

Town of Hampton



Hampton Board of Selectmen April 18, 2011 Minutes

PRESENT: Richard Nichols, Chairman
William Lally, Vice-Chairman
Richard Griffin, Selectmen
Gerald Znoj, Selectmen
Michael Pierce, Selectmen
Frederick Welch, Town Manager

ABSENT: Richard Griffin, Selectmen

7:00 PM Public Meeting

SALUTE TO THE FLAG

I. Public Comment Period

Mary-Louise Woolsey, Little River Road. Ms. Woolsey expressed concerns with all the personnel changes at the Fire Department. She discussed the following: the loss of senior personnel, happy to hear the positions will be filled, tremendous improvement in personnel over the past several years, reasons personnel are leaving, has been speaking with other retired firefighters from other communities, retirement issues possibly being put off until January 2012. She is concerned with attrition in the department, some facts about a firefighter/paramedic position in Exeter and the difference in pay and attitude that we are fostering towards employees. Chairman Nichols shared what some of the concerns that future retirees are facing especially the need to turn in retirement papers in 30 days in advance, which is May 31st. Her final thought away from the Fire Department is that the Board has an incendiary personnel situation in the Public Works Department. It is getting worse and there is the potential for physical violence. We have employees whose civil rights are being violated, are bullied and treated in a very intimidating/poor fashion. No individual when going to work should be subjected to what is happening in the Public Work Department.

Chairman Nichols stated that he has looked at and reviewed the entire Exeter contract. On the issue of Public Works, he would suggest that Mrs. Woolsey get together with Mr. Welch and discuss some of the issues she has brought up.

Jim Wardle, State Representative from Hampton. Mr. Waddle informed the Board that he is lucky enough to be on the special committee for pension reform. He updated the Board on SB75, which limits the number of hours part time employees can work per week. He has spoken with Chief Sullivan on this and realizes the affect it will have on Police. He asked the Board to send him emails with their thoughts on this. He shared some of the thoughts that are going around in Concord on this. He spoke on SB3 and putting things off until

January of 2012 and the effects on the Town. They discussed specials working 1300 hours in the year and classifying them as seasonal employees.

Chairman Nichols expanded on the information that has been shared with Mr. Wardle in regards to seasonal employees by both himself and Chief Sullivan. The Board is encouraged to send emails to members of the committee expressing their thoughts/opinions.

II. Announcements and Community Calendar

Mr. Pierce mentioned the many committees in Town that have openings. He encourages individuals to consider joining one of these committees.

Mr. Znoj read off some of the committee openings Highway Safety Committee, Insurance Advisory Committee, Lease Land Commission and Mosquito Control Commission.

III. Appointments

1. Ellen Lavin, Town Treasurer – Tax Anticipated Note/Line of Credit

Treasurer Lavin explained the reasoning behind and the intent of the Tax Anticipated Note for \$5.3 Million dollars and the Line of Credit, this enables the Town to borrow money as need be and pay it back as soon as the taxes are collected. The note will be from Provident again and explained how the line of credit will work. Last year she only had to borrow \$200,000. Ms. Lavin is requesting that the Board to approve and sign the TAN and the Line of Credit.

Discussion

The Board discussed with Treasurer Lavin previous amounts that were borrowed and the interest paid on that money in previous years. Mrs. Lavin explained that once the warrant articles are passed, the Finance Director; Mr. Schwotzer has to prepare a cash flow statement and this is used to determine the amount of the note.

Chairman Nichols explained that the total interest paid on the \$200,000 last year was close to \$400. Although the \$200,000 seems like a large number, the quick turnaround time of paying the note back helped to keep the interest down. He compared this low amount of interest to past years.

Mr. Znoj asked why \$5.3M. Treasurer Lavin explained that she consults with the Finance Director to prove that they Town will be short in order to borrow the money and pays that money down (that what is borrowed to pay out) within 60-days.

Mrs. Lavin confirmed that the Town is in very good financial shape.

Mr. Lally MOTIONED to Approve the Tax Anticipated Note/Line of Credit. Mr. Pierce SECONDED.

