TOWN OF HAMPTON
BOARD OF SELECTMEN

February 28, 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

7:00 PM Public Meeting

SALUTE TO THE FLAG

I. Recognition of Service of Town Employees – Twenty Years

Chairman Nichols read off all the employees with 20-years of service: John O'Brien, Joyce Heal, Joanne Mulready, Marie Hall, Marcia Hess, Alan Jones, William Kennedy, Timothy Dalton, James Correll, Doug Mellin, Larry Barrett, Robert Desrosiers, Peter MacKinnon, Tobi Eldridge, Ken Beliveau, Dan Gidley, David Mattson, John Burke, Steve Henderson, Don Felch, Russell Nickerson, John Stevens, John Joyce and Roland Brooks.

Chairman Nichols presented the pins to Joyce Heel, Tobi Eldridge, and Daniel Gidley.

II. Public Hearing – RSA 674:40-a Road Acceptance of "Brooke's Lane"

Mr. Welch provided the Board with an overview including the location, information from the Planning Board, letter from Public Works stating road is ready for acceptance, two houses and two empty lots. Atty. Gearreald provided some background similar to other roads the Board has recently accepted. He spoke about utility easements.

Public Comments

Arthur Moody commented as it being part of Donna's Lane. He asked some questions about the length of the road. There was a discussion about whether or not a portion of Donna's Lane is being extinguished. He advised the Board that the records will need to be changed for Donna's Lane.

Rick Anderson, 1 Brooke's Lane, if the road is accepted tonight who will take over the maintenance of Brooke's Lane and when will it start. He was informed that the Town will take over the maintenance as soon as the Board signs the documents.

100 Winnacunnet Road, Hampton, New Hampshire 03842 Tel. 603-926-6766 Fax 603-926-6853

Mr. Bateman MOTIONED to approve under RSA 674:40-a, the Road Acceptance of "Brooke's Lane" on the contingent of the signature of the document by Verizon (Fairpoint). Mr. Lally SECONDED.

VOTE: 5-0-0

III. Public Comment Period

Jeff Rallis thanked Mr. Welch and the Town for the help they have given him.

Arthur Moody commented on Article 30 to change the Town fiscal year. He expressed some concerns with the article and a need for a recession clause. He also spoke about Article 8 and Article 12, which have to do with Public Works vehicles and joining Concord Cooperative Group. He shared an article about having other Town's bringing their recycling to Hampton to be transported to the Concord. Mr. Welch explained that the Town has voted to allow the Selectmen to contract with other municipalities to accept their waste at no cost to the Town. Mr. Moody provided some history on the Transfer Station. He also questioned the article for the recreation special revenue fund.

Brian, 27 I Street, commented on the sidewalks being plowed at the beach. He was told in October by Mr. Price that the sidewalk on Ashworth Ave could be plowed but they would not be done first. This is not being done. He applauds the Board for bringing forward Article 30. Mr. Price does not remember having a conversation with Brian about plowing the sidewalks at the beach especially not in October since he was out on medical leave. He has provided Mr. Welch with information on plowing the sidewalks at the beach and some cost involved.

Dustin Marzinzik, 308 Mill Road, here to support Sacha Quinn's request for plowing of the sidewalks at the beach. He provided some information on his experience with plowing sidewalks and some challenges of plowing the sidewalks at the beach. He understands that there are costs involved but this is something that needs to be done for the safety of the children.

Arthur Moody provided further information on plowing sidewalks at the beach including a Town vote back in the 60's.

IV. Announcements and Community Calendar

Mr. Bateman commented that he has one meeting to go.

Mr. Znoj announced Candidates Night tomorrow night. The tours at Batchelder's Farm went well.

Mr. Lally mentioned a Comedy Night on March 2nd at the Old Salt to benefit Annie's Angels.

Chairman Nichols mentioned the Town Reports have been printed and are available upstairs.

