

Town of Hampton



TOWN OF HAMPTON
BOARD OF SELECTMEN
February 14, 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

6:00 PM Non-meeting with Legal Counsel - RSA 91-A:2., I., (b)
7:00 PM Public Meeting

SALUTE TO THE FLAG

I. Public Comment Period

Mary Louise Woolsey ran the following items by the Board: code of ethics, Trustees of the Trust Funds, system of government, large warrants, Board of Selectmen and Budget Committee need to work together and put items back in the budget and Article 44, which is an amendment to the Taxi Ordinance. She went on to explain the flaws that are in Article 44 including the liability to the Town.

Norm Silberdick expressed his concerns with the pension plan.

Art Gopalan, 20 Windmill Lane, shared information on how he has been following the Retirement System and the spiking charge for the past couple of years. He also spoke about the constituency of the Board membership. Another item is the 100% base pay calculation. He also spoke about the unfunded liability and State downshifting cost down to the Town. Chairman Nichols clarified that the 35% should be shifted back to the State.

James Diener, 206 Woodland Road, commented on the frustration with the Deliberative Session, alternative types of Government and length of the warrant. He also spoke about the Batchelder Farm property and a tour will be given on Sunday February 27th at 2 pm.

Mike Pierce, 16 Hedman Ave, thanked Legislators for their hard work and coming tonight. He also spoke about concerns with the pension system.

II. Announcements and Community Calendar

Mr. Bateman commented on the retirees managing their own money. He would like to see a little more of a level playing field.

I. Appointments

1. State Senator and Town Representatives

Mr. Znoj suggested that each of them tell the Board a little about what they are working on and then come back to the Board for questions.

Senator Nancy Stiles shared: the committees she sits on, educational funding formula, constitutional amendment, Rooms & Meals Tax and a work program. Mr. Bateman provided her with some information about a study done in 2010 that might help with finding a median income.

Chris Nevins shared: the committees he sits on, SRF funding for the WWTP, budget process, health insurance increases, retirement system, Chairman Nichols commented on the 2 parts of SRF funding one is the lower rate loan and the other is the 20% cost being reimbursed from the State. He is under the impression that the 20% funding from the State level is not going to be available. Chairman Nichols would like to know if this funding is in the budget for 2012. This is not known at this time since the budget is still being worked on. Chairman Nichols clarified the 10 or 12% reduction in the budget. Fred Rice also shared some information about the budget reduction and the \$1 billion deficit.

James Waddell shared: additional information on the retirement system, education and how the press grabs on things and throws it out there.

Kevin Sullivan shared: information on the evergreen clause, SB1, HB326 and right to work. Chairman Nichols asked about any plans to fast track SB1 so that it becomes law prior to the vote on March 8th. That is the plan, Chairman Nichols brings it up because of any contracts coming up for a vote, and it can save a lot of people time at the PELRB. SB1 has passed the Senate and goes to the House tomorrow. Fred Rice explained the bill in further detail. Chairman Nichols went into further details about the testimonies in Concord that he attended in regards to SB1.

Nancy Stiles commented on how the "To See" bill was fast tracked and already signed by the Governor. Mr. Znoj commented on the "To See" bill and referred to the article for the one beach station that was zeroed out at the Deliberative he does not feel that this should be allowed. Fred Rice commented that this bill was heavily debated in Concord. It was also mentioned that without this amendment it would not have passed the House.

Nancy Stiles made some further comments on DES and since we are under a sewer moratorium, she feels we should rise up on the list. She also shared some information on the comprehensive retirement bill coming out of the Senate. Fred Rice commented that the biggest concern with the retirement changes he has heard is when the vesting starts.

Chairman Nichols clarified that the increased employee contributions only applied to people starting after June 30, 2011 but there were elements that did apply to employees not vested as of July 1, 2011. Mr. Znoj thinks that if rates are going to be increased they should be increased across the board. Chairman Nichols is in support of the House Bill changes to the Retirement System and provided his reasons for this support.

Mr. Bateman commented on a judge's decision based on the fact accruing your retirement is an earned and owned piece of property and he would like to run his own property and not have them run it for him. He thinks that eventually there will be a legal battle as to whose money is it.

Nancy Stiles shared the good news that the Commissioner of DRED has put the \$6M in his request to finish the seawall. She also shared the conversations that they have all had to try to resolve the problems between Exeter Hospital and Anthem.

Fred Rice shared: the committees he is on, co-chair to the freshmen republicans in the House, SB11 ways and means committee, and bill to prevent departments from instituting fees, bill on entry on private premises, electronic vehicle registration at the car dealership, right to choose vaccinations for your children and the subject of weapons in the House chamber. Chairman Nichols clarified some of the problems that the Town Assessor has with the entry on private premises. Chairman Nichols asked Fred Rice to contact the Assessor for his input on this topic.

Kenneth Sheffert shared: the committees he is on, farmer's bills, licensing cats and dogs, holding time before animals can be released at SPCA; milk bill is in committee and tree warden bill.

