fund to offset the Operating Budget in 2011. Chairman Nichols reminded everyone that in 2010 they moved \$225,000 from the Operating Budget to the EMS fund. He expressed concern that we will not be able to do this in 2011.

Mr. Schwotzer agrees and went through the EMS fund in detail and projecting out he would guess that we might be able to bring over somewhere between \$100,000 and \$150,000.

Chairman Nichols pointed out that when they spoke with Mr. Schwotzer last time there was the \$510,000 in the holding account that would probably wash out the increases in retirement and medical. Now tonight when we talk about the EMS fund and how we will not be able to move as much money next year we are probably looking at being off by about \$200,000 as opposed to being a wash with the \$510,000 in the holding account.

Mr. Znoj clarified that we have received the first half of the franchise fees from Comcast and it has been split 25% to the Cable fund and the balance in the general fund. Mr. Znoj pointed out that a lot of the Capital Reserve Fund projects are still sitting out there. There was a discussion about how things take place when a line item is close to or running in a negative amount and how the bottom line for each department must remain positive.

Mr. Griffin and Mr. Bateman thanked Mr. Schwotzer for a good report.

In regards to the Mounted Patrol the group has been approved by the State and is up and running. He spoke with the treasurer today and they have around \$9,000. He has a meeting scheduled with the treasurer to ask that the funds be turned over to the Town to pay the bills. Since the Town has only paid through May he would ask that the Board vote to pay the outstanding bills between May and today. Then at the next meeting have the organization come before the Board and make the donation of the \$9,000 which he believes will pay through about September. They do still feel that they will be able to raise the target amount of \$18,000.

Mr. Griffin MOTIONED to continue to pay for the bills for the mounted patrol with the understanding that the organization will be coming before the Board to make a donation of the funds collected so far through fundraising efforts. Mr. Lally SECONDED.

VOTE: 5-0-0

The Fourth of July activity review is as follows: substantial reduction in personal firework use, no significant acts of violence, manpower down so had to put the majority of the forces up front, arrest down during the entire holiday weekend and calls for service pretty consistent. Chief Sullivan expressed that this is a comparison to past years and things were not bad this year.

#### Discussion

Chairman Nichols asked if it is harder to hire part-time as opposed to fulltime. Chief Sullivan explained that they usually hire fulltime from the part-time officers they have but the qualifications are basically the same and it is just hard to find the qualified individuals.

Mr. Znoj asked if they would go over what some of these qualifications are. Chief Sullivan explained that the biggest problem qualification is the physical demands. He shared what some of these demands are and how candidates come in knowing what they need to do and they still cannot do them. The standards that are required are on the website. It is a pretty vigorous process.

Mr. Znoj commented that the emails he received about the 4<sup>th</sup> of July weekend painted a very different picture than the one the Chief just painted. Chief Sullivan explained that when you compare the violent acts that have taken place in past years such as stabbings and beating with bats this year was a lot quieter.

Mr. Znoj shared some comments that he received about drunken individuals and people lighting fireworks on Ashworth Ave. Chief Sullivan explained that being drunk is not against the law. Driving drunk is and disorderly conduct is but just being drunk is not illegal although it may be annoying. Chief Sullivan added that this is a resort community and adults rent units in the area and do drink. As for the fireworks being set off by individuals the police have to catch them in the act before anything can be done.

Mr. Griffin commented that everyone he has spoken to agrees with the Chief that individual firework shows were down. Chairman Nichols added that when he looks down the coast from his house he does not see the same number of individual firework shows as he had in the past. Mr. Griffin added that many of the business owners he spoke with agreed that things were quieter this year. Mr. Griffin added that he is disappointed in the newspaper for all the negative publicity since it just is not so. Chief Sullivan stated that he was out and about on both Saturday and Sunday night and saw firsthand how things went.

Chief Sullivan added that once again the police have to see the action taking place in order to enforce the law they cannot base it on what someone else saw. There was an additional discussion about the comments that were made to Mr. Znoj and things that can be improved on. Chief Sullivan reiterated that in order to make some of these improvements the department needs the funding. There was also a discussion about breathalyzers in each unit and a canine unit. Chairman Nichols and Mr. Znoj asked if the Chief can put together some numbers in regards to having a dog unit and the pros and cons involved.

