

Town of Hampton



TOWN OF HAMPTON
BOARD OF SELECTMEN
January 24, 2011 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

6:30 PM Nonpublic Session - RSA 91-A:3., II., (a), (b), (c), (d), (e)
Non-meeting with Legal Counsel - RSA 91-A:2., I., (b)

7:00 PM Public Meeting

SALUTE TO THE FLAG

I. Recognition of Service of Town Employees of more than twenty-five years

Chairman Nichols read the proclamation and presented the following employees with years of service pins: Victor Demarco 35 years, Roger Syphers 25 years, Timothy Collins 25 years and William Gay 25 years.

II. Public Hearing – RSA 674:40-a Road Acceptance of “Vrylena’s Way”

Chairman Nichols expressed this as a housekeeping activity. There were no public comments on this.

Mr. Bateman MOTIONED to approve the Road Acceptance of “Vrylena’s Way” under RSA 674:40-a. Mr. Znoj SECONDED.

VOTE: 5-0-0

III. Public Comment Period

Victor DeMarco, 11 Millburn Ave. Mr. Demarco explained that he is currently the Parking Lot Supervisor and retired from 28 years on the police force. He provided some history on the pension plan and how police and fire do not pay into social security and therefore cannot collect social security upon retirement. He also mentioned that there are even some who do not pay into Medicare nor receive Medicare upon retirement. He has some information from NHRS that he would like posted on the website in regards to contribution rates. He also spoke on overtime worked and the wages that we see in the Town report.

Mr. DeMarco brought up the spiking charge. Chairman Nichols does not think that spiking charge will exist. Mr. DeMarco also commented on money warrant articles and the money going in to the reserve and the need to show this as tax effect spending. He does not think things like fire trucks and salt sheds should be purchased with surplus funds.

IV. Announcements and Community Calendar

Mr. Lally wished a Happy Birthday to John Nyhan.

V. Appointments

1. Police Chief Sullivan – Departmental Update

Chief Sullivan provided the Board with some data that he went through. He provided a summary of 2010 for the Board. In personnel Shawn Maloney retired, Champey was promoted to Detective Sergeant and Turcotte and Basque filled fulltime openings. He spoke about two officers out on work related injuries and still in need of one fulltime officer. They currently have 15 special officers in the academy. The budget for the department ended well. He went through calls for service for the Board and provided the Board with an eleven-year comparison.

Discussion

Chairman Nichols asked for some clarification on the comparison he provided and the types of calls of service. He pointed out that DWI's appear to have dropped from 2001 and Chief Sullivan shared some reasons why. Chairman Nichols added that the trend in drugs has gone in the opposite direction and increased. Deputy Chief Sawyer shared some information on DWI's.

Mr. Znoj would like some information on the horses. Chief Sullivan stated one horse is 14/15 and the other is 12/13 and the lifespan can go to approximately 20+ years. The replacement cost is anywhere from \$5,000 to \$8,000. There was a discussion about whether the horses come trained or not. The typical workweek in July or August would be 4 to 5 days for each horse. Chief Sullivan and Deputy Chief Sawyer provided a more detailed run down of the workday for the officer and the horse.

Mr. Znoj asked about three line items in his budget computer supplies, uniform allowance for support services and training & recruitment, which were all, overrun. Chief Sullivan provided some history on how it was discussed before this Board in the past that if there was money left in the department budget these expenses were going to be made on these line items. There was also a discussion about the grant line items and Chief Sullivan explained how this line item works. Mr. Znoj does not understand why this is showing up as a negative number since revenue comes in to cover these expenses. Mr. Schwotzer provided a detailed explanation on how the accounting works for grants in all the departments. Chairman Nichols added that there is no effects on the tax rate since these expenses are offset with the revenue received for the grant.

2. Deputy Chief Sawyer – Penguin Plunge, Special Olympics – joined by Mary Conroy President of Special Olympics NH.

Ms. Conroy provided the Board with an update on the events for this including the high school students who will be participating for the 3rd year. This will be the 12th Annual

Penguin Plunge. She thanked all the supporters of this event. Deputy Chief Sawyer provided some of the obstacles this year with the construction on the beach. The base of operations will be at the Casino with event taking place between A and C Street. They are asking to do something similar to Seafood Festival and have the traffic detours in place starting Saturday morning and ending on Monday morning.

Discussion

Mr. Znoj verified that all the permits are in place with the State and this will be completed before the event. The State permit is signed off by Chief Sullivan.

Mr. Griffin also commented on the traffic pattern and the Hampton Beach Area Commission interest in the traffic pattern.

3. Mike Schwotzer – Default Budget and 2010 Encumbrances

Mr. Schwotzer explained that he has reviewed the encumbrances he put forward to the Board earlier this month. He provided the Board with a new list that totals \$853,000 in encumbrances. There is a second page that breaks down the details of each of these encumbrances by line item.