V. Appointments

1. Michael Schwotzer – January 2011 Financials

Mr. Schwotzer here tonight to discuss January Financials and his reports will be posted on the website. The audit went very well. Income from Motor Vehicles came in at $183,000.

For expenses at the end of January, departments were running at 8.42%. He provided further details on expenses in some of the departments. There was $108,000 booked to the buy-back program in January. He discussed the revolving accounts. He used the proposed 2011 budget in his report.

Discussion

Chairman Nichols commented that the difference between the proposed Budget and Default Budget is $195,000 he would expect that if we end up with the Default Budget there will be some minor modifications to the budget.

Mr. Znoj commented on the following: we have used up 42% of salt budget, he questions overtime in one of the accounts, he questioned the plowing budget, and he questioned the spiking of the compost screening, gasoline and fueling budgets and water accounts.

Mr. Price commented that there is a bid out on the compost. There was a discussion on the cost of gasoline and that if the prices continue to rise we are locked in with the State at $3.30.

There was a discussion on item #4 under Old Business Article 30 see below.

2. Ann Kaiser – AARP Tax Preparation 2011

They have been using the Lane Library for years and they are currently looking for alternate locations. She provided some information on the AARP Tax Preparation. The AARP has to have locations that are free and are hoping to get use of this room for one day a week. She was advised that she would need to get the permission of this Board to use the Selectmen's Meeting Room as an alternate location.

Discussion

Mr. Griffin commented on the positive feedback he has received on this service.

There was a discussion about use of the room on a Saturday, printer storage space, use of heat and lights and plowing of the lot if it was to snow.

Mr. Griffin MOTIONED to approve the request of AARP for the use of the Selectmen's Room for the Tax Preparation of 2011. Mr. Bateman SECONDED.

VOTE: 5-0-0

3. Sacha Quinn – Sidewalks at Hampton Beach.

Mr. Quinn is here tonight to see when and if the Town plans to plow the sidewalks at the beach. The sidewalks he is interested in having plowed are Ashworth Ave and A Street through Whitten Street. He expressed concerns with the fact that the sidewalks are not plowed and children walking to and waiting at bus stops are having to stand in the road.

Discussion

Mr. Griffin asked Mr. Welch how the other sidewalks are taken care of around the bus stops in Town. Mr. Welch does not know about each of the bus stops but the sidewalks are cleared around the schools and downtown. Mr. Lally added that bus stops in neighborhoods are not cleared.

Mr. Lally is in favor of plowing Ashworth Ave since this is where the kids actually wait for the bus. He is not necessarily suggesting that each of the sidewalks on the side streets at the beach be plowed.

Chairman Nichols clarified that Mr. Quinn is requesting the length of Ashworth along with the sidewalks on each of the letter streets. Chairman Nichols would possibly be in favor of the plowing the length of Ashworth Ave as suggested by Mr. Lally.

Mr. Welch stated this can all be done it is just a matter of equipment, manpower and an appropriation. He had John get an estimate from Severino today and we are looking at about $50,000 per storm. Mr. Welch stated that the bus stops are on Ashworth and Ocean Blvd. One of the problems at the beach is that there is no place to put the snow.

Chairman Nichols would suggest that Mr. Welch have a discussion with the superintendent to see what feedback he has received. Chairman Nichols would suggest that Mr. Welch come back to the Board next week with a cost to plow the length of Ashworth Ave.

Mr. Bateman expressed that his children were brought up in Hampton and the sidewalks were never plowed.

Mr. Griffin shared some of the feedback he has received and he believes that some of these concerns should be directed to the School District. There was a discussion about only plowing certain areas of Ashworth Ave.

Mr. Price clarified with Mr. Lally that is suggesting the plowing of the west side of Ashworth Ave and not both sides. Mr. Price only concern is where to put the snow.

This will be discussed again next week.

VI. Minutes of February 14, 2001

Page 2: Sixth paragraph, change the "2C" to "To See" in the paragraph.

