

Town of Hampton



TOWN OF HAMPTON BOARD OF SELECTMEN December 13, 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 – No Comments.
- II. Announcements and Community Calendar

Mr. Bateman wished everyone a joyous season.

III. Appointments

1. Michael Schwotzer – Finance Director

Mr. Schwotzer has the November income and expense savings to discuss and the reports are online. He talked about YE savings, undesignated fund balance, income, expenses including departmental expenses, audit expense, personnel expenses, budget overrun in the cemetery, municipal insurance, mounted patrol, probationary employees wage grievance in the Fire Department, warrant articles and fund 27. An RFP has been sent out for audit and it is for a four-year period. Mr. Schwotzer provided the Board with some history in regards to departmental overruns in past years, which included various departments.

Discussion

There was a discussion on ambulance revenue for the year.

Mr. Znoj asked about the cemetery burial fund, which Mr. Schwotzer explained in further detail.

Mr. Znoj asked about the undesignated fund balance and how it is made up which Mr. Schwotzer explained. Mr. Schwotzer also explained how he does his forecasting for YE savings.

Mr. Griffin asked about items brought up at the Budget Committee meeting the other night and wonders if Mr. Schwotzer feels that we could have done a better job budgeting.

Mr. Schwotzer does not believe that we could have done anything differently and expressed some of the unexpected things that we must budget for. Chairman Nichols also commented including comments about reducing the budget over the past 2 years and under spending of the budget.

Mr. Lally commented on how many of the surrounding Town's tax rates have been going up and how Hampton's municipal tax rate remains the same.

Chairman Nichols commented on: parking revenues, departmental savings, personnel savings, large amount of money in drainage and TAN. Mr. Welch explained the plan of spending the money in the drainage line item.

Mr. Schwotzer needs a motion on the Default Budget. Mr. Znoj commented that the Budget Committee added money to the budget. The current budget from the Budget Committee is \$24,271,521.

Chairman Nichols MOTIONED to approve the 2011 Default Budget of \$24,074,309.00, which includes an increase of \$30,765.00 for the settling of the probationary employee grievance. Mr. Lally SECONDED.

VOTE: 5-0-0

Chairman Nichols commented on a conversation that he and Mr. Schwotzer had in regards to the undesignated fund balance. The conclusion they reached that the combination of what is in the fund at this point coupled with what is projected to be added minus the safety net of 5% we essentially have about \$1.8M that is available.

Chairman Nichols had Mr. Schwotzer explain the warrant article to change the fiscal year in further detail in regards to the budgeting process and debt service. The Board discussed if they were ready to move forward with this warrant article and the education sessions that need to be provided. There was a consensus amongst the Board to move forward with this process.

2. Ben Moore – 375th Celebration Committee

Mr. Moore explained to the Board the reason for the budget request and that the committee has only met one time and does not plan to meet again until next year. The basis is that they want to have a budget commitment and that is the purpose of the warrant article and it will expire in 2013 and return to the general fund if the money is not spent.

Discussion

There was a discussion about the last anniversary celebration in 1988.

Chairman Nichols asked how they came up with the \$20,000 amount which Mr. Moore explained how the committee just picked the number and how there are no commitments at this time but the goal is to have as much as possible of this money returned to the general fund. They also discussed whether the money would probably not be spent in 2011 but that this is more of a measure to make sure the voters want to support this event. Once there is a plan in place, it will come to the Board for approval.

There was a discussion about USS Hampton being invited for this event.

IV. Minutes of December 06, 2010

Mr. Znoj MOTIONED to approve the minutes of December 06, 2010 as submitted. Mr. Lally SECONDED.

VOTE: 5-0-0

V. Town Manager's Report

The wetlands permit request for the construction and installation of the floodgate on Brown Avenue has been filed with the Department of Environmental Services in Concord. We have filed a request for expedited review and we have received a response from the State.

Chairman Nichols asked Mr. Welch to follow up on the flooding near "Little Jack's" with DES.

The bid for Sodium Hypochlorite has been awarded to Jones Chemicals of Providence, RI as the low bidder of three bidders. The contract period is for the years 2011 and 2012.