Discussion

Mr. Znoj explained that he had the opportunity to sit down with John Price and go over each of the encumbrances. He also has spoken with the Police Chief. Mr. Znoj is comfortable with each of these items now that they have been explained to him in detail.

Mr. Znoj would like to ask some questions about Mr. Schwotzer's budget. He wonders if he would like to comment on somewhat of a large under run. Mr. Schwotzer explained to the Board some of the year-end cleanup work that he has been doing and it appears that we will come in under budget by \$1M and we will add net \$500,000 to the fund balance. He provided the Board with an additional spreadsheet outlining all of this. The new estimated undesignated fund balance is \$5.2M. This would leave approximately \$2.4M available from this balance. Chairman Nichols expressed the importance of this savings and the positive effect on the tax rate. Mr. Znoj asked some questions about the accounts in the personnel section, which Mr. Schwotzer explained how he comes up with these estimates.

Chairman Nichols brought up the Default Budget and the fact that nothing has changed the Board just needs to sign the MS form.

Other

Chairman Nichols brought up a petitioned warrant article for the Skateboard Park for \$5,000 that has not been discussed by this Board. Steve O'Hara and Christos Valhouli were present and explained the article is being put forward so permanent repairs can be made to the Skateboard Park. They explained some of the efforts that have taken place to raise funds for this and the total cost is estimated at around \$20,000. Mr. Znoj wonders if they have discussed this with Mrs. Martin in the Recreation Department. They believe that her budget is strictly for the maintenance of the Skate Board Park. Mr. Lally shared some history on how this park was built and the fundraising involved to build the park. There was a discussion about the cooperation amongst residents and the Recreation Department. Mr. Bateman added some other information about Skateboard Parks in other communities. He

also brought up the number of individuals that are drawn to this area. The Board agreed that this park is very actively used.

Mr. Bateman MOTIONED to move to recommend the Skateboard Park Warrant Article in the amount of \$5,000. Mr. Lally SECONDED.

VOTE: 5-0-0

Mr. Znoj asked if Richard Desrosiers could come forward to discuss candidates for the Energy Committee. There is one opening for a permanent and two alternate members. He would like to nominate Sunny Kravitz as the permanent member. Mr. Znoj and Mr. Desrosiers provided some background information on Mr. Kravitz. The other candidate is Tom Withka, a background on Mr. Withka was provided, and they would like to nominate him as an alternate.

Mr. Znoj MOTIONED to accept Mr. Sonny Kravitz as the permanent member of the Energy Committee and Mr. Tom Withka as an alternate member of the Energy Committee. Mr. Griffin SECONDED.

VOTE: 5-0-0

VI. Minutes of December 21, 2010, January 10, 2011 and January 12, 2011

Minutes of December 21, 2010

Mr. Znoj MOTIONED to approve the minutes of December 21, 2011 as submitted. Mr. Lally SECONDED.

VOTE: 5-0-0

Minutes of January 10, 2011

Page 5: Second Sentence, change "A Library Trustee" to "Library Trustee Mary Lou Heran"

Page 5: Sixth paragraph, last sentence remove the word "sub" from the word "substation"

It was recommended that the Board refer to Chief Silver's presentation of June 2, 2010 for this article.

Page 6: Change the Cemetery Burial Trust Fund amount to "\$27,850".

Mr. Znoj MOTIONED to approve the minutes of January 10, 2011 as amended. Mr. Lally SECONDED.

VOTE: 5-0-0

Minutes of January 12, 2011

Page 3: Fourth paragraph from the bottom of the page correct the spelling of "Enchilada"

Page 3: First Sentence add Sixth paragraph from the bottom of the page add the following to the end of sentence "based on a \$363 thousand dollar average."

Page 3: Vote on the recommendation of the warrant article for the two stations, add the following sentence "Chairman Nichols explained his rationale behind his abstention; so as not to taint the article with a 2-2-1 vote, Mr. Bateman would have voted for it if he were here."

Page 5: Fourth paragraph from the bottom of the page reword the statement to state the following “Mr. Znoj has concerns about the additional money costs of \$600,000.00 and that should be explained to the voters as to what they are for.”

Restructure pages 7 & 8 to reflect the public comments to each of the respective warrant articles.

Page 8 (now page 7): Third paragraph under Public Comment change the stated amount of “3 million to 1.385 million”

Mr. Znoj MOTIONED to approve the minutes of January 12, 2011 as amended. Mr. Lally SECONDED.

VOTE: 4-0-1(Bateman)

VII. Town Manager’s Report

Please mark your calendars and be sure to attend the Annual Town Meeting Deliberative Session on Saturday, February 5th at 8:30 AM at the Winnacunnet High School Auditorium.