Page 3: Fifth paragraph that begins with Mr. Znoj clarified… add the following to the forth sentence ~~"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."~~

"to get more of our fair share of the Meals and Rooms tax, the request for the increased amount that should come back to the Town incrementally, would be to justify for the improvements at the Beach, and would be looked more favorable on over the legislation in Concord and would not be voted down."

Page 3: Seventh paragraph that begins with Chairman Nichols… add the following as a new sentence. "Mr. Znoj and Mr. Griffin indicated their support."

Mr. Bateman MOTIONED to approve the minutes of February 28, 2011 as amended. Mr. Lally SECONDED.

VOTE: 5-0-0

VII. Town Manager's Report

Permission is requested of the Board to establish a swap shop at the Transfer Station in the old salt shed. The intention is to provide a place where citizens can deposit items that can be reused. A list of items that can be accepted will be formulated after the facility is setup. We

would also request that a portion of the area be set aside for a place for employees can eat meals away from the waste disposal area and a small office where required paper work can be performed.

The required notices for abutters under Articles 40 and 42 dealing with the discontinuance of highway lands have been sent by the Town in accordance with the provisions of statute RSA 231:43, II.

The Town has received notice that a restaurant beverage/wine/liquor license has been received by the State for the new restaurant at 442 Lafayette Road.

Per the Boards request, the cost of the Town Hall generator has been formatted and sent to the Board. The total cost was $42,828.85 of which $20,340 was funded by grants from the State and Federal Governments under Emergency Management funding. The Town's share came from the Energy Modernization Warrant Article 22 of 2008.

Senator Stiles has reported that the Governor has included in his budget $1 Million to continue repairs of the Hampton Seawall.

The Administrative Assistant has been working with our Local Artists in preparing for the hanging of paintings in the Town Hall. The Local Artists has offered to provide an indemnification waiver to the Town for their work in the Town Hall. May I have the Boards permission to accept on behalf of the Town?

Discussion

Chairman Nichols brought up the Local Artist work being placed in the Town Hall and the Board agreed that unless Mr. Welch had a problem with an item being displayed the Board did not need to be consulted on each item going up. Mr. Welch will work the Town Atty. on an indemnification waiver.

Mr. Jim Colburn of Windham has requested that we run the video of the Executive Council Meetings on Channel 22. I would recommend that we provide a link so that if others wish to watch they can do so without tying up significant time to place those tapes. This is assuming that we receive permission to link and can do so without interference to our systems.

The funds received from the sale of land to the property owners on Winnacunnet Road as authorized by Town Meeting are required to be deposited in the Real Estate Trust Fund by Statute. With the Selectmen's permission, we will be forwarding those funds for deposit to the Town Trustees.

The Report of the Energy Committee on the energy improvements proposed under the Energy Technical Assistant and Planning for NH Communities has been completed for the Library, Town Hall and Winnacunnet Road Fire Station. A copy has been provided to the Board for your information. The Library project is the first to be moved forward.

DRED reports that the second floor of the Seashell has been poured. Upon completion of the second floor slab the contractor will seal up the first floor, pour the ground slab followed by interior wall construction, plumbing and electrical. Exterior finish is progressing on the north and south pavilions and bathroom tiling is in progress in the South Pavilion bathrooms.

Discussion

Chairman Nichols brought up the swap shop being put into place at the Transfer Station. The Board agreed on the concept and Mr. Welch will come back to the Board with details and how it will work including any cost involved. There was a discussion on the lunchroom area being requested in the swap shop. Mr. Price shared some information on where the other employees eat and some proposed ideas for the use of the Old Salt Shed. The Building Inspector has been down there and they are working on any cost that would be involved.

Chairman Nichols commented that he was pleasantly surprised with the overall cost of the generator installation.