Discussion

Chairman Nichols made the following comments in regards to the Retirement System: addressing the sustainability of the system, spiking charges kick in July 2011 if no action is taken, increase in group II retirement age, insight to overall cost of pension benefit and he has not seen any report containing financial goals. Chairman Nichols explained the spiking charge in further detail, provided examples on how it is expected to work and the consequences it will have on the Town. Chris Nevins confirmed they are trying to reach a rate of 80% funded. Chairman Nichols would request that at least one of the members present tonight request from the Retirement System some type of report outlining their financial goals. He thinks we are headed in the right direction.

Mr. Znoj clarified the formula used to calculate an employee's pension would be capped at 100% of base pay and base pay does not include any overtime. He also asked about lowering the number of hours that retired employees can work when rehired as a part time employee. The number of hours has not been discussed but Nancy Stiles does know that Hampton has concerns about this and a thought of hers is to limit the number for a year timeframe as opposed to a certain number of hours per week. He also brought up Rooms & Meals tax and shared some of his suggestions on how this should be calculated, to get more of our fair share to justify the improvements at the Beach, and would be looked more favorable on, and would not be voted down. Fred Rice shared some conversations he has had with individuals on this. Nancy Stiles commented that she is trying to get a little bit more back to the communities with tourism.

There was a discussion about lowering the number of members in the House.

Chairman Nichols commented that it is his intention to attend several hearings in Concord on Friday that have to do with the Retirement System and he would like to testify on behalf of the Board if he has their support.

Mr. Znoj and Mr. Griffin indicated their support.

Mr. Lally does not support Chairman Nichols testifying on behalf of the Board in Concord. He shared some of his thoughts about the Retirement System and he does agree that some changes do need to be made to the system. Mr. Lally expressed some of the concerns he has with what Jeb Bradley is suggesting being done. Chairman Nichols clarified some of Mr.

Lally's concerns and it does not appear that any of the changes effect vested or retirees. Mr. Lally commented that if that is the case, he will support Chairman Nichols. Mr. Bateman does not support Chairman Nichols testifying on behalf of the Board. Mr. Lally clarified that police and fire do not pay into Social Security and therefore do not collect Social Security in their retirement like others do.

Chris Nevins thanked the Board for having them. Atty. Gearreald thanked Nancy Stiles and Chris Nevins for the help with the revitalization bill.

II. Minutes of February 07, 2011

Page 5: Third paragraph, third sentence: add the following words "under other elected Officials" to the end of the sentence.

Page 5: Last paragraph, last sentence: add the following words "or passed upon without inclusion in the Warrant," before the words "as they".

Mr. Znoj MOTIONED to approve the minutes of February 07, 2011 as amended. Mr. Lally SECONDED.

VOTE: 4-0-1 (Bateman)

III. Town Manager's Report

The legislation submitted which allows the Town to appoint a Tree Warden has progressed so that the Committee on Municipal and County Government in the House is planning on considering amending the General Laws to allow appointment by all Boards of Selectmen, not just Hampton.

Town Reports were sent to the printer/binder today for publication. We expect the Reports to be available on March 1, 2011, if all goes according to plan.

Copies of the Code of Ethics are scheduled for delivery to each Department under the jurisdiction of the Selectmen tomorrow as previously directed by the Board. Drafts of the letters to other elected or appointed Boards, Commissions and Committees will be completed in a few days for distribution.

I will be appointing a committee to review the draft proposals for a new personnel by-law that has been under study for about a year. I am trusting that we can complete the necessary review and file a report with the Selectmen with recommendations by not later than the end of March allowing for final Board action to complete the project at that time.

I along with others will be meeting with the Department of Environmental Services on Wednesday, February 16 to refine the Administrative Consent Order to remove the Sewer Moratorium.

I have signed an agreement to complete and final the NPDES Stormwater Discharge Annual Report with Beta Group at a cost of \$3900. This is one of two providers who have been requested to submit proposals and who have completed similar work for us in the past. The other proposer was \$20,000.

Discussion

Chairman Nichols felt that Mary Louise made some good comments on Article 44 Taxi Ordinance and would like Mr. Welch's comments. Mr. Welch commented that he spoke

with Mary Louise this morning and he will have to investigate this further and report to the Board. Chairman Nichols wonders if we decide that there are mistakes are there any legal mechanisms that can be used to remove the article or will the Selectmen need to come forward and recommend that people do not vote in favor of this article. It cannot be removed from the warrant at this point. Mr. Welch would suggest that if the Board decides not to be in support of this article the following should be done: an announcement by the Board, posting on website and channel 22 and an article in the newspaper. Chairman Nichols would suggest that we see if Patrick Cronin will do a story. There was a discussion about the timing and it was agreed that if Mr. Welch finds that there are mistakes in the article he has the Boards approval to move forward with making the announcements discussed above.

Chairman Nichols asked for an update on total cost for the generator. Mr. Welch provided the information he has but it is not completed yet.

Chairman Nichols brought up the fact that the fiscal notes are not on the money articles on the website. Mr. Welch will look into this and if they are not, there he will make sure it is corrected.