Mr. Bateman brought up the fact that part-time employees are starting at \$13.16 and many guys are working for this rate of pay and not received a raise. Chairman Nichols summarized that 2010 the issue with Specials is more a function of being able to attract and retain people than the bottom line of the budget and the combination of salary and benefits is a key ingredient on the retention side going forward. Chief Sullivan agrees completely with that comment. Mr. Bateman added that administratively they did put out 24 additional shifts to the Specials.

There was a discussion of how the State Troopers are used and incorporated in with the Hampton Police.

Mr. Griffin commented that he is sick of hearing how bad the drugs are in Hampton. He does not believe that the problems in Hampton are any worse than Portsmouth, Seabrook and Manchester. Chief Sullivan commented that all communities have drug problems and any community that has rental properties will have the same problems.

Chairman Nichols wonders if we are fully staffed in Crime Control and Investigation. Right now there is one open position in this department and there has been a reallocation of employees.

Mr. Znoj wonders what happens when the parking spaces are all full what do people do then. They go home was a comment made by some members of the Board. Chief Sullivan did explain that Public Works had barricaded the islands and sidewalks so that people could not park in these areas. Mr. Bateman commented that the population in Hampton is 16,000 people and it has been said that there was well over 100,000 people down on the beach. The traffic problem on Ashworth Ave has to do with the bridge and there is nothing that can be done about this problem.

### 3. High Street Residents & Business Owners – No Parking issue on High Street

Mr. Reed of 546 High Street here tonight with other residents and business owners about opposition to the no parking on High Street. They utilize the parking across the street when they have guest or their children come home from school. He also shared how people have asked to pay him to park in front of his condo to go down the street and get something to eat. He would like things to go back to the way they were.

Chairman Nichols wants to make sure that everyone is up to speed on the changes that have taken place. The Board made the south side of High Street no parking as well as the north side being made no parking by a past Board. Once the Board heard from the property owners in this area a process was put into place so that property owners on the east end of High Street can request a special parking pass provided to them so that if they are having guest visit they will be able to park on the south side of the street for that time period.

Chief Sullivan shared the three issues that came up that lead to this decision. Some of the concerns were from the Fire Chief in regards to the fire hazard with people dropping cigarettes on the ground when exiting vehicles, the Conservation Commission with people parking in the marsh area and the phragmites and his concern for the safety of the people walking in the road

with children in this area. This is why the police made the recommendation and if they must choose a side for parking they would pick the north side.

Mr. Griffin commented on the problems that have arisen on Kings Hwy.

There was a discussion on the problems and the time involved in cutting back/burning down the phragmites.

Chairman Nichols reiterated that the permits can be obtained from the Town Managers office. Also once you are given the permit you can keep them and notify the Town Managers office whenever you will be using the permit. Mr. Welch also mentioned that anyone parking in the street to maintain the property will not be ticketed by the Police.

Mr. Pierzynski, 554 High Street, he expressed concern that they were blindsided by this. He also expressed how their guest many times show up unexpectedly. He also mentioned since the no parking has been posted the speed has increased on High Street.

Mr. Griffin wants to go on record saying that he does not want to take away anymore parking spaces for the business owners in Hampton.

The owner of the Secret Spot shared concerns with how the few spots that used to be available in the lot for his customers are now being occupied by people going to the beach for the day. His sales for June were down 12% compared to last year when the weather was terrible. The businesses in this area are really suffering by losing these parking spaces. He also commented on the tickets that are being issued and that some of them are for up to \$100. One particular incident 4 motorcycles were parked in one of the public parking spaces and each owner was ticketed \$100 even though it was not a resident parking sticker area. Mr. Bateman would like to point out that this Board did not put in place the \$100 tickets that was done by vote at the Town Meeting.

Chairman Nichols asked if Chief Sullivan would look at the area east of where the phragmites end to see if parking could be allowed in this area.

Sally from North Beach Bar & Grill shares the same concerns as others have tonight. It has also become a problem for employees.

Chief Sullivan commented that anyone who was ticketed improperly should point them out to the Police since there is an appeal process and they do make mistakes.

A resident of 554 High Street would like to speak up for the families that park in this area and how they have lost out by not being able to park here. These are families who live in Hampton and are taxpayers and should be able to park here.

Mr. Griffin thinks that we should reconsider this decision. Mr. Lally commented on how when this was brought up he expressed concerns. Maybe we should reconsider especially for the business owners. Chief Sullivan thinks that if we are going to reconsider please look at the north side. Chairman Nichols would like to look into the cutting down of the phragmites.