The Town has received a notice of a permit filed with the State Liquor Commission by the Cove Convenience for a combination, beverage/wine/tobacco License. Any comments should be addressed to the State Liquor Commission.

The State Department of Resources and Economic Development has issued the following update on construction at the Beach

- Exterior of the North and South Pavilion
- North and South Bath Houses
- Open parking spaces for the public
- Ross Ave and High Street Bathrooms

Per the request of the Board, we have computed the cost of preparing and mailing the tax exemption for the Precinct Tax at \$2032.87. That cost does not include opening and returning forms, copying them to the Commissioners for signature and return and data entry once returned. We will keep track of those costs this year.

Next week’s agenda will contain the request to dispose of the 1988 Emergency-One Fire Pumper that has just been retired from service.

We have received a bill from the Board of Trustees of the Trust Funds in the amount of \$1,260 for legal services. This matter should be reviewed with Town Counsel and seek his opinion as to whether or not this bill should be paid. Chairman Nichols pointed out the question is not if the Trustees have the authority to submit this bill but the question relates to the legality of the vote that took place in which the Trustees voted to approve or not approve. Atty. Gearreald was asked about the legality of the vote. He explained to the Board that the vote was taken at last Tuesdays meeting of the Trustees of the Trust Funds and was a vote of 3-2 to reimburse Mackensen & Company in the amount of \$1,260 for legal bill related to an investigation by the Attorney General. The problem with the vote is that Mr. Mackensen was the deciding vote. He brought up the code of ethics and read a portion for the Board. He feels that Mr. Mackensen should not have participated in the vote. Atty.

Gearreald expressed that this Board has the authority to disallow the reimbursement on the basis that the vote that was taken was invalid in violation of the code of ethics. Mr. Znoj clarified that they do have the ability to take the vote again without the participation of Mr. Mackensen.

Mr. Lally MOTIONED to not pay the bill from the Trustees of the Trust Fund in the amount of \$1,260 and reference the Town Attorney's comments here tonight. Mr. Griffin SECONDED.

VOTE: 5-0-0

Discussion

Chairman Nichols commented on the mailing of the tax exemption for the Precinct Tax and he would suggest that the Precinct Commissioners be invited to next week's meeting to discuss the cost involved. Mr. Welch will make sure that the Commissioners are invited.

VIII. Old Business

1. Finalization of Warrant for Deliberative Session – Chairman Nichols asked Board members for comments/concerns on any warrant articles

Discussion

Mr. Griffin wonders if we could find out what the tax impact was of the \$8M Police Station on the average house just for a frame of reference to compare to the Fire Stations. Chairman Nichols stated that this can be done and Mr. Schwotzer will provide Chairman Nichols with the information needed to do this.

Chairman Nichols questioned the fiscal impact note on Article 8 and he would suggest using the \$355,000, which was in the budget. Mr. Schwotzer explained why he is using the \$335,000. Mr. Znoj feels that the benefits should be listed for the public to see and the financial benefit. The Board agreed that the benefits can be verbally expressed at the Deliberative. There was a discussion on the fact that this can be done cheaper in house. It was requested that Mr. Schwotzer add some language to this article.

Mr. Znoj brought up Article 10 on Batchelder Farm and some language he wanted to be added in regards to the benefits for the public. Chairman Nichols would suggest that if a change is to be made to the language it should be done at the Deliberative.

Mr. Lally thinks that if dollar values need to be changed they should be done now but changes to language should be discussed and made at Deliberative.

Chairman Nichols brought up Article 33, which is a petitioned article to reduce leased land rent from 2% to 1%. He clarified that this article will have a fiscal note attached which Mr. Schwotzer is currently working on. Atty. Gearreald has a version of a fiscal impact note and the estimated 2011 tax rate impact is 2.8 cents per \$1,000 valuation based on lost revenues of \$85,055.

Mr. Znoj asked Mr. Welch to explain why a taxpayer would want to vote on Article 30 to change the fiscal year. Mr. Welch explained that it puts everyone on the same accounting period. Mr. Lally pointed out that it makes Town government more efficient. There was a discussion on how we currently spend 1/3 of the budget before we even have it. Mr. Znoj

thinks that the article should contain some of this information to help people understand what they are voting on.

Mr. Griffin asked about Article 42 and the lack of information on the property being referred to only by a tax map #. Chairman Nichols pointed out that this is a petitioned article and it will need to be amended at the Deliberative Session.

Mr. Znoj asked about Article 13 Road Improvements Capital Reserve Fund and confirmed that the spelling of one of the street names was correct.

Mr. Znoj reiterated that he is not in favor of the Mounted Patrol Warrant Article. He pointed out that there are two articles on martial arts and wonders what happens if they both pass. Atty. Gearreald expressed to the Board what would happen if both articles pass. Mr. Znoj thinks something needs to be done with the Pedi-Cab article.

