

Town of Hampton



TOWN OF HAMPTON
BOARD OF SELECTMEN
October 04, 2010 Minutes

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

ABSENT Richard Bateman, Vice Chairman

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

7:00 PM

SALUTE TO THE FLAG

I. Public Comment

Arthur Moody, 3 Thomsen Road, questioned the gift of the memorial bench at Ruth Stimson Park and the selling of pistols and revolvers at 9 Oak Road this is a residential zone. Also on the Consent Agenda is the signature of deed and layout documents for Baron Road round two and he wants to know what the Town is deeding. Mr. Welch stated it is an acknowledgement of acceptance. Mr. Moody gave a recap of what was discussed last week on this topic. He also shared some additional concerns with what the Board is doing.

Mr. Welch commented that the Planning Board does have statutory rights to do what they have done despite what Mr. Moody stated. If Mr. Moody has a problem with what the Planning Board has done, he needs to bring it up before that Board.

II. Announcements and Community Calendar

Mr. Griffin informed everyone that one of the contestants on the Iron Chief Competition on the Food Network is a resident of Hampton Falls and she is a graduate of Winnacunnet High School. He thinks it is impressive to see some of the things that graduates and students from this community are doing.

Mr. Znoj announced the Art Walk and Pumpkin Lighting on Thursday October 7th from 6 to 8 pm. He shared further details on the events that will take place.

Mr. Lally stated that there are still tickets for the drawing of the motorcycle raffle for the Friends of the Mounted Patrol. He named all the company's in the area that have been in support of this effort.

III. Appointments

A. Conservation Commission – Landing Road Culvert Bid Award

Mr. Jay Diener, Chair of the Conservation Commission. Mr. Diener explained that in the effort to preserve the Salt Marsh in Hampton they have been granted some funds from NRCS for a Salt Marsh Restoration Project at the end of Landing Road. They received four bids, two were deemed incomplete of the two remaining bidders they have selected Northern New England Field Services with a bid of \$12,785 to complete this project. He has a letter here tonight and would like to receive the Board's approval so that they can begin this project. Funds will be coming from NRCS and if additional funds are needed, they will come from the Conservation Commission. There will be no additional funding needed from the Town of Hampton for this project. The project should be completed by the end of the month.

Discussion

Mr. Znoj clarified that this will help with the tidal flow in and out of the Marsh. This project is down at the ending of Landing Road.

Chairman Nichols confirmed that most of the funding will be coming in through a grant and the balance made out of the Conservation Fund.

Mr. Lally MOTIONED to approve the Landing Road Culvert Bid Award. Mr. Griffin SECONDED.

VOTE: 4-0-0

IV. Minutes of September 20, 2010

Page 7: Third paragraph, add the following sentence to the end of the paragraph. "Chief Sullivan agreed with Chairman Nichols Statement."

Mr. Znoj MOTIONED to approve the minutes of September 20, 2010 as amended. Mr. Lally SECONDED.

VOTE: 4-0-0

V. Town Manager's Report

The MS-1 Statement of Valuation for the Town has been filed with DRA and we are awaiting a date on which to set the tax rate for 2010.

The Board will have on the agenda for October 18, 2010 the acceptance of Sherburne Road as a Class V Town Road. We believe that all the necessary documents will be completed for the Board's approval at that meeting.

Construction of the salt shed is underway at the Public Works yard and is progressing well. Completion is expected in mid-November.

The Public Works Department is beginning the clean-up stages of the drainage maintenance on Cogger Street.

Bids for recycling and solid waste work in 2011 will be issued this week with a 30-day return time.

The US Department of Transportation has amended the rules for CDL License Drug Testing effective October 1, 2010. It is now mandatory to test for heroin as an initial test. Ecstasy has been added to the test list and the test limits for cocaine and amphetamines have been lowered. All CDL Employees are in the process of being notified. There will be no added charge for these tests.

The Rockingham County Treasurer has sent the Town a bill for \$2,954,693. There was an additional discussion on how the County is a very small portion of the tax rate.

The Chief of Police asked him to bring up the subject of how the Board wishes to deal with the additional resources for the fireworks shoot at the Harvest Festival. Chairman Nichols pointed out that this item is on the agenda under New Business.

Two permits came in late and need to be approved by the Board. The first is the use of Town Property at Bicentennial Park for the event "Breath on the Beach" a Cystic Fibrosis fundraiser; this is a student-sponsored event on October 23rd with an alternate date of November 6th from 9am to 1pm. The second is a request for a Parade/Public Gathering License for "Breath on the Beach" which is again for Cystic Fibrosis and is on the same day.

