

# Town of Hampton



## TOWN OF HAMPTON BOARD OF SELECTMEN November 15, 2010 Minutes

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

7:00 PM

### SALUTE TO THE FLAG

#### I. Public Comment Period

Richard Reniere, 29 Highland Ave, spoke on casino gambling and asked a few questions of the Delegates present tonight. He mentioned an article in the paper about a change of venue at 81 Ocean Blvd to allow gambling.

Chairman Nichols clarified that the change of venue is not an issue for the Board of Selectmen but instead an issue with the State.

#### II. Announcements and Community Calendar

Mr. Znoj announced the Holly Days Fair at Sacred Heart on this Saturday.

Mr. Lally announced the Chamber of Commerce Holiday Auction at the Ashworth on November 15<sup>th</sup>.

Mr. Bateman announced that on Monday December 6<sup>th</sup> Wreaths Across America will be coming through Hampton.

#### III. Appointments

##### 1. 2011 Legislative Delegation

Chairman Nichols welcomed the 2011 Delegates and congratulated them on being elected. They discussed the following: bill to reduce Rooms & Meals Tax, Donor Town's, education, carrying voices to Concord, committee assignments, small businesses, agriculture and storm water issue.

Ms. Stiles did inform the Public that the Delegates will be holding an information night on Wednesday at the Hampton Academy where the Public can come in and share their concerns.

#### Discussion

Mr. Znoj congratulated them all and spoke about: retirement system, retirement age, spiking charge, Donor Town's, free and reduced meals, Rooms & Meals Tax and more revenue coming into the State even if it means bringing gambling into the State.

Mr. Lally congratulated each of them and commented on: Rooms & Meals Tax, Beach Infrastructure, gambling venue change at the Beach and his support of the Community Revitalization Tax Relief Incentive. He would also like to see the Delegates come in every couple of months.

Mr. Griffin will not repeat everything said but agrees that retirement issues are a hot topic. He spoke directly to each Delegate and thanked them all.

Mr. Bateman welcomed them all and congratulated them all. One topic he brought up was gambling coming to the Beach and shared some positive experiences in Seabrook. He also brought up LGC and issues involved there.

Mr. Welch congratulated them and commented on: passing laws and sun setting, Tree Warden and if they need anything from Town Government give a call.

Chairman Nichols commented on: retirement system issues, NHRS Board of Trustees makeup, repeal of evergreen law, Donor Town's and Rooms & Meals Tax formula.

Atty. Gearreald spoke more about HB1436 which has to do with the evergreen clause and the language. How the language has affected the passing of union contracts. He also spoke on the spiking charge

The Delegates added some comments on the Retirement System brought up by the Board. They also talked about the Charitable Gaming vs. Casino Gambling and Donor Town's.

Mr. Znoj brought up issues with LGC and coverage provided to employees contractually through CBA's. There was an additional discussion amongst the Board on how this is an issue for many of the municipalities. The Town needs to have the freedom to shop around for health insurance. They also discussed education.

## 2. DPW Director – Departmental Update

Mr. Price provided the Board with a 3<sup>rd</sup> quarter update for his department which he would like posted on the Town website. Highlights included: generator installation at the Town Hall, foreign language parking lot signs, signs for Chucky's Challenge, phragmites removal on High Street, installed chambers to help eliminate water, lowered manhole frames, MSW down, recycling up and struggling for space at Transfer Station due to brush pile. Brought the Board up to date on the following: Salt Shed, paving for this year, help provided to the Parks Department, updating Town's people on winter operations of Public Works, bids for composting and bids for vehicles that have been rejected and are back out and drainage warrant articles.

#### Discussion

Mr. Znoj asked about: the Salt Shed opening on both ends and paving of Fairfield Drive and streets planned for 2011. There was a discussion about the roads needing to be paved and having a list available for the public to see which roads are in line to be paved.

#### IV. Minutes of November 08, 2010

Page 3: Third Paragraph, last sentence – add the following “for the amount of \$42,750.00”.

Mr. Znoj MOTIONED to approve the minutes of November 08, 2010 as amended. Mr. Lally SECONDED.

VOTE: 4-0-1 (Griffin)

#### V. Town Manager’s Report

The Recreation Department has requested a permit for the Hampton Tree Lighting Event with performers and singers to be held on December 3, 2010 at 6:30 PM.

Please note that the overnight parking ban is in effect today. There is no on street parking from 1 AM to 7 AM on any street in Hampton.

The Police Department through the office of the Deputy Chief is investigating a cooperative agreement with DEA on the one-time disposal of old drugs.

The Department of Public Works has provided a copy of the Church Street Pump Station replacement report for the Boards review.