VIII. Old Business

1. Hampton Beach Village District Warrant Article "Demolition of Beach Fire Station and Garage"

Atty. Gearreald explained that he has been contacted by the Attorney for the Village District and in preparation for their meeting on March 25th in regards to Article 6 and the demolition of the station and garage. Article 6 has to do with the authorization of the MOU between this Board and the Precinct Commissioners. Chief Silver feels that the MOU and demolition are two separate issues since there is a possibility that there will be no need for demolition. There was a discussion about the demolition being a decision on both cost and action required.

Discussion

Chairman Nichols commented that it is not clear to him that the Commissioners have decided that they want to demolish the garage. Chief Silver also is not sure on this and that is why the article contains both of these structures. There was a discussion that the article can be amended at their meeting. The point is to make sure that it is clear to this Board whether they want either or both buildings to be demolished.

Chief Silver reiterated that the authorization of the MOU and the demolition should be two separate articles for the precinct to vote on.

The Board was in agreement on the information provided to them by Atty. Gearreald and gave him permission to pass the language onto the Attorney for the Precinct.

2. DES "Administrative Order by Consent" – Sewer Moratorium

Mr. Welch explained that the State as amended the memorandum of agreement in the fashion that the Town asked them to. Mr. Welch is satisfied although he does not like some of the language. If we cannot make one of the deadlines, we have the right to petition the State and the agreement is very fair in his opinion. If the Board approves him to sign this tonight it will be hand carried to Concord tomorrow and the moratorium will be removed. Mr. Znoj agreed with Mr. Welch that the agreement is very fair.

Mr. Lally MOTIONED to grant permission for Mr. Welch to sign the DES "Administrative Order by Consent" – Sewer Moratorium. Mr. Bateman SECONDED.

VOTE: 5-0-0

3. Comcast – Extension of Existing Contract – Mr. Welch explained that we have not come to an agreement so by law we need to grant another extension.

Discussion

Mr. Znoj asked about the senior discount and that is something that will be discussed during contract negotiations.

Mr. Griffin shared some problems he has been experiencing with Comcast. There was also a discussion amongst the Board about the different services offered by Comcast.

Chairman Nichols commented on how long this has been going on and he also discussed the need for INET. He asked Mr. Welch to follow up with Paul Paquette, Brian McCain and Brad Jett on the need for INET.

Mr. Bateman MOTIONED to approve an extension of the existing Comcast Contract. Mr. Lally SECONDED.

VOTE: 5-0-0

4. Explanation of Article 30 "Change in Town Fiscal Year"

Chairman Nichols included this on the agenda at the request of Larry Stuker the Budget Committee Chair since there seems to be some confusion on this. Mr. Schwotzer explained the following: two groups effected people who deal with budgets/financials and homeowners as to when they pay their taxes, tax due dates will not change, match fiscal year of the State, change in retirement percentage, budget will not start until after March voting, year end and audit timeframe.

Discussion

Chairman Nichols reiterated that there is nothing in the change that will affect homeowners due date or amount due on a tax bill. The amount of the bill can change for other reasons but it would not be related to the change in the fiscal year. Chairman Nichols commented on the fact that we currently spend money before the budget has been approved.

Mr. Znoj wonders if there is a benefit with the schools with the proposed 18-month fiscal year or it is just that we will be in the same fiscal year.

Mr. Schwotzer indicated that there would be a definite benefit. The Towns finances will be in much better order, to be in line with the School's fiscal year.

Mr. Lally thinks that this is a good thing for the Town.

5. Discussion of Article 44 "Taxi Ordinance Insurance Change"

Chairman Nichols explained that this was put on the agenda so Mr. Welch could provide an update on some concerns raised by Mary Louise Woolsey mostly dealing with insurance requirements.