We have received today from the James House Association a request for a Raffle Permit. The drawing will be held on 10/16/10 with a rain date of 10/17/10.

Mr. Lally MOTIONED to approve the High School Fundraiser for Cystic Fibrosis, the Breath on the Beach for Cystic Fibrosis and the James House Raffle Permit. Mr. Griffin SECONDED.

VOTE: 4-0-0

Computer Bid. It was explained that they sent out a gaggle of bid requests for computers and only received one bid. Many of the bid requests were hand delivered to local vendors. Chairman Nichols and Mr. Znoj find this very surprising and wonder if there is something in our bid. The bid that was received was from Coastal Computers in Hampton Falls for \$1,495 each totaling a cost for 15 systems \$22,425. Chairman Nichols cannot go along with a bid of this amount without having anyone else respond. He would suggest contacting a couple of the vendors to see why they did not respond.

We have received a communication from the Chairman of the Board in Kensington they would like to talk about becoming a partner with us in terms of using the Transfer Station and moving materials to the Co-Op. Kensington's total tonnage for the year is 250 tons. The Board agreed that Mr. Welch should talk to the Town of Kensington further about this.

He would also like to make note that on the 11th, which is next Monday, Town Hall will be closed because of the Holiday and there will be no power since the generator will be set up that day. They are also cleaning the ducts that day.

The political sign on Rte 1 brought up at last week's meeting are on Town property and the individuals who they belong to have been notified that the signs need to be moved.

Discussion

The Board agreed that they want to include a request for comments on the recycling/trash bid. This will allow some companies to review the bid and provide comments to the Town.

Mr. Griffin commented on the bidding process and it has been brought to his attention that going out of State to look for bids on the truck for the Building Department is not allowed. It was explained that you can buy off the State bid, but you are not required to do so. Chairman Nichols thinks that it is their responsibility is to get the best deal for the Town. Mr. Znoj and Mr. Lally both agreed if we can save several thousands of dollars, then that is the way that they should go. Opportunities will always be given to local vendors.

Mr. Schwotzer stated that the bid requests for the computers were delivered to three local businesses and placed in the paper, which is the same as in the past when we have received many responses including responses from companies like Dell. The specifications are included and are very specific. He believes that about \$435 of the cost is software specific. The bid specs are still on the website.

There was an additional discussion on the fact that political signs can only be placed on State or private property not on Town property.

Chairman Nichols has one question on the clean up on Cogger Street. Obviously, this was arguably one of the biggest problem areas this past spring. He recalls that there was a problem on Mill Road that needed to be fixed since this was the next bottleneck. Mr. Welch stated that they are working on an easement for this.

VI. Old Business

A. Completion of the 2011 Budget

Chairman Nichols asked Mr. Schwotzer to come forward and join the Board.

Mr. Schwotzer provided the Board with a one-page synopsis showing where they have been and where they are. Operating Budget as submitted by the Departments totaled \$24,330,001. Town Manager's adjustment was a \$20,000 increase to the Building Maintenance for a total budget of \$24,350,001. He broke down all of the Board of Selectmen's adjustments totaling a reduction of \$53,710. He discussed how he dropped the health insurance increase from 17.5% to 10.5%. There was also an adjustment made to contracted service in regards to recycling was changed from \$303,000 to \$355,000 which reflects what the cost was for this year. The bids for trash/recycling should be in by the middle of November. The budget amount after Board of Selectmen adjustments is \$24,296,291. Last year's budget amount submitted to the Budget Committee was \$24,374,000 therefore the current budget being submitted is \$78,000 less than last year or 3%.

Discussion

Mr. Znoj asked about the \$20,000 increase in Building Maintenance. Mr. Welch explained that it is for maintenance to the Town Hall building. Mr. Welch provided the Board with the following overview. We currently have a generator being wired and that cost is \$4,990, which was not planned for this year so in turn some things have to be pushed into next year. Next year we will be replacing the drain pans on the HVAC units totaling \$3,245. We must by law replace the drinking fountains in the building with a minimum cost of \$4,000. The

outside lights in the front of the building are not working and will be replaced with lights on the corners of the building totaling \$8,947 and the removal of the current lighting is estimated at \$3,000. It will cost \$3,000 to finish replacing plumbing fixtures in the building that leak like a sieve. There is an estimate of \$5,000 to replace some very worn/threading carpet in the building mostly upstairs. General Maintenance for the building is put in at \$3,000 and this year's maintenance is closer to \$10,000. These items make up the \$40,000 he is asking for.