I will be attending the NH Municipal Conference from Tuesday evening through Friday, November 19, 2010. I would request that Michael Schwotzer be appointed the Acting Town Manager in my absence.

Mr. Znoj MOTIONED to appointment Michael Schwotzer as the Acting Town Manager in Mr. Welch’s absence. Mr. Bateman SECONDED.

VOTE: 5-0-0

The Board was provided with an update on the status of the WWTP. There is a request from the WWTP to allow up to 10,000 gallons of septic sludge be dumped each day since there is a need for this primary sludge. The Board agreed that this was a good idea. There was an additional discussion on the WWTP.

#### Discussion

Mr. Griffin asked if the agenda could be emailed to him as it was in the past.

#### VI. Old Business

##### 1. Warrant Article – “A Block” Community Revitalization Tax Relief Incentive RSA 79-E

Chairman Nichols explained that this was a result of the fire on the Beach. He would like to get the issues out there and get some public comment for this warrant article. Things to decide are: the geographic area, timeframe taxes would not increase, issue of retroactivity, sunset clause or go on forever and finally the wording of the article to make sure the public understands.

Atty. Gearreald gave a summary on his review including: understanding of the law, adoption by the Town, problems with the legislation, questions if this could be applied to the "A block" fire and how to designate the areas.

Chairman Nichols commented on the need for some clarification on the law. There was a consensus amongst the Board that they would like this to involve the properties affected by the fire on the "A block."

Chairman Nichols opened it up for public comment:

John Nyhan, representing Hampton Beach Area Commission, is in favor of this and shared some information on how this item was a discussion at the Summit they had this year. He is here to support the Board and agrees that it should include businesses uptown as well as the beach. He agrees with the need to make sure that the warrant article is clear to the voter.

Mike Pierce, 16 Hedman Ave, spoke about the evergreen clause and how it is interpreted differently by the Town and the School. There is an inconsistency amongst Town's and how Hampton is one of the only Town's that follows the Alton decision.

The Owner of the Surf Property thanked the Board for wanting to put the warrant article forward. She spoke about the time limitations and the fact that it is tax stabilization for a certain amount of time.

Mr. Welch provided the Delegates with a further understanding of this legislation.

## 2. Other Warrant Articles

Chairman Nichols provided the Board with an updated copy of proposed warrant articles. Chairman Nichols brought the Board up to speed on the undesignated fund balance.

### Discussion

Chairman Nichols commented on the following proposed warrant articles: trash and recycling equipment/current bid out on trash and drainage. He went into further details on the drainage plan. He also touched on grant request from FEMA. Mr. Welch shared some information about some suggestions on the drainage plan specific to the Cogger Street area. There was an additional discussion amongst the Board about drainage, easements and solutions to the problems. There will be a draft plan by the end of the month.

Mr. Znoj brought up the Ice Pond Dam and the cost of \$75k. Mr. Welch believes that this will probably be removed since he still does not have confirmation from the State.

## VII. New Business

### 1. Gary Chicoine Construction Corporation Request under Town Ordinance Ch. 3 Art. 17 §25 D. to open road at 180 Drakeside Road for placement of underground gas utility

Mr. Price explained this for the Board and a member of the construction company came forward to express the needs to have this done. The reason Mr. Price was not able to grant the permit is because it is after November 1<sup>st</sup> and therefore against the ordinance. However he would recommend that the Board allow the road to be opened up.

Mr. Griffin MOTIONED to allow the opening of the road at 180 Drakeside Road for the placement of the underground gas line. Mr. Bateman SECONDED.

VOTE: 5-0-0

2. Amend Chapter 3 Parking Regulations Sections 2, 3, & 6

Chairman Nichols explained that there is a lot to this but basically allows for parking in the winter at Island Path and Ashworth Ave Lots.

Mr. Bateman MOTIONED to move the amendment to Chapter 3 Parking Regulations as written. Mr. Lally SECONDED.

VOTE: 5-0-0

Discussion

Mr. Bateman pointed out that since the parking ban is now in place please remember that parking is now allowed in the Ashworth Ave and Island Path Lot overnight until 7 AM.

Mr. Lally provided an update on the paving of the State Lot which should be completed by Thanksgiving.

VIII. Consent Agenda

1. DRA MS-60A Auditor Option and Schedule – RSA 41:31-b
2. Parade and Public Gathering License – Hampton Christmas Parade
3. Confirm the Award of the Mosquito Contract to Dragon Mosquito

Mr. Griffin MOTIONED to move the Consent Agenda. Mr. Bateman SECONDED.

VOTE: 5-0-0

IX. Closing Comments - None

X. Adjournment

Mr. Znoj MOTIONED to adjourn the public meeting. Mr. Lally SECONDED.

VOTE: 5-0-0

  
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Chairman