The bid for Sodium BiSulfate was awarded to PVS Chemical Solutions of Detroit, Michigan as the low of three bidders. The contract period is for the years 2011 and 2012.

The bid for Compost Screening was awarded to the "The Dirt Doctors" of Pembroke, NH as the low of four bidders.

The State reports on December 3, 2010 that construction is continuing on the Seashell Complex. People have asked the purpose of the concrete block structures and the State indicated that they are elevator shafts. Seashell foundations are in progress and the bump out area for the playground is almost complete. The southern end of the Central Parking Area is open for overnight parking but the area will not be maintained for winter use. Public parking is permitted with vehicle owners responsible for their own access. Lots may be plowed as needed by the contractor. The Ross Avenue and High Street bathrooms are open for their normal winter hours.

The Coastal Economic Development Corporation recommends that Donna Lane be engaged as the Administrator for the Sleep Net CDBG grant proposal. The Town has no objection and recommends her engagement using all non-Town source funding. There is no expense to the Town.

Mr. Bateman MOTIONED to engage Donna Lane as the CDBG Administrator Coordinator for the SleepNet CDBG Grant. Mr. Znoj SECONDED.

VOTE: 5-0-0

We have bid twice for Snow Plowing and Snow Removal Services. The first bid in August received no bids. The second bid has been returned with only one bidder. We recommend that the Board award the bid to Severino Trucking at \$100.00 per hour as the only bidder. There was a discussion amongst the Board about the bidding procedure and some changes that should be made to the process. The newspaper may not be the most effective way of advertising it was suggested that bid request be sent directly to companies.

Mr. Bateman MOTIONED to award the Snow Plowing Bid to Severino Trucking at \$100.00 an hour. Mr. Znoj SECONDED.

VOTE: 5-0-0

We have bid twice for the sale of our compost for lack of three bidders. The second bid was returned with only one bidder Remy and Sons at \$5.00 per cubic yard. We recommend that the Town sell its stockpiled compost to Remy & Sons for \$5.00 per cubic yard. Note that the Town will retain a small portion for the compost pile for Town and resident use.

The Town bid for Polymer for use in the WWTP and received only one bid. We normally receive at least three bids. We recommend that the Board award the bid for Polymer to Atlantic Coast Polymers for 2011 and 2012 at a cost of \$1.89 per pound delivered. That is an increase from \$1.74 per pound delivered from the same supplier who has been the low bidder in the past. Chairman Nichols feels that we need to work a little harder on this and attempt to get more bidders. This is a larger ticket item.

The Town bid its requirements for Outside Lab Analysis at the WWTP. There are two packages listed as A and B. Under Section A there were only two bidders with one no bid being returned for review. Package A provides for testing of Effluent Chronic Toxicity, Effluent Acute Toxicity, Fecal Coliform, cooper and Ammonia. We note that under both categories Eastern Analytical was the low bidder. We request permission to award the bid for Package A & B to Eastern Analytical.

Discussion

Mr. Lally asked about the snow fencing at the beach and asked that Mr. Welch look into why this has not been done yet.

Mr. Znoj made a few comments on the Salt Shed and the large amount of salt as well as the unfinished look. There was an additional discussion on the amount of salt used and how much salt we currently have. Mr. Bateman expressed concern with the danger of the power lines and why the structure was placed in a right of way.

VI. Old Business

1. Recycling Facility Participation Agreement with Concord Regional Solid Waste/ Resource Recovery Cooperative

Atty. Gearreald shared some information about the document and changes that have been made to the document over the past few years. The agreement is for 15 years. He explained the agreement in further detail including Town Meeting vote. Mr. Welch shared some information about the process they have been going with in regards to this agreement.

Discussion

Chairman Nichols asked if Mr. Welch could find out what the transportation cost involved are. He also talked about the financial benefits. Mr. Welch did share some information about the tons that they will be able to transport.

Mr. Znoj brought up the charge for non-recyclable items that might be mixed in with the recyclables. Mr. Welch explained that everyone shares this cost and he explained the process that will take place when the recycling is delivered.