Mr. Griffin wonders who does the electric work and it is Parsons Electric. Mr. Griffin clarified that the lighting for the outside of the building will be sent out to bid. This will not be until next spring though.

Mr. Znoj would also like to make sure that there is some kind of backup data on the \$355,000 under Contracted Services before it goes to the Budget Committee.

Mr. Lally thinks that the lighting for the outside of this building should be a priority. Mr. Welch stated that he can move things around on the plan and will push lighting forward on the list of things to be done.

Chairman Nichols would also like to point out that the Parks Maintenance money has been moved back into the Parks and Recreation Budget.

Chairman Nichols MOTIONED to approve the Selectmen Proposed Operating Budget for \$24,296,291. Mr. Griffin SECONDED.

VOTE: 4-0-0

B. Discussion of Default Budget

Mr. Schwotzer read RSA 40-13 to the Board. He has built the Default Budget in accordance with the RSA. He took all the expenditures and then brought forward last year's budget. The Default Budget is \$24,106,259, which is \$190,000 less than the Budget he presented to them tonight. It is \$266,000 lower than the 2010 Budget. Therefore if no changes were made the voters would be voting on \$24,296,291 or \$24,106,259.

Discussion

Chairman Nichols would also point out at that the amount of \$24,106,259 for the Default Budget is still \$688,000 more than 2009 actual spending, and it is also \$860,000 more than the current forecast for 2010.

Chairman Nichols stated that one thing that has not been mentioned is the reducing of the EMS transfer from \$225,000 to \$150,000 in the context of the Default Budget. Mr. Schwotzer brought everyone up to date on the transferring of expenses to the EMS Fund including how the changing of this amount brought the 2011 budget up. Since his calculations for the Default Budget are looking at the 2010 budget, the original amount of the transfer \$225,000 would be there. However, since they know that they are not going to be able to make this transfer, the Default Budget under this line item mimics the proposed budget. He did this with the understanding that this would be a nonrecurring charge. Therefore, the Default Budget as presented now has the lower number.

Chairman Nichols clarified that the reason they are declaring this a non-recurring expense in the Default Budget is that the analysis that Chief Silver and Mike did confirmed that we do

not have the funding in the EMS account. If this action was not taken, Chairman Nichols believes that at the end of 2011 the balance in the EMS Fund would be probably be close to \$125,000. The Board agreed in the past to keep the balance in this fund between \$175,000 and \$200,000, the cost of an ambulance.

Chairman Nichols MOTIONED to approve the Default Budget for \$24,106,259. Mr. Znoj SECONDED.

VOTE: 4-0-0

Revenue Forecast

Mr. Schwotzer presented the Board with revenues. Mr. Schwotzer stated that the 2010 budget for revenues was \$6,142,000. When he did the estimate to the State for the amount of money that we were going to collect for the end of the year and that was put into the calculation for the tax rate and came out at \$6,151,000, so basically we came in exactly on budget. Now for the 2011 he is showing \$5,926,000, which is down 3 ½% or \$215,000. The \$215,000 of reduced income means that this amount will in essence need to be raised through taxes, unless it is offset by something else. Last year, when he did the revenue budget, he had a line of revenue of \$150,000, at that time it was stated we would be moving that income into this account as opposed to the EMS Fund. However, this did not happen in 2009 or 2010 and therefore this line is being removed for 2011. He also reduced sludge by \$50,000 because of the moratorium. Under State Revenues, he had \$60,000, which was a grant that has run its life and has gone away. He also has a few line items that have been increased. All said this number is a budget at \$5.9M. Chairman Nichols stated that this is actually just a forecast and the taxes will be reflected on what his predictions are in September.

Mr. Lally MOTIONED to approve the revenue forecast or budget in the amount of \$5,926,570. Mr. Griffin SECONDED.

VOTE: 4-0-0

C. Approval of Vision Appraisal Contract Extension

Chairman Nichols stated that this was looked at by Attorney Gearreald who has some changes to make so this will be deferred until next week.

D. North Beach Parking

Chairman Nichols added this since they had a request a couple of weeks ago about parking on Greene Street. It was decided at that point that we are not under the gun as for a timeframe since parking does not become an issue again until May. He did receive a call from a resident in the area who suggested that they be sure to look at the big picture with whatever they do and be sure not to push the problem off to another area. He thought that tonight the Board could decide the process that they should go through. The area he thinks they agreed to look at is pretty much Kings Highway and the number streets working back from Winnacunnet all the way up to High Street, High Street itself and then maybe Meadow Pond Road. He thinks it might be worthwhile to have meetings where they can expect input from several different entities such as residents who live in the area, businesses in the area and participation from the Police and Fire Department. We could start off at one meeting defining what the problems are and the possible solutions to them. Subsequent to that, get

that information out there during a Selectmen's meeting and then further down the road make a decision as to what exactly they are going to do.

