

Town of Hampton



TOWN OF HAMPTON
BOARD OF SELECTMEN
January 12, 2011 Minutes

PRESENT: Richard Nichols, Chairman
William Lally, Selectmen
Richard Griffin, Selectmen
Gerald Znoj, Selectmen
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney
Michael Schwotzer, Finance Director

ABSENT: Richard Bateman, Vice-Chairman

7:00 PM

SALUTE TO THE FLAG

I. Public Hearing

Chairman Nichols introduced the Board members; Selectmen Bateman would not be attending.

Chairman Nichols read the following for the public hearings: Notice is hereby given that the Selectmen of the Town of Hampton will hold a public hearing for the purpose of complying with the provisions of RSA 33:8-a to take testimony from those who wish to be heard concerning the possible issuance of serials bonds or notes for the construction of Fire Stations, Wastewater Treatment Facility upgrades, and Solid Waste Disposal Costs in the Town of Hampton.

There are four bonded warrant articles that will be discussed and the format of the hearings will be one read the warrant article, comments from the public, discussion on the article by the Board, vote to agree on the language of the article and then the formal vote on the article to recommend or not recommend.

First Article – Selectmen sponsored article.

Chairman Nichols read the following article into the public record.

Shall the Town of Hampton vote to raise and appropriate the sum of \$7,593,340 for the purpose of constructing an addition to the Winnacunnet Road Fire Station (for \$4,509,950) and acquiring and conveying property and constructing a new Beach Fire Station, including but not limited to demolishing and removing existing improvements and structures and making other ancillary and related improvements with respect thereto as provided in the Memorandum of Understanding described below (for \$3,083,390). Such sum to be raised by the issuance of municipal bonds or notes for a period not to exceed twenty (20) years under and in accordance with the provisions of the Municipal Finance Act (RSA 33); and to:

Authorize the Board of Selectmen and the Town Treasurer to issue and negotiate such bonds or notes and to determine the rate of interest thereon;

Authorize the Board of Selectmen to apply for, contract for, accept and expend any Federal, State or other available funds toward the projects in accordance with the terms and conditions under which they are received and to borrow in anticipation of the receipt of such aid or the issuance of such bonds or notes as provided in the Municipal Finance Act, (RSA 33), as amended;

Authorize the Board of Selectmen to execute and deliver, in the name of and on behalf of the Town, a Memorandum of Understanding between the Board and the Hampton Beach Village District Commissioners pertaining to the construction of a new Beach Fire Station in the Hampton Beach Village District, and the conveyance of certain property interests, and other matters, all as more particularly described in said Memorandum of Understanding, and to ratify and confirm the prior execution of said Memorandum of Understanding by the Board and any other prior actions of the Board taken with respect thereto.

Authorize the Board of Selectmen, under such terms and conditions as the Board of Selectmen determine to be in the best interest of the Town, including but not limited to appropriate rights of reverter, and as per the terms of the Memorandum of Understanding between the Board and the Hampton Beach Village District Commissioners:

To accept from the Hampton Beach Village District Precinct the transfer of Tax Map 287, Lot 31 in its entirety and portions of Tax Map 287, Lot 29 and Tax Map 287, Lot 32 for a combined total of 18,200 square feet, plus or minus; and

To transfer to the Hampton Beach Precinct all of Tax Map 287, Lot 28 at the expiration of the current lease with the Town in the year 2013; and

To authorize the Board of Selectmen to take any and all actions as may be necessary to carry out the project in the best interests of the Town of Hampton. 3/5th vote required.

Public Comment

Charlie Preston, ?. Mr. Preston asked the question of changing the wording of the article from two to one station only. He also discussed that the location of the station as proposed is at the lowest elevation, was not practical, and should not be proposed.

Discussion by board members on whether to change the article, consensus was to keep it as two stations.

Art Gopalan, 20 Windmill Lane. Mr. Gopalan asked about the current debt obligation and what the tax rate effect of all these articles will be, he also feels the amount is not appropriate for the Fire Stations. Mr. Gopalan feels that the Sewer articles are more important.

Chairman Nichols commented that all the articles will have a fiscal impact note on them. Mr. Schwotzer provided the fiscal impact for this article, in total 25 cent per thousand and would hit in 2012 as the first year; the Winnacunnet station would be 15 cents per thousand and the Beach station would be 10 cents per thousand and hit in 2013. The Police station would drop off in 2012. Accumulative impact would be twenty-five dollars per household.

Mike Pierce, 16 Hedman Avenue. Complimented the Chief on this. He feels that the Beach station is most important. Suggested that process be started earlier in holding the hearings on bonds.