Mr. Bateman shared a visual presentation on single stream recycling that was on New England Cable News the other day.

They also discussed the \$30 per ton revenue and the percentage the Town gets.

Chairman Nichols MOTIONED to move to have the Board authorize, execute and deliver the Recycling Facility Participation Agreement with Concord Regional Solid Waste/ Resource Recovery Cooperative and the Town of Hampton subject to the later approval of a corresponding warrant article by the voters at the March 11th Town Meeting. Mr. Znoj SECONDED.

VOTE: 5-0-0

2. Beach Fire Station Memorandum of Understanding

Chairman Nichols provided some background including: discussion the Board had last week, some members of the Board attended the Precinct Meeting last week and Atty. Gearreald looking into a couple of issues with bond counsel.

Atty. Gearreald shared four issues that the Board needs to discuss: fencing/gate, storage closet and outside storage, independent engineer to study drainage, building demolition (includes Station and Garage) and lastly the reverter clause. Atty. Gearreald also provided some history on how this MOU has been worked on since last November. Atty. Gearreald explained that there needs to be clarification by the Precinct voters on the demolition of the buildings. Atty. Gearreald explained concerns with Bond Counsel in regards to the reverter clause. This is a very complicated issue and he went into further details about the bond issues. If the Board chooses to guarantee fire service within the precinct for an eternity then the Precinct is willing to remove the reverter clause.

Discussion

Chairman Nichols and Mr. Lally both agreed with the fencing/gate being absorbed by the Town. Mr. Znoj disagrees and feels that the Precinct has a large enough Undesignated Fund balance to cover this.

Mr. Griffin cannot believe that we are still talking about this and is fine with the fencing discussed. Mr. Bateman agrees with Mr. Griffin that this has taken way too long for such simple issues.

Chief Silver shared some of the storage needs and the plans that already exist in the plans for the storage closet. Mr. Bateman suggested maybe sharing some of the storage items such as barricades. There was also a discussion about having a storage shed at Public Works. Chairman Nichols suggested that Chief Silver get in contact with Commissioner Rage to discuss a solution to storage needs. The Board discussed a trailer being a possible solution.

The Board agreed unanimously that they would not pay an independent engineer to study the drainage.

Mr. Griffin is sorry that he voted to have two fire stations on the warrant and wishes he would have left it as one for the Town Station.

Chief Silver thinks it may be possible to construct the new station and leave the garage however, he does not think it would be the best choice. Mr. Griffin commented on how many people do not want to keep the old station and until new people are in charge we need to leave this item alone. There was a discussion on whether or not the old station needs to be demolished in order for the new station to be built.

The Board agreed to reject the reverter clause.

Atty. Gearreald reminded the Board that if they are to put forward a bond for either or both stations they do need to hold a public hearing and time constraints involved.

Mr. Znoj also brought up an escrow issue, which the Board also disagreed with the Precinct on.

3. Warrant Articles

Chairman Nichols asked if there are any warrant articles that the Board would like to discuss.

Discussion

Mr. Griffin wonders if it is possible to put forward a warrant article for the Town Fire Station and not the beach. He shared some of his concerns. He would like to make a motion to put forward the Town Station only.

Mr. Griffin MOTIONED to put forward a Warrant Article for the Winnacunnet Road Station alone. Mr. Bateman SECONDED.

VOTE: 2-3(Nichols, Znoj, Lally)-0

Mr. Lally is going to stick with the two station approach since that is what the Chief has been told the Board would support. They also discussed some of the feelings of the public.

Mr. Znoj wants to wait and hear back from the Precinct before voting.

Mr. Bateman commented that he represents the entire Town.

Chairman Nichols asked Atty. Gearreald to give the Precinct until the end of this week to get back to the Town with an agreement.

Chairman Nichols discussed a future strategy if the warrant article is voted down.

Discussion on Other Warrant Articles

Atty. Gearreald has an updated copy of the Administrative Enforcement Article for the Board to review.

Chairman Nichols commented that the Board has received information on the Recreation Infrastructure and the majority of it is for paving and fencing in the area of Park and Eaton.