Mr. Welch explained that they investigated the concerns with the Department of Safety, the Insurance Department and called several insurance companies to make sure the information we have is viable. The recommendation they received is that if we have licensed taxi's and are going to have an insurance requirement and if the taxi is going to go over the State line, the Federal requirement is a $1.5M insurance policy. There was also a question about the 10-day notice period for cancelation of policy and the fact that we have a 30-day notice period. This is something that you can ask your insurance company for and so far, we have not been turned down. The bottom line of all this is that the changes that are in the warrant article

should be voted "no" since they lessen the requirements and put people at risk. He explained to the Board that the reason the changes were proposed were based on complaints they had received however the insurance requirements in the current ordinance are what they should be.

Discussion

Mr. Bateman reiterated that the Board no longer recommends article 44 and are encouraging people to vote "no" on article 44.

Mr. Lally suggested an article in the paper which Mr. Welch has already contacted the paper and Chairman Nichols pointed out that there was an article in the paper on Friday about this warrant article. Mr. Welch commented on the fact that it is already posted on channel 22.

6. NH Retirement System Reform Update

Chairman Nichols updated the Board on the fact that he testified the last two Fridays including: unions heavily attended these hearings, he was the only individual who testified at the House hearing, most significant issue is the cap at 100% of base pay, none of this legislation is going to change the Town's contribution rates, if SB3 passes the fiscal note states in 2014 there will be a 10% reduction in Group 1 employer rates and a 30% reduction in Group II employer rates, double dipping language which reduces the number of hours worked by part time employees collecting a pension from the system to 24 hours per week and the only reform affecting vested members is in regards to private detail wages which Chairman Nichols testified against removing these wages from vested employees. Chairman Nichols provided some further information about the double dipping language being changed in regards to the limiting of hours worked by part time employees to annual number of hours as opposed to the 24 hours per week. Chairman Nichols also commented on the biggest issue is the Governor's proposed budget, which reduces the State share of Group I, employees/teachers contributions from 35% down to zero. He does not think this is going to happen since both the House and Senate realize this is a big mistake. The Town needs to continue to push on the 35%. Chairman Nichols stated that he will be submitting for mileage up to Concord to testify. Atty. Gearreald also brought up the elimination of the spiking charge and Chairman Nichols does not feel that we will be seeing the spiking charge come July 1st.

Discussion

Mr. Znoj commented on: makeup of the Board of Trustees, mistakes made by the Board over the past years, amount of police and fire present at hearings and the sentiment that changes can be made to new employees not current employees. He also brought up an investigation into different types of retirement plans.

Mr. Bateman commented on the fact that police and fire have the right to be there.

Mr. Griffin shared a letter to the editor of the Dover newspaper from a new Republican Representative and the lack of help that new representatives receive in Concord.

Chairman Nichols added that he did testify about the makeup of the Board and the need for changes.

Other Old Business

Chairman Nichols brought up a letter sent out to other elected bodies by Mr. Welch on the Code of Ethics and we have received letters back from the Energy Committee, Moderator, Treasurer and Tax Collector.

Mr. Znoj brought up the elections next week and commented on the following articles. The WWTP Article 5 is a very conservative request and he asks that the public support this article. Article 6 and 7 the articles for the fire stations one with the double station approach and the other for the single station at the beach and he urges people to come out and express their opinions as to what they want. He supports Article 30 for the change in the fiscal period. He also reminded the public to vote "no" on Article 44 to amend the Taxi Ordinance.

Mr. Griffin commented on the controversy surrounding Article 7 for the single fire station at the beach and wonders why we would encourage people to vote for something that is not going to happen. He feels that this is wrong. Chairman Nichols believes that this is a discussion that the Board should have after the results are in from the election.

Mr. Lally commented on discussions he has had with individuals needing to read some articles before they go in and vote. He hopes people take a minute to make sure that they know what they are voting for and please do not go in and just vote "no" on everything. He would like to thank Atty. Gearreald and Mr. Welch for the work they have done writing these articles.

Chairman Nichols compared the number of articles this year compared to every year dating back to 2000.

Mr. Bateman commented on the Pedi Cab Ordinance and it should be looked at as a housekeeping item. Please study the warrant articles and go into the polls with your own list not one provided to you by someone you do not even know.