Mr. Griffin feels that the Board had started the process earlier and that this present situation is the result of the Precinct Commissioners and not the Board of Selectmen.

Mr. Welch explained the timeframe of holding bond hearing under the RSA 33:8-a & 40:13 governing hearings is time sensitive and must be adhered to strictly.

John Nyhan, 44 Penniman Lane. Mr. Nyhan stated that public safety is critical in any community and the most important article is to have the two fire stations built. That this community is progressive, we should trust our public officials in respect to public safety issue, and the community should vote to approve the article in March.

William H. Sullivan, 12 Colonial Circle. Mr. Sullivan strongly support Chiefs Silvers proposal and the two stations have to be built and hope the Board supports the article.

Fred Rice, 12 Heather Lane. Mr. Rice supports the two-station proposal and the community should vote to approve this article. The two stations should be built as one project as half a project is worse than none at all. This provides better fire protection to the Town.

Discussion on the tax impact on this article in the coming years occurred.

Don Bliss, 48 Windmill Avenue. Mr. Bliss is impressed with the Chiefs plan of moving the headquarters to Winnacunnet Station. This is very important not to have the primary command at the Beach. The price issue is not exorbitant and should be cost effective when completed.

Mr. Griffin stated he was very supported of the Chief plan, and that it is encouraging about the lower amount of the price tag.

Chairman Nichols asked the Finance Director for clarification on the \$75 dollar cost and the total dollar cost is \$90 per year based on a \$363 thousand dollar average assessed single family home.

Mr. Lally commented on Mr. Pierce comment and gave a history on the evolution of the Fire stations project. Mr. Lally supports this proposal.

Mr. Znoj stated that he does not support this, as it should be a phased approach. The Beach station should be built first and then the Winnacunnet station. To ask for the whole Enchilada is not appropriate. Does not support this article.

Chairman Nichols commented that that the Board has a responsibility to see things from a different prospective, and to see all angles in this project. Also, that the public should have the opportunity to have their comments heard.

Chief Silver commented that the project that has been put forward is the plan that is needed for the Town and for his department to go forward into the future. He is amendable to a phrase project. He urges the Board to recommend this article.

Atty. Gearreald clarified the issue of headquarters; that is would not be the Beach substation and in terms of phasing, the headquarters at the Uptown station would be the first to be built. Atty. Gearreald pointed out that the MOU refers only to a Beach fire station as referenced in the warrant article passed by the Precinct voters.

Chairman Nichols stated that there would be two bonded warrant articles related to fire stations/station on the ballot. The MOU refers to a Beach fire substation and if only the citizen petitioned article passes by the voters, this could pose a problem since it is not for a substation. This is something he feels should be discussed and addressed at the Deliberative Session.

Mr. Lally MOTIONED to bring the article as read by the Chairman. Mr. Griffin SECONDED.

VOTE: 4-0-0

Discussion on the non- attendance of the Precinct Commissioners at this meeting occurred.

Mr. Lally MOTIONED to recommend the article. Mr. Griffin SECONDED.

VOTE: 2-1(Znoj)-1(Nichols)

Chairman Nichols explained his rationale behind his abstention; so as not to taint the article with a 2-2-1 vote; Mr. Bateman would not have voted for it if he were here.

Second Bond Hearing – Citizen petitioned sponsored article.

Chairman Nichols read the following article into the public record.

By Petition of Duane Windemiller and more than 25 other registered voters...

To see if the Town of Hampton will vote to raise and appropriate the sum of \$3,700,000 for the purpose of constructing a new Beach Fire Station. Such sum to be raised by the issuance of municipal bonds or notes for a period not to exceed twenty (20) years under and in accordance with the provisions of the Municipal Finance Act (RSA 33); and to authorize the Board of Selectmen and the Town Treasurer to issue and negotiate such bonds or notes and to determine the rate of interest thereon; To authorize the Board of Selectmen to apply for, contract for, accept and expend any Federal, State or other available funds toward the projects in accordance with the terms and conditions under which they are received and to borrow in anticipation of the receipt of such aid or the issuance of such bonds or notes as provided in the Municipal Finance Act, (RSA 33), as amended; To authorize the Board of Selectmen under such terms and conditions as the Board of Selectmen determine to be in the best interest of the Town, including, but not limited to, appropriate rights of reverter, and as per the terms of a Memorandum of Understanding between the Board and the Hampton Village District Commissioners. To demolish the existing Beach Fire Station and Precinct Garage as part of the construction of the Beach Fire Station if authorized by the Hampton Beach Village District voters; To accept from the Hampton Beach Village Precinct the transfer of Tax Map 287, Lot 31 in its entirety and portions of Tax Map 287, Lot 29 and Tax Map 287, Lot 32 for a combined total of 18,200 square feet, plus or minus; To pay the Hampton Beach Village District an agreed upon sum to compensate the District for its loss of parking revenue during the period of construction that results from the construction; To transfer to the Hampton Beach Village Precinct all of Tax Map 287, Lot 28 at the expiration of the current lease with the Town in the year 2013; And to authorize the Board of Selectmen to take any and all actions as may be necessary to carry out the project in the best interest of the Town of Hampton? (3/5ths vote required)

If the article to construct a sub-station at the Beach as well as an addition to the Winnacunnet Rd Fire Station passes, then that article shall take precedence and this article shall become null and void.