Atty. Gearreald provided the Board with an update on Community Revitalization Grant including information on the statute, modifying the chapter, work that Nancy Stiles is doing on this in Concord, change the definition of qualifying structure and timeframe. The Board agreed that they do not want to put a timeframe in regards to how far back one can go to receive this but there does need to be language included to put restrictions on this such as the land must remain vacant. Chairman Nichols pointed out that this is an incentive to rebuild and cannot be used by someone who has already rebuilt.

Mr. Welch provided the Board with additional information including cost involved with drainage. The Board wishes to discuss this next week after they have some time to review the information provided by Mr. Welch.

Mr. Welch provided information on the WWTP including immediate goals, expansion of building to include a new press, written emergency plan for press failure, purchase of data computer system and Capital Reserve to purchase this software. Chairman Nichols commented that encumbered funds could be used for the immediate goals to get the Town

out of the moratorium. By next week, they will have what needs to be done in 2011 so that this can be put on the warrant.

Mr. Znoj commented on the Library, parade and capital for recycling.

Other Old Business

Chairman Nichols asked Mr. Welch for an update on contacting Nancy Stiles in regards to getting information to her on tourist expenses and revenue to see if she can get any support in Concord to change the Meals and Room formula. Mr. Welch reported that Mr. Schwotzer should have this information available mid to late week.

Mr. Znoj reminded Mr. Welch to not forget the ambulance runs.

VII. New Business

1. Town Manager Contract Extension

Chairman Nichols stated that the Board has agreed to extend Mr. Welch's contract until March of 2012.

Discussion

Chairman Nichols MOTIONED to approve the Town Manager Contract Extension to March 11, 2012. Mr. Bateman SECONDED.

VOTE: 5-0-0

2. Hampton Schools Impact Fee Withdrawal

Atty. Gearreald updated the Board on a meeting he attended with Hampton School District and Winnacunnet School District. He provided history on impact fees and that they are solely collected for schools. He has been asked if the impact fees can be used for expenses prior to the date the impact fees were enacted. He is still in the process of looking into the legalities and will get back to the Board with an answer.

Chairman Nichols explained that the reason this is coming before this Board is that withdrawals must be passed by this Board. He hopes that we will be able to approve this to save the taxpayers money.

Discussion

Mr. Bateman clarified that we are looking to approve a withdrawal from this fund.

Mr. Znoj summarized how the impact fees work. Chairman Nichols also provided some information on how this works. There was also a discussion on impact fees for Police and Fire. They also discussed how this would affect the taxpayer in 2011.

3. Trash and Recycling Bids

Chairman Nichols commented that the bids are in and have been for a couple of weeks. Mr. Welch explained that Mr. Schwotzer is almost done completing whether or not this can be done in house for less. He has asked Public Works if the recycling can be collected in house with no new employees. It can be done but it will be tight. He also talked in detail about the new trucks and how they work. It appears at this time that this can be done in house for cheaper.

Discussion

Chairman Nichols has two requests for Mr. Welch. One is the initial proposal had a cost of \$1.247M which included two trucks and a need for a third truck in the future. He would like the cost of the additional truck factored into the cost analysis. The second item is to do more work to make sure that more manpower is not needed. The Board agreed that more analysis needs to be done in regards to if additional employees will be needed.

Chairman Nichols shared some information on the analysis that Mr. Schwotzer is working on and the numbers he has come up with so far.

VIII. Consent Agenda

1. 2010 "supplement" Real Estate Property Tax Warrant
2. 2010 Equalization Municipal Assessment Data Sheets Certification
3. Authorization to forward GHD WWTP Report to DES

Discussion

Mr. Bateman MOTIONED to approve the Consent Agenda. Mr. Lally SECONDED.

VOTE: 5-0-0

IX. Closing Comments

Mr. Bateman announced that the Recreation Department has Red Sox tickets on sale.

X. Adjournment

On motion made by Chairman Nichols and seconded by Mr. Bateman to enter into a Nonpublic session RSA 91- A:3.,II.,(a).

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

VOTE: 5-0-0

And;

Chairman Nichols MOTIONED to adjourn the public meeting. Mr. Bateman SECONDED.



Chairman