Mr. Griffin MOTIONED to remove the no parking without addressing the other issues. NO second, motion failed.

Mr. Lally would agree with Mr. Griffin but can't after hearing the Chief say that there are safety issues.

Mr. Bateman wonders about making some of the parking spaces one hour parking.

The Board agreed that the Mr. Welch should look into removing the phragmites.

Chief Sullivan will look into this area again and come back to the Board with some suggestions.

Chairman Nichols summed up that the Police Chief and the Town Manager will look into this problem further.

The Board agreed that the Chief could temporarily open up some parking in this area until the Board meets again to vote on the issue.

#### 4. Ken Bishop – Glade Path No Parking and State Issued Moorings

Pam Bishop here tonight to discuss the resident only parking that was recently instituted on Glade Path. She explained how this new ordinance is impacting her extended family and how her husband Ken Bishop has had his boat here for over 40 years. The integral part her husband has played in the past when it came to restoring this road and the building of the dock that is still in use today. Her son, son-in-law and her husband's cousin all have mooring permits that they now cannot use since they are not Hampton residents and therefore cannot park down there. She does not feel that this ordinance addressed the problem at hand. The three individuals she referred to earlier are very rarely parked down there at the same time and are not the individuals causing the problems yet they are being penalized for the behavior of others. They are asking the Board to grandfather the current mooring holders and allow them to park at Glade Path. They have paid for the privilege of keeping their boats in the Hampton River and now that privilege is being taken away. The State provides parking permits for all workers and mooring holders at the Hampton Harbor State Pier and this could be one way to resolve this issue or give them resident parking stickers.

Eric Johnson, Pam Bishop's son-in-law, spoke to the Board. He shared a picture of a sign that has been down there for quite awhile stating parking for residents and mooring permit holders. He enjoys having the privilege of using this area to park and having his boat located here with his family. It was suggested that they park on Island Path and row out to their boats. However parking on Island Path is always an issue and rowing against the current is very difficult.

Don Knowles a North Hampton resident and mooring holder. He shared some family history in Hampton. He has had a mooring down there for 5 or 6 years. He wonders if there is a solution that the Board can come up with to solve this problem.

#### Discussion

Mr. Lally absolutely agrees with them and would suggest giving them a mooring permit holder parking permit.

Chairman Nichols spoke with a resident in this area over the weekend and he stated that the mooring holders have never been a problem. Therefore Chairman Nichols would be in favor of helping these individuals out.

Mr. Griffin is also in support of helping them and thinks the Board needs to fix this problem.

Chairman Nichols MOTIONED to expand the people who are allowed to park at Glade Path legally to include Hampton residents and Mooring Holders. Moorings holders should display their moorings license on the dash of their car. Mr. Lally SECONDED.

VOTE: 5-0-0

Fred Clews former Harbor master commented that he gave out a lot of the former permits for these moorings and there has never been a problem. This goes way back to before there were even all these houses in this area.

#### IV. Minutes of June 28, 2010

Page 5: Last paragraph, first sentence; clarify the sentence to read as follows: “Mr. Welch explained how the developments drainage system is not working with the Town’s drainage system and how the easements within the development could cause future problems for the Town.”

Page 6: Clarify the order of the vote. 0 (Yes, in favor – List) – 0 (No, not in favor – List) – 0 (Abstained, not voting – List)

Mr. Znoj MOTIONED to approve the minutes of June 28, 2010 as amended. Mr. Bateman SECONDED.

VOTE: 5-0-0

#### V. Town Manager’s Report

Efforts continue to license dogs in accordance with the statutes. The number of unlicensed dogs has decreased from 540 at the time the warrant was issued on June 21<sup>st</sup> to 274 dogs as of today. An attempt has been made to contact each owner of an unlicensed dog. As of tomorrow civil forfeitures will be issued to each owner. If not paid in 10 days of issue a Court appearance can be scheduled. If you have not registered your dog please do so now before fines and court fees are issued.

Groundwater and Environmental Services, Inc. has requested permission to place 2 test wells at Tuck Field to monitor groundwater contamination from the Mobile Station. Neither well will block access of usable value of the field or facilities.

There was a consensus amongst the Board to approve the placement of 2 test wells at Tuck Field to monitor groundwater contamination from the Mobile Station.

