TOWN OF HAMPTON
BOARD OF SELECTMEN
February 07, 2011 Minutes

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

ABSENT: Richard Bateman, Vice-Chairman

6:30 PM Non-meeting with Legal Counsel - RSA 91-A:2., I., (b)

7:00 PM Public Meeting

SALUTE TO THE FLAG

Public Comment Period - None

I. Announcements and Community Calendar

Mr. Znoj commented on the Deliberative Session including the article on the one beach fire station and the fact that it was zeroed out on the ballot. He feels that it is wrong that something like this can be done with such a small representation of the voters of the Town. He shared concerns of one resident about all the side discussions that take place and they are very distracting.

II. Appointments

1. John Price, Director DPW – Departmental Update

Mr. Price provided the Board with his 4th Quarter Report, which will be put on the website. Highlights included: turned back $327,903 of the budget which went to the Undesignated Fund Balance, rubbish collection was a challenge due to holidays and storms, update on snow costs for 2011, had 52" of snow thus far, discussion about salt and sand use, employees have really extended themselves this year, two trucks have blown transmissions, Fire Department is using tractor to dig out hydrants, problems with sidewalks & if Board wishes to enforce the ordinance, problems with new sidewalk plow and repairs have been done by the manufacturer, invitation to go down to Charlestown and see Single Stream Recycling Operation and year-end figures for MSW and Recycling,

Discussion

The Board discussed the enforcement of the ordinance in regards to clearing snow onto the sidewalks and especially the problem on Lafayette Road near Hannaford. Chairman Nichols would suggest that the first time it be pointed out to the individual and the second time enforcing the ordinance. Mr. Price shared a notice that he had last year that he gave out to people in violation. Mr. Znoj thinks that it is a good way of notifying the people and maybe an article in the paper would be a good idea. There was a consensus amongst the Board that individuals should be notified/warned first and upon second violation enforce the ordinance and $100 fine.

Mr. Znoj commented on the need to increase recycling numbers. Mr. Price believes it will increase if the warrant article passes at Town meeting. Mr. Znoj thinks that more education needs to be provided for the public.

Mr. Znoj and Mr. Lally both commented on the tremendous jobs the employees have done with plowing and trash pickup.

Chairman Nichols commented on Moulton Road and why it was on the list of roads to do and is now off the list. Mr. Welch provided the history of this including Moulton Road was on the list in 2004, 2005 and 2006. He provided reasons as to why it was not done each year and the fact that drain work needs to be done on this road. Mr. Welch also discussed the rating of Moulton and the roads on the list this year that have a worst rating. Chairman Nichols understands that they have a plan in place and things have to be done. His only concern is that over the past 2 years, DPW has turned back around $800,000 and he wonders why some of this money could not have been used towards some of these items that need to be done. Mr. Welch commented on the accounts that have been under spent. Chairman Nichols thinks that in July or August when they realize that they are going to have savings on a certain line item than some of these additional projects even if they fall under a different line item should be done. Mr. Znoj agrees with Chairman Nichols and if savings on certain line items needs to be redirected to another line item it should be brought to the Board for discussion. Mr. Price commented that he does not expect to have a significant amount of savings in 2011 based on the projects planned.

Chairman Nichols asked about the floodgate on Brown Ave and the bid document is ready to go out. The work will probably be done in early spring.

Chairman Nichols asked about the generator installation at Town Hall. He would like a breakdown of the total cost including labor, electrical work and the generator itself. Chief Silver has been keeping track of all the cost involved and Mr. Welch will get the amounts back to the Board. There was a discussion about seeking additional grant funds for the cost involved with this project.

2. Hampton Beach Village Commissioners

Beach Commissioners Chuck Rage, Gary Kubik and June White were present to discuss the Precinct exemption to single family residential homes.

Chairman Nichols explained the subject is to figure out between them how to handle the administrative aspect of the Precinct exempt determination on a property-by-property basis. He provided some background from last year including the notification process.

The Department of Public Works is working to clear out the snow and ice from the downtown area in order to make the area safer. We would continue to request that abutters not place snow in the sidewalk areas along Route 1 and High Street. It makes for great difficulty in clearing the sidewalks to provide safe passage of those who utilize our sidewalks for walking, shopping and for transportation to school.

A question was brought up at Town Meeting regarding the paving of Moulton Lane and why it had not been completed. This street had appeared on the 2004 list but due to a lack of funds to complete all of the roads on the list, it was not paved. It appeared again in 2005 and 2006 but was removed because of the need of a sewer and drain rebuild on the road for which funds were not available. It has not appeared on the list since 2006 as we are waiting funding for the sewer and drain upgrades, other roadways have a greater need for this work. Just as a note, DPW informs me that all of the roadways on this year's list have a poorer rating as a roadway than does Moulton Lane.