Public Comment

Duane (Skip) Windemiller. Ocean Blvd. Mr. Windemiller explained the reasoning behind the petitioned warrant article. This is not to subvert to the Chiefs plan. This was a backup in case the selectmen's article failed and to allow the voters to have a choice.

Art Gopalan, 20 Windmill Lane. He commented on the article that was in the paper today and the changing of the wording of the article at the deliberative session. His point is of the governing body and that no quorum is required to change the intent of the article. His second question was the costs amounts in the article.

Chairman Nichols talked about the hearing he testified at in Concord on Tuesday about Senate Bill 1. Senate Bill 1 is in regards to the evergreen clause and that he also testified on Senate Bill 16, which essentially has to do with amending the content of warrant articles at the Deliberative Session. The legislative is aware of that problem and that Bill would correct that issue of nuking articles.

Mr. Windemiller explained what the costs amount within the article were for.

Mr. Griffin asked if this article was to pass, could the \$700,000 be used to create the Headquarters at the Winnacunnet Station. This would be addressed at the Deliberative Session, as this is a good idea.

Discussion of the headquarters function at the Winnacunnet Station occurred.

Mr. Rice commented that he highly respects Mr. Windemiller but he is not fully behind this article, as the voters will choose the one-station article and potential problems will occur with this one article. The Board should not support this and go forward with the two-station article.

It was recommended that Skip Windemiller be a candidate for Beach Commissioner.

Mike Pierce, 16 Hedman Avenue. This is a good idea, as the two fire stations article is slim at best to pass. He believes that a station is needed at the Beach, first.

Atty. Gearreald explained that this article's substance could not be change this evening by this Board. Additional language should be added to it at the Deliberative Session and the MOU cannot be reference at that references only a substation.

Mr. Znoj has concerns about the additional money costs of \$600.00, and that should be explained to the voters as to what they are for. He does support the article.

Mr. Lally commented that he supports this article. The article is well intentioned.

Mr. Griffin MOTIONED to bring the article as read by the Chairman. Mr. Znoj SECONDED.

VOTE: 4-0-0

Chairman Nichols MOTIONED that the Selectmen instruct the Town Attorney to assure that there are no technicalities associated with the Petitioned Beach Fire Station article, or with the MOU, that would render this article impotent in relation to its intended purpose. Further, that in the event there are issues beyond the control of the Board of Selectmen, such as the Village

District Commissioners refusal to alter the language of the MOU to reflect "Fire Station", as opposed to "Sub-Station", the Town Attorney shall document those issues with proposed solutions and address them with the parties that do have control. Mr. Griffin SECONDED.

VOTE: 4-0-0

Discussion on the changing of the Article and how it is nor respectful of the petitioners or their articles.

Mr. Lally MOTIONED to recommend the article. Mr. Griffin SECONDED.

VOTE: 4-0-0

Third Article – Selectmen sponsored article.

Chairman Nichols read the following article into the public record.

Shall the Town of Hampton vote to raise and appropriate the sum of \$1,385,000 for the continued maintenance, repairs, upgrades and an addition to the Town's Wastewater Treatment Plant by:

1. Constructing an addition thereto of 3,300 square feet, more or less to the existing building for the purpose of housing a new dewatering press and providing for a future system should it be needed for the replacement of the existing 10 year old press or for increased capacity; and
 2. The purchase and installation of a new dewatering press; and
 3. The installation of automated pumps and pump controls to better control the flow of sludge and sludge depth levels throughout the system; and
 4. Providing for an engineering study for odor control to obtain recommendations to mitigate the plant and work place odors as well as safeguard the electronic controls in the plant and provide for an improved Quality of life for the plant operators and the immediate surrounding community; and
 5. The Preparing of plans to replace the Church Street Pumping Station;
- and,
6. To authorize the issuance of serial bonds or notes in an amount not to exceed \$1,385,000 in accordance with the provisions of the Municipal Finance Act (RSA 33); and
 7. To authorize the Board of Selectmen with the Town Treasurer to issue and negotiate such bonds or notes and to determine the rate of interest thereon, and to take such action as may be necessary to effect the issuance, negotiations, sale and delivery of such bonds and notes as shall be in the best interests of the Town of Hampton; and
 8. To authorize the Board of Selectmen and Town Treasurer to borrow in anticipation of the issuance of such bonds or notes or funds to become available from the State and Federal Governments; and
 9. To authorize participation in the State Revolving Fund (SRF) (RSA 486:14) established for the purpose, and to authorize the Board of Selectmen to expend such monies as become available from the Federal and State Governments and to pass any vote relative thereto; and