VOTE: 4-0-0

2. Anthony Ciolfi – Safe Routes to School Program

Mr. Ciolfi explained to the Board that he is a Hampton resident and engineer by trade. He feels that this is a program that Hampton could use and is a program that was tried out 2 years ago. His hope is to resurrect this program and there are funds available through DOT. He is here hoping to gain support from the Board and would like a letter of support. Mr. Ciolfi explained that this is a program that DOT provides grants to communities to develop a

Town wide travel plan for kids to walk and bike to school. He also explained the two types of grants available, the ½ to 1 mile radius they look at for kids to walk or bike to school, job of the task force, data that will fill the plan, DOT coordinator coming to Hampton, minutes from past meeting, need support of Town to have a chance at grant and condition of sidewalks.

Discussion

Mr. Znoj asked about the following: study of number of accidents, road surveys, all schools included, what has precipitated the need for this in his mind and the program is fully funded through grants. Mr. Ciolfi commented that safety is what has got him involved with this.

Chairman Nichols clarified that they are looking for a letter of support from the Board. Mr. Welch has the information needed to generate a letter.

Mr. Pierce asked about how they plan to work this out since you cannot ride bikes on sidewalks and bike paths are not always safe to walk on. Mr. Ciolfi commented on the sidewalks being repaired for walking on and shoulders for bikes tend to be expensive. The details are still being worked on by the task force. Mr. Pierce thinks this is a wonderful idea and he will support it.

3. John Nyhan – Hampton Rotary “Reading Site” at the Town Park.

Mr. Nyhan’s title tonight is co-director of the Hampton Rotary. He provided some history on how the park across the street from the Library was adopted by the Hampton Rotary. Last fall the Board of Directors had an opportunity to write an application to Rotary International for a matching grant. The grant they went after was a literacy grant. Therefore, they would like to have a read and play park and use the park they have adopted across from the Library. They received the highest grant award within their Rotary District totaling \$5,500. He explained the application to the Board and it includes using the current footprint of the park and creating an outdoor reading space. He explained the reading section in further detail for the Board including using it for some of the summer reading programs at the Library. Within the grant, they are going to be able to offer to the Town at no cost four new swings, rebuild the climb & slide, brand new fence around the parameters and the landscaping. He has worked with Mrs. Martin through all these steps and before they start, they decided to come to the Board to receive their support.

Discussion

Mr. Znoj clarified that the children will be read to but families can use it also. The area will be able to include 20 to 30 children. Mr. Znoj suggested some bleachers as opposed to the benches. Mr. Nyhan thinks it is a very creative/good thought.

Mr. Pierce asked about liability when they are constructing and Mr. Welch confirmed that they are covered.

There was a discussion about whether or not children playing will distract the others. They also discussed the fence.

The Board supported this project and thanked John.

IV. Town Manager’s Report

A reminder that all dogs must be licensed with the Town Clerk by April 30th to avoid fines and penalties. Please note that the Town Clerk's office closes at 11:30 on Fridays, the last day to register before April 30th will be before 11:30 AM on Friday April 29th.

Leaf collection begins next week on April 25th. Collections will be on same day as your refuse collection. Leaves, grass clippings, pine needles must be placed in biodegradable paper bags or loose on trash barrels. Twigs, branches or brush will not be picked up at the curb and must be taken to the transfer station for disposal.

The Tax Collector's Office will be closed tomorrow April 19th so that the Office may attend the Annual Collector's Workshop. Operations will return to normal hours on April 20th.

I request that the Board authorize Town Counsel to write the Solid Waste District to reduce our assessment by the sums allocated for providing meals to municipal representatives to the District at each meeting.

We would again request that the parents of students at the Centre School who are attending activities that occur during Town Office hours, that they please do not park in the Town Offices parking area. This use of the parking lot at the Town Offices during these parent activities results in the loss of available parking for and impedes other Hampton residents who are attempting to conduct business at the Town offices. Your cooperation is appreciated.

Senator Stiles has asked that it be announced that the Seacoast Job Fair will be April 22nd from 10 am to 3