The Southeast Regional Refuse Disposal District has requested that the Board appoint representatives from the Town. May I suggest that the Director of Public Works continue as our primary representative and I would be willing to be the alternate. There was a consensus amongst the Board to appoint Mr. Price as the representative for Southeast Regional Refuse Disposal with Mr. Welch as the alternate.

The Tax Collector will be changing office hours starting August 9<sup>th</sup>. The new hours will be 8AM to 5 PM Monday through Thursday and 8AM to 12 noon on Friday’s.

The Town has been notified that it will receive Federal FEMA Funds in the amount of \$43,914.53 for the February Storm. A public hearing will be held on July 26<sup>th</sup> to formally receive the funds under RSA 31:95-b.

Requests for information on pumping into the sewer line on Landing Road have been mailed to a number of residents so that we can properly forecast usage of this small sized line. We would request that those residents receiving the questionnaire please return it as soon as possible.

The Assessing Department requests that the Board approve a warrant for yield taxes in the amount of \$275.70 that was just completed.

Mr. Welch has filed with the Board a municipal drainage program dealing with the three drainage areas in Town where we had flooding this year. The plan has been reviewed by the Public Works Director and he endorses it. He now needs the Board to review it and see how they feel about this program. Mr. Lally has read it and it is probably the most comprehensive plan he has seen since sitting on the Board.

Chairman Nichols clarified that the scope of this plan is on Cogger Street, the east end of High Street and the railroad tracks. It will be discussed by the Board at their next meeting. Chairman Nichols expressed concerns that cost needs to be included before the Board can make any final decisions as to what work will be done now and if there is a need for a warrant article. Mr. Welch stated that would be the next step once the Board has reviewed the plan.

From the tree bid that was awarded earlier this year we had three bidders respond. The lower bidder was Urban Tree Service and there is a whole schedule of fees as they occur. Mr. Welch went into further details the cost for each service and compared some to the other bids received. Chairman Nichols explained that he asked Mr. Welch to bring this before the Board mostly because the last bid that was received to remove the tree at the Grist Mill was for a flat dollar amount and this approach was breaking down each item by cost. The Board agreed that this is the way that they wanted to have it done in the future breaking each item out by cost.

We have also received bids for cleaning the duct system in this building. SERVPRO of Manchester was the low bidder at \$3,985.25. The bids went up from there to \$4,250, \$4,260 and \$9,100.

#### Discussion

Mr. Lally asked about emails that were received awhile ago from Chris Singleton who is organizing a cleanup at North Beach. He had requested the use of the Town's sweeper to make one pass up 1A by the meters. There was a discussion amongst the Board about the request and how it was requested to be done twice a month. Chairman Nichols thinks that Bill Bowley has a real good hold on what needs to be done and we should leave it up to him. Mr. Welch would like to go to the State to ask them to use State equipment to maintain these areas since it is State property. For now the area will be done by Mr. Bowley on a schedule set by him.

## VI. Old Business

### 1. Execution of Easement Deeds (2) "Elmwood Corners"

Atty. Gearreald explained that we have entered into a settlement agreement through the courts on this case that has been going on since 2006. He provided some history on the case and the area that it deals with. He also explained how there are three utility lines that go through this area. As part of the settlement agreement it was agreed that there would be two easements. One from Elmwood Corners LLC to the Town which would give us a right to excavate as much as needed to deal with problems with the sewer and drain lines and we would then restore the features of the land that we excavated.

Chairman Nichols MOTIONED to approve the Execution of the easement deeds (2) for "Elmwood Corners". Mr. Bateman SECONDED.

VOTE: 5-0-0

2. 285 Ocean Blvd "Mrs. Mitchells" Corrective Deed

Atty. Gearreald provided the history of the problems with the deed. The Board agreed to issue a corrective deed provided that it did not include any highway property. Atty. Gearreald has verified that the issuance of the corrected deed would not include any highway property or sidewalk. This would allow Mrs. Mitchells to rebuild on the same land that it was on before the fire. Atty. Gearreald has drafted the corrective deed along with Atty. Ells.

Chairman Nichols MOTIONED to approve the Corrective Deed for 285 Ocean Blvd "Mrs

Mitchells". Mr. Znoj SECONDED.