The other question that was asked of DPW was regarding the installation of the tide gate on Brown Avenue. The bid document was received from the Engineering Firm this morning and is now undergoing review of the corrections that were made by DPW and Town Counsel. The document should be ready for bidding in the next couple of weeks.

V. Old Business

Chairman Nichols brought up the subject of whether the Board would want to change its recommendations on the two money warrant articles that were changed at the Deliberative Session. Article 7, the petitioned article for the Beach Station was brought to $0, and the Board has to decide if they still want to recommend this article. Mr. Znoj was in favor of Article 7 since it was zeroed out it really does not make a difference. Chairman Nichols preference is to leave this article alone. Mr. Znoj, Mr. Lally and Chairman Nichols all agreed to leave the article as recommended (3-1). The other article was the Human Services Article 21 an agency was left off and was added unanimously at the Deliberative. The Board agreed to recommend Article 21 as amended and gave Mr. Welch permission to insert the dollar amount.

Chairman Nichols asked Mr. Welch to provide an update to the Board next week on the Reverse 911. Mr. Znoj wants to know why we cannot influence the State to change their system to include the use we are looking for. Chairman Nichols explained in further detail the State system and its use. This will be discussed next week by the Board with the Chief.

Mr. Griffin commented on the number of people who attended the Deliberative and he pointed out that this is the first Deliberative he has been to that did not have all the Town Fire and their families present. Chairman Nichols made the same observation and also made it at the Public Hearing. Mr. Znoj commented that 50 or 60 people were present to make decisions on what the all the residents are going to vote for next month.

Mr. Lally really thinks that the Town needs to seriously look at this and into another type of government, he shared some of his concerns one of which is that three or four people dominate the podium and thinks there is something terribly wrong with this. He provided some history on when and why SB2 (Senate Bill 2) was brought into Town, to get rid of special interest groups. He talked about different types of government including City Councils. Chairman Nichols clarified that his complaint is with the Deliberative Session

process and not the second session; the ballot process. There was a discussion that less than 1% of the voting population shows up at the Deliberative. Chairman Nichols suggested that maybe we should get some input from other SB2 Towns.

Mr. Znoj agreed that there was not enough of a representation of the total number of registered voters; a quorum requirement should be required. Mr. Griffin commented that you would not find another Town around that spends as much time at a Deliberative as Hampton and that it is a contentious Town. Mr. Welch commented that in the Town of Seabrook, the Deliberative Session usually lasted 2 hours. There was a discussion on the number of registered voters in the Town, and it is probably around 10,000. Mr. Griffin thinks the Moderator did a wonderful job.

VI. New Business

1. Code of Ethics

Chairman Nichols brought up the Code of Ethics becoming a topic of discussion in regards to the Trustees of the Trust Fund. Mr. Lally had suggested that this be given out to members as they become elected to Boards/Committees. Chairman Nichols explained that the reality is somewhat gray, as to whether the code can be applied to Board members and Committee members under other elected Officials. This was under discussion with respect to the Trustees of the Trust Fund and since that discussion the Trustees of the Trust Fund as a Board voted to adopt the Code of Ethics. The Town would benefit if we could get to the point of having a common Code of Ethics that applies to everyone. Chairman Nichols shared a note from Mary Louise Woolsey reminding the Board that they cannot make other committees adopt the Board of Selectmen's Code of Ethics.

Chairman Nichols would like to make two suggestions. The first would be to vote and request that the Town Manager to send a letter from the Board of Selectmen to all other elected Boards, Committees and Elected officials, requesting that they adopt the Board of Selectmen's Code of Ethics for their respective entity . We should ask if they have any suggestions. The Code of Ethics is now on the Town's website homepage.

Mr. Lally MOTIONED to have Mr. Welch sends a letter to all Elected Officials, Boards and Committees requesting that they adopt the Board of Selectmen's Code of Ethics. Mr. Znoj SECONDED.

VOTE: 4-0-0

As a second step (suggestion), Chairman Nichols addressed statute section 31-39A, which allows the Town to institute ordinances related to conflicts of interest and the issue of disclosures. He read the statute for the Board. His recommendation as the second step would be heading into next year's election; March 2012 we have a proposed Town wide Code of Ethics ordinance that has stricter guidelines for conflicts of interest for the legislative body to approve. Mr. Lally believes that every Body Politic in Town would welcome such legislation. Mr. Znoj agrees with that need, but he feels that greater need is legislation that allows for proposed ordinances within the Warrant be summarized or passed upon without inclusion in the Warrant, as they weigh down the ballot.

VII. Consent Agenda

1. Limousine License – Robert Grande "Seacoast Executive Transportation LLC"

2. Energy Committee Appointment – Sunny Kravitz
3. Energy Committee Appointment – Thomas Withka

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

VOTE: 4-0-0

VIII. Closing Comments – None

IX. Adjournment

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

VOTE: 4-0-0

Chairman