10. To authorize the Board of Selectmen to implement such cost effective solutions as are presented in the future that they deem to be in the best interest of the Town that may result in a lesser amount of expenditure than is authorized by this warrant article? (3/5th vote required)

Public Comment

Mike Pierce, 12 Hedman Avenue. Complimented the Board on the work for this article and supports this article.

Art Gopalan, 20 Windmill Lane. He commented on a number of items within the article, i.e. engineering study and what is its cost, the systematize maintenance of the facility and how it will be achieved and paid for. He feels that there is history of a problem of the maintenance of the facility in the past for long-term maintenance, and funding for this article long term. He supports this article.

It was explained that there will be a follow up article to this in 2012. And that the number for the costs of upgrading the WWTF, are in the order of 4-5 million incremental, in addition to the 1.385 million in the article. It was also explained that monies were encumbered for the maintenance of the facility, and will be part of the operating budget for long-term maintenance.

There was discussion between Board members on the importance of this particular bond article and how it is the number one priority article and that it is imperative to be approved. In addition, there was a discussion on the amount of money that has been were spent to maintain the facility.

Mr. Lally MOTIONED to recommend the article. Mr. Griffin SECONDED.

VOTE: 4-0-0

Mr. Lally MOTIONED to bring the article as read by the Chairman. Mr. Griffin SECONDED.

VOTE: 4-0-0

Fourth Article – Selectmen sponsored article.

Chairman Nichols read the following article into the public record.

Shall the Town of Hampton vote to raise and appropriate the sum of \$1,292,300 for the purpose of purchasing equipment and materials to permit the collection of solid wastes and recyclable materials in-house by the Department of Public Works instead of by an outside contractor through the purchases of:

Three double arm automated refuse collection trucks; and

Two-20 foot storage containers for compacted materials; and

9800 95-gallon wheeled refuse and recycling containers for distribution to single and two family residential locations currently receiving refuse and recycling collection;

And,

To authorize the issuance of serial bonds or notes for a period not to exceed a 5 years in an amount not to exceed \$1,292,300 in accordance with the provisions of the Municipal Finance Act (RSA 33); and

To authorize the Board of Selectmen with the Town Treasurer to issue and negotiate such bonds or notes and to determine the rate of interest thereon, and to take such action as may be necessary to effect the issuance, negotiations, sale and delivery of such bonds and notes as shall be in the best interests of the Town of Hampton; and

To authorize the Board of Selectmen and the Town Treasurer to borrow in anticipation of the issuance of such bonds or notes or funds to become available from the State and Federal Governments or other parties and to authorize the Board of Selectmen to expend such funds? (3/5ths vote required)

Public Comment

Art Gopalan, 20 Windmill Lane. Recommend that the Board explain the fiscal advantage that this article presents and that this will recover money.

Mike Edgar, 7 Ann's Terrace. Mr. Edgar asked if this includes analysis of labor costs.

Chairman Nichols confirmed that the labor costs analysis was done. Moreover, there is a cost benefit to see being brought in-house. Chairman Nichols went into detail about all the cost savings with the trash pick-up and recycling.

Mike Pierce, 16 Hedman Avenue. Asked when this article would be in effect, and that it would be July 2011. He also supports this article.

Mr. Welch explained the cooperative agreement with the Town.

Mr. Rice, 12 Heather Lane. Very excited about this article and gave a brief summary of how efficient the collection of trash would be and the benefits of this article. He wholly supports this article.

General discussion on the date of the groundbreaking of building the Cooperative and the expected operations of the facility.

Discussion on the cost of the bond ensued and the analysis of cost savings and such.

Mr. Griffin MOTIONED to bring the article as read by the Chairman and the motion to amend as suggested by the Town Manager. Mr. Znoj SECONDED.

VOTE: 4-0-0

Mr. Griffin MOTIONED to recommend the article. Mr. Znoj SECONDED.

VOTE: 4-0-0

Chairman Nichols MOTIONED that the 1.3 Million Bond for the WWTF will be their top priority. Mr. Znoj SECONDED.

VOTE: 4-0-0

II. Adjournment

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

VOTE: 4-0-0



Chairman