VOTE: 5-0-0

Other Old Business

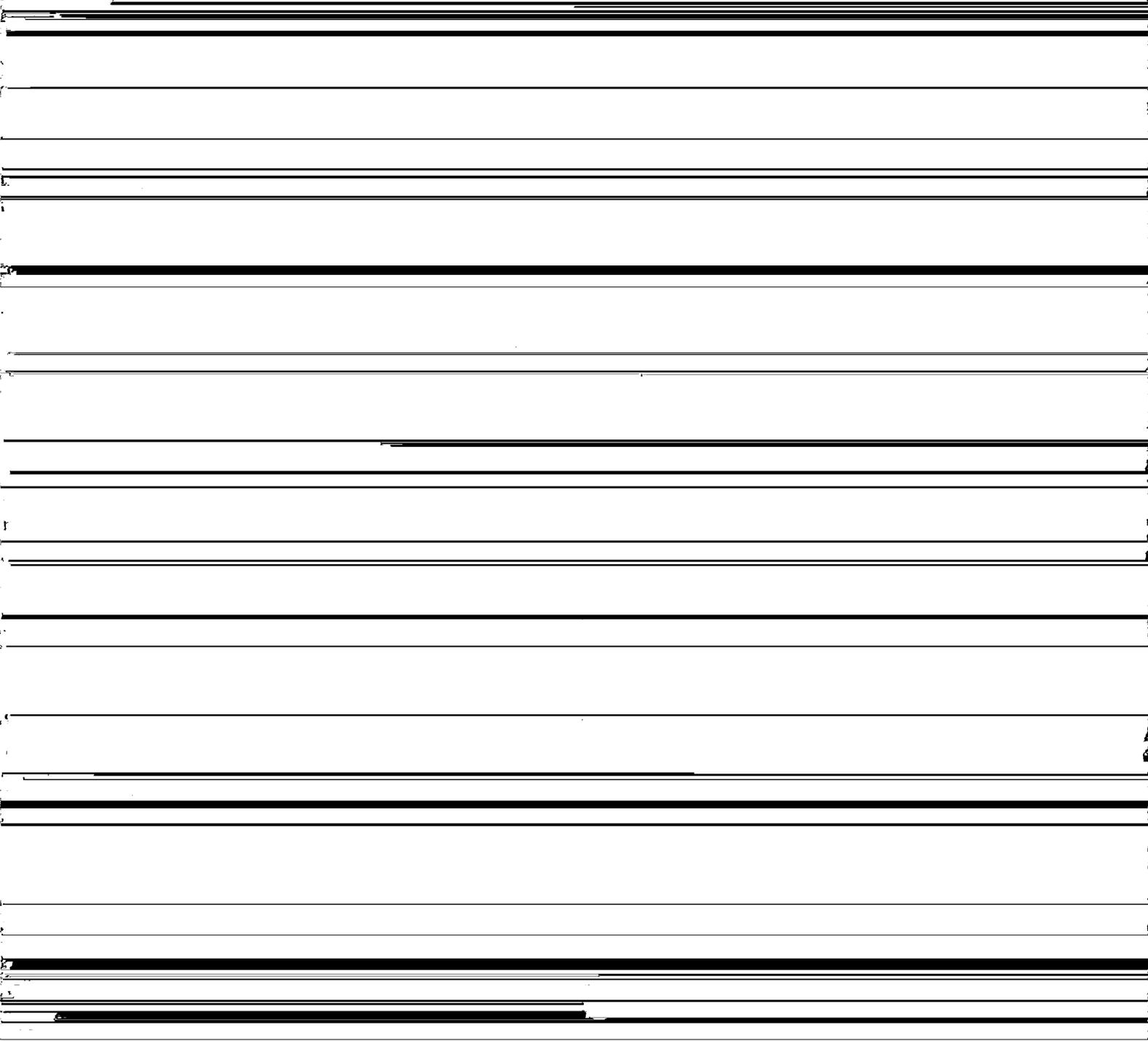
M. Gifford had a few people ask him what they are to do if they have a well and they see

3. Charles Sforza "Pedicab Business"

Mr. Sforza here tonight to get his small business started in Hampton. He gave a description of the bicycle and how there are no fees charged they do it for tips. He had the Pedicab out for about 7 days to test it out. They have letters from the Precinct and other residents supporting this. One of the owners of the business has property on K Street. All the bicycles are DOT certified and have lights and signals. They would like to see some sort of process put in place so that this can happen in Hampton. It would be important to put some regulations in place so that the market for this on the beach does not expand too much.

Discussion

Chairman Nichols wonders if this entity falls under any of the current ordinances. Mr. Welch stated that they are obviously running a business. The 9 members conference heard...



IX. Closing Comments

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). Mr. Znoj 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