Discussion

Mr. Znoj asked about holding a public hearing and Chairman Nichols stated that is essentially what they would be doing and there would not be a need to hold a formal public hearing under the statute.

Mr. Lally commented this is why he put the brakes on this issue a couple weeks ago since he thinks they need to look at the big picture.

Chairman Nichols wonders if it is premature to get this going in the next couple of months and wonders if Mr. Lally is willing to chair this. Mr. Lally agreed that he would do this with the help of Chairman Nichols.

E. WWTP Progress Update

Mr. Welch provided the Board with an update on the WWTP. We are a lot further ahead than a week ago. Last week we had somewhere in the order of 600,000 lbs of sludge in the system. He provided some further information about what they would expect to see at this time of year and what they were actually seeing. We are now to the point where there is no backwash in the system there is no recycling of the effluent at all. This started last Friday so we have made significant progress. It was also mentioned that the smell is slowly subsiding. What will be done in the future is that they will continue to take material out of the system and are currently holding our own in this respect. We are not putting more material in or recycling everything is coming out. The new press is coming in this week and will be operating from October 11th to 15th. We are making good progress in removing solids from the system. Mr. Welch has spoken to the dealer for the current press that we have, they have offered us a press free of charge after the press we are going to use next week, and he is going to take them up on the offer and take the press. Mr. Welch also shared some information on a 6-cylinder press that the current company has to offer.

Discussion

Chairman Nichols asked how many hours the current press runs in a year. Mr. Welch stated that the press was purchased in 2001 and has run for 19,000 hours. Chairman Nichols pointed out that it was rebuilt about two years into it. Mr. Welch added that it is in the process of being rebuilt again. Chairman Nichols wonders how often the preventive maintenance should be done. Mr. Welch stated that this is something that they are currently working out.

Chairman Nichols brought up a problem that the employees at the plant have had getting the right parts from the manufacturer. Mr. Welch stated that they are currently putting in the temporary parts and the correct parts are being manufactured now and will be sent hopefully in 30 days. He went into further details on the problems that occurred when the parts were first ordered.

Mr. Znoj wonders how long they are offering the use of the press or if it is indefinitely. Mr. Welch stated that the company has not mentioned how long they are allowing us to use the press yet.

Mr. Znoj visited the lab again today and we need to finish the maintenance and then watch our metrics. Mr. Welch stated that the testing points have been moved. He thinks a bio-filter needs to be installed to help with some of the smell down there. There is a lot of work that needs to be done and he will be tackling more of this when he returns from vacation.

Chairman Nichols commented that Mr. Znoj has jumped into this and seems to have an interest especially in the lab portion. Therefore, he would like to see him continue to maintain this level of involvement. Mr. Znoj will be more than happy to do this. He thinks that the Selectmen need to get more involved.

Chairman Nichols asked about the status of the engineering RFQ which is due Wednesday. It was mailed to 70 engineering firms. The selection of the Firm will be based on qualifications, and the Board will need to pick their first and second choices and the choices would then be sent to the State for approval. Once the State approves the choice of the firm, we then sit down and work out the costs with that firm, if the cost is unreasonable, we would then go back to DES for approval of the second choice.

VII. New Business

A. Conservation Commission request to accept donated land Tax Map 151-16

Jay Diener Chair of the Conservation Commission explained that this land is in Meadow Pond and is a little over 5 acres on the southern side of High Street. The only requests being made for this gift is that it be used for conservation or recreation activities like ice skating should the pond freeze over. It cannot be filled, used for parking or development. He thanked Rayann Dionne and Atty. Gearreald for their help with this quick deed.

Mr. Lally MOTIONED to approve the Conservation Commission request to accept donated land Tax Map 151-16. Mr. Griffin SECONDED.

VOTE: 4-0-0

B. Request to gift and place a memorial bench at Ruth Stimson Park

Chairman Nichols informed the Board that they had a letter in their packets from Karen Current on this request.

Discussion

Mr. Lally reminded everyone of all the work that Karen Current did in regards to the Fish Houses. Her family has been down there for many years. He thinks that this family brings history and heritage to the Town.

Mr. Znoj thinks it is a great idea and there are not enough benches down there as far as he is concerned.

Chairman Nichols clarified that this is a two-step process it first is approved by the Selectmen and later it will be accepted as a gift.