Mr. Znoj commented that Chris Muns is having a meeting to go through all the warrant articles one by one so that people know what every article is about on Thursday at Hobbs House at 7.

IX. New Business

1. 2009 BTLA Mason Proposed Settlement – Mr. Tinker provided the Board with some background information on this.

Mr. Bateman MOTIONED to approve the 2009 BTLA Mason proposed settlement. Mr. Griffin SECONDED.

VOTE: 5-0-0

Discussion

Mr. Tinker informed the Board that he received the State report and the equalization rate has been set at 108.8% of market value. Chairman Nichols provided an example for the public if a house has an assessed value of $108,800 then the market value would be $100,000.

Mr. Znoj asked about an update on Vision Appraisal and Mr. Tinker indicated that they have finished all the work on the beach including residential and businesses. We still need to view the residential property up Town. The numbers on the Beach should be done this week and the remainder of the work should be complete by April 1 with notices going out by the

beginning of June. Over the summer, they will hold hearings and these assessments will affect the December bill. There was an additional discussion on assessment values including information provided by Atty. Gearreald. They also discussed the different classes properties are placed in.

Other New Business

Chairman Nichols expressed the need to set up times when the Selectmen will be covering the polls. Since he is running for re-election, he cannot participate in this coverage. Chairman Nichols provided a preliminary schedule and will email it to the Board. There is also a need to have three Selectmen present at the end to sign the ballots.

X. Consent Agenda

1. Signing of additional originals "RFAM Agreement"
2. Veterans: Allard, Barbara E.; Brennan, Leland; Britt, Dora; Clark, Bunny; Clark, Paul F.; Clay, Katherine V.; Cliché, Richard R. & Leslie M.; Collins, Joseph M.; Conway, Thomas J. & Constance; Cook, Thomas J.; Fontaine, Kathleen M.; Hancock, Michael G.; Lamie, Marian E.
   Veterans New: Chamberlin, Francis J.; Craven, Ronald D. & Nancy J.; Hancock, Michael G.
   Elderly New: Lamie, Marian E.; Mcquade, James; Nason, William T. & Janice E.; Samuelson, Thomas F. & Beverly
3. ~~Steven Kaufman dba S.K. Sales, Inc. – Hawkers & Peddlers License -75 Ocean Blvd~~
4. Eastern States 20 Mile 03/27/2011 – Parade and Public Gathering License
5. Hampton Cemetery Deed – Pauline F. Foss

Chairman Nichols MOTIONED to Move the Consent Agenda with the removal of #3. Mr. Znoj SECONDED.

VOTE: 5-0-0

XI. Closing Comments – None

XII. Adjournment

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

VOTE: 5-0-0

Chairman

TOWN OF HAMPTON
BOARD OF SELECTMEN
AGENDA

DATE: Monday, February 28, 2011
LOCATION: Town Offices – Selectmen's Room
POSTED: Town Offices, Library, Beach Fire Station

7:00 PM Public Meeting

SALUTE TO THE FLAG

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

II. Public Hearing – RSA 674:40-a Road Acceptance of "Brooke's Lane"

III. Public Comment Period

IV. Announcements and Community Calendar

V. Appointments

1. Michael Schwotzer – January 2011 Financials
2. Ann Kaiser – AARP Tax Preparation 2012
3. Sacha Quinn – Sidewalks at Hampton Beach

VI. Minutes of February 14, 2001

VII. Town Manager's Report

VIII. Old Business

1. Hampton Beach Village District Warrant Article "Demolition of Beach Fire Station and Garage"
2. DES "Administrative Order by Consent" – Sewer Moratorium
3. Comcast – Extension of Existing Contract
4. Explanation of Article 30 "Change in Town Fiscal Year"
5. Discussion of Article 44 "Taxi Ordinance Insurance Change"
6. NH Retirement System Reform Update

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XI. Closing Comments

XII. 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.