Mr. Znoj asked for some clarification on Article 38 to increase septic fees and an understanding of what gray water is. Mr. Welch explained what gray water is for the Board. Mr. Welch also pointed out that Article 37 was put in so that the Board will have the power to set these rates. There was a discussion on what happens if both articles pass.

Atty. Gearreald pointed out that Mr. Welch is looking for the Board to vote on the form of the warrant articles and the order so that they can meet the deadline to release the warrant to the public prior to the Deliberative Session. Mr. Welch pointed out that there are two amendments that need to be made and the Board needs to then approve the warrant. He would suggest that a time be set later this week for the Board to come in and sign the warrant. Chairman Nichols suggested that this be done on Friday. Mr. Griffin pointed out that anyone wishing to run for office must sign up by 5 o'clock on Friday.

Mr. Griffin MOTIONED to formally vote to recommend the order of the Warrant for the Deliberative Session with the two amendments discussed above. Mr. Lally SECONDED.

VOTE:5-0-0

2. Trash Pickup – Weather events, Holidays and resident notification procedures

Chairman Nichols and Mr. Lally have both received complaints on trash pickup procedures if there is a storm. Mr. Lally pointed out that not everyone watches the meeting or reads the paper so we need to make sure people understand when the trash will be picked up. Chairman Nichols wonders if it is a problem to pick up the trash the next day following a storm.

Mr. Welch expressed that this is a problem and explained the reasons why including the continued snow cleanup. There was a discussion on how deferring pickup for a week is a problem from the feedback received.

Mr. Znoj wonders if the real problem is just the education. Chairman Nichols wonders if some type of a reversed 911 could help with the education. Chairman Nichols would suggest that for the time being we go back to the way it was and pickup the garbage the following day. In the meantime, he would ask Chief Silver to look into the reverse 911 to see if it would be suitable for this use. There was a discussion on how the reversed 911 could be used and the detailed information that could go out.

Mr. Bateman expressed some of the additional benefits of the reversed 911. Mr. Price expressed concerns with public safety and shared some information he received and they were not necessarily complaints but more not knowing the policy. The Board agreed that trash would be picked up the next day and Mr. Welch will come back to the Board with an update on the reversed 911.

3. Signing of MS-DT Default Budget of the Town – discussed above.

IX. New Business

Chairman Nichols pointed out that the Trustees of the Trust Fund annual report is available on their website, which is hamptontrustfunds.org. He also mentioned that there was a consensus amongst the Trustees at their last meeting to defer their update to the Board of Selectmen until after they have resolved some of the conflicts.

The Board is also in receipt of a request from Diane Shaw to be an alternate to the Conservation Commission.

Mr. Bateman MOTIONED to appoint Diane Shaw as an alternate to the Conservation Commission. Mr. Griffin SECONDED.

VOTE: 5-0-0

Mr. Griffin wanted to wish Uta at the beach a speedy recovery.

Mr. Lally brought up the things that happened with the Trustees of the Trust Funds and the code of ethics. He wonders if there is a packet that could be put together for people interested in running for office that might include things like the code of ethics and a copy of information focusing on whatever Board they would be on. Maybe this is something that they could come in and sign off that they received. Chairman Nichols thinks there are two pieces the things that are common to all like the code of ethics and then there is the specific information for each committee. He would suggest that the general information like the code of ethics and items like that should be provided by the Town Manager's office. Mr. Welch provided some information that is available in the form of a handbook for committee members. Mr. Znoj also brought up some of the classes offered at LGC. Mr. Welch will put something together.

X. Consent Agenda

1. Parade & Public Gathering License – Ethel's Tree of Life 02/19/2011
2. Parade & Public Gathering License – Half at the Hampton's 1/2 Marathon 02/20/2011
3. Raffle Permit – Secured Heart School 02/11/11
4. 2011 New Veterans Exemptions: Busch, Robert D. & Ellen; Nelson, Ruth; Quandt, Roger W. & Marcella; Trott, Josette (FKA Hubbard); Withka, Thomas F. & Mary
5. Veteran Exemptions: Binnette, Barbara & Raymond; Britt, Dora M. & Nolan; Bronzo, Anthony, Jr.; Bronzo, Patricia; Castor, Russell & Elizabeth; Dignam, Gerald & Margaret; Lessard, Dorothy & Paul; Lessard, Robert V.; Moody, Arthur; Smalley, Judith F.

Mr. Bateman MOTIONED to Move the Consent Agenda. Mr. Znoj SECONDED.

VOTE: 5-0-0

XI. Closing Comments - None

XII. Adjournment

On motion made by Mr. Nichols and seconded by Mr. Znoj 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)

And;

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

VOTE: 5-0-0

Chairman