Chairman Nichols asked Mr. Welch to provide information on the spot performance appraisal and personnel requests. Mr. Welch explained a system used by other communities and the purpose of the system is to inform the Manager and Board of issues that are not going right in a department. This system will help to make sure that the disciplinary system is uniform throughout the whole Town. Chairman Nichols thinks that it can help to keep the Town Manager informed. Mr. Znoj commented on the spot evaluation and the fact that it does not go to the Town Manager. Chairman Nichols added that the spot evaluation does at least bring the Department Head into the loop so they know what is going on.

IV. Old Business

1. Reverse E-911

Chairman Nichols provided some information discussed over the past few weeks about the reverse 911 and asked Mr. Welch and Chief Silver to provide an update for the Board. Mr. Welch discussed the following: Criteria of the State is that they are going to use their system very strictly, and the estimated cost for a town system would be between \$75,000 and \$100,000 and use of the State system would be limited to the public safety operation of the Town. Chief Silver provided the emergency uses that will be allowed by the State system and they are limited. He is waiting for some responses on costs, which should be coming in soon.

Discussion

Chairman Nichols does not think at this point we have all the information we need but it is something that could be of use once we have all the information.

Mr. Welch gave some examples of ways he would like to see the system used such as water mains and sewer lines broken, trash pick-up and scheduled power outages.

Chief Silver thinks that there are many ways this can be used. He also spoke about the different ways the system database can be built. Chief Silver also mentioned other ways this can be done such as a low powered FM transmitter.

Chairman Nichols would like to see something come back to the Board in March for discussion.

Mr. Znoj would like to see the State system use expanded to help out the communities. Chief Silver does not think you will see those types of changes.

Other Old Business

Mr. Znoj expressed confusion on a report about the bridge replacement over Old Stage Road. There was a discussion about how this work was already done.

Mr. Znoj commented on the wonderful memo to John Price on Storm Water 2. He wonders if there is a date for this to be done. Mr. Welch stated a lot of this is continuing. Mr. Znoj thinks each item should have some sort of date. Mr. Welch has asked them to sit down and decide when each item can be done. He went into further detail about the great length of work involved with some of the items and this is a sort of outline.

Mr. Znoj brought up the plowing of beach sidewalks. Mr. Welch shared a complaint that was received and they are not maintained during the winter. This is something that has never been done. Mr. Lally commented on the number of children down there. Mr. Welch believes the cost would run between \$30,000 and \$50,000 per storm. Mr. Lally thinks this is something that will need to be discussed next year. Mr. Griffin shared some complaints he has received about buses not coming down to certain streets when there is too much traffic.

V. New Business

Mr. Griffin asked about an item at the Planning Board about Sherburne Place irrevocable letter of credit being released. Mr. Welch explained that the road is complete and now must be maintained by the Town so the letter of credit should be released. There was also a discussion about Brooks Lane and it is up to the Planning Board to decide if this should be released. DPW is ready to accept Brooks Lane.

VI. Consent Agenda

1. Raffle Permit – Sacred Heart School March 15, 2011
2. Conservation Commission Appointment – Diane Shaw
3. Veterans Exemptions: Busta, Patricia A.; Corcoran, Wendy; Curran, Sally; Freidman, Maurice H. & Sarah B.; Paquette, Paul E.; Pierce, Edward E. & Carol; Pierce, Michael Everet & Linda B.; Sullivan, William H.; Wilbur, David M.

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

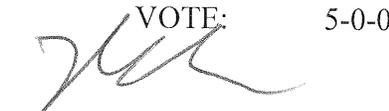
VOTE: 5-0-0

VII. Closing Comments – None

VIII. Adjournment

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

VOTE: 5-0-0



Chairman

Town of Hampton



TOWN OF HAMPTON BOARD OF SELECTMEN AGENDA

DATE: Monday, February 14, 2011
LOCATION: Town Offices – Selectmen’s Room
POSTED: Town Offices, Library, Beach Fire Station

6:00 PM Non-meeting with Legal Counsel - RSA 91-A:2., I., (b)

7:00 PM Public Meeting

SALUTE TO THE FLAG

- I. Public Comment Period
- II. Announcements and Community Calendar
- III. Appointments
 1. State Senator and Town Representatives
- IV. Minutes of February 07, 2011
- V. Town Manager’s Report
- VI. Old Business
 1. Reverse E-911
- VII. New Business
- VIII. Consent Agenda
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- IX. Closing Comments
- X. Adjournment

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

Nonpublic session - RSA 91-A:3., II., (a), (b), (c), (d), (e) **Roll call vote required**

NOTE: Agenda items, requests for appointments to appear before the Board of Selectmen and/or submissions requiring action by the Board of Selectmen must be received by the Town Manager’s Office in writing, no later than 5:00 PM on the Wednesday prior to the requested meeting date. All items, appointment requests and/or submissions requiring action by the Board of Selectmen are subject to confirmation by the Chairman. For more information, please stop by or call the Town Manager’s Office at 603-929-5908.