Mr. Lally MOTIONED to approve the Request to gift and to place a memorial bench at Ruth Stimson Park. Mr. Znoj SECONDED.

VOTE: 4-0-0

C. Question of Services for the Precinct Harvest Moon Fall Festival

Mr. Welch stated that the Chief has spoken to him and they need to have some services down there for the fireworks. Last year the Board decided to do this as part of our cost in the operational area of the department simply because we are both taxing agencies. So, if we decide to pass the dollar off to someone else the taxpayers would essentially have to pay for it twice. Therefore, the Chief would like to be able to do this out of his operating budget.

Discussion

Chairman Nichols clarified that this is simply just the fireworks and nothing else. Chief Silver is willing to absorb the cost.

Mr. Griffin wonders if they are expecting a problem since there is no parking now across the street. The Town Lot will be open and there will not be an attendant present. Chief Sullivan stated that this should not be a problem since this year the firework show will be on the north side.

Mr. Welch added that they would be coming back to the Board to see if they want to keep Island Path and Ashworth Lot plowed during the winter to allow for parking during storms only. The Board agreed that this is a good idea and should be just for storms.

D. Application to Sell Pistols & Revolvers, Garrett Drew, and 9 Oak Road

Mr. Drew explained to the Board that he is before them tonight to apply for the State license to sell Pistols & Revolvers. He is a Federally Licensed Firearms Dealer, he operates an internet and gun show based business only. The residence is generally used for storage and office space. There is no advertising, parking or anything like that would be associated with the residence. The general effect of quality of life would be zero. All deliveries are made to a PO Box. He is before the Board hoping that they will grant the license.

Discussion

Mr. Griffin clarified that there is no signage.

Mr. Drew suggested that if anyone on the Board wishes to speak more about security measurers he would be more than happy to do that; but privately; not in a public session like this.

Mr. Znoj clarified that his business is internet and gun shows only. Mr. Drew explained in further detail the shipping process.

Mr. Lally clarified that there would be no vehicle traffic at his residence.

Chairman Nichols clarified that there is zero retail at his house. When he saw the Federal Application, he saw the name of the business and attempted to look it up at the Secretary of State Office and he could not find it on the list. Mr. Drew stated that the name was amended and is actually Liberty-Star Arms LLC.

Chairman Nichols would like the motion to clarify that no sales take place at 9 Oak Road. Mr. Drew is completely in support of this and does not intend to have any foot traffic.

Atty. Gearreald explained that he has briefed the Board on this and as long as Mr. Drew is not using this as a retail location then he does not have a need to provide a site plan to the

Zoning Board. Atty. Gearreald would suggest that the Board go into a non-public session to discuss security issues and any inventory questions they might have.

Mr. Znoj clarified that Mr. Drew has guidelines and checks that he must do on all the individuals to whom he sells firearms. There was additional information as to the background checks that are completed.

Chairman Nichols would suggest that the Board table this and come back to this once the consent agenda is complete.

VIII. Consent Agenda

A. Signature of Deed and layout documents for Baron Road. Chair authorized to sign for the Board where required.

B. 2010 Veterans Tax Exemptions

Bakios, Claudia L. & Anthony; Ballou, Richard A.; Barone, Christian R.; Biron, Edward J.; Bonnin, Regina A. & Rene; Brennan, Kathren & Leland; Brindmour, Mary & Richard; Burford, William B. Jr.; Boucher, Joseph D.; Calhoun, Robert A.; Carroll, Patricia A. & Richard E.; Casella, Peter J. Jr.; Casey, Rita & John F.; Caswell, Albert; Mitchell, John M.; Richardson, Peter M. & Lynne Bernier; Traynor, Peter; White, John H. – White Family Tr.

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

VOTE: 4-0-0

IX. Closing Comments - None

Minutes of Non-Public Session

On a motion and seconded under RSA 91:A:3 II (a) & (i), the Board voted by roll call to go into a non-public session at 8:44 PM.

Selectmen Present: Richard Nichols, Chairman; Richard Griffin, Selectman; William Lally, Selectman; Gerald Znoj, Selectman.

Selectmen Absent: Richard Bateman, Vice Chairman

Staff Present: Frederick Welch, Town Manager; Mark Gearreald, Town Counsel

Meeting with Garrett Drew to discuss security items dealing with his application for a permit to sell pistols and revolvers.

On motion made and seconded, the Board voted to approve the application under RSA 159:8 subject to the following conditions:

1. There shall be no retail sales conducted at the premises; and
2. There shall be no signs on the premises for this business.

VOTE: 4-0-0

The meeting adjourned at 9:00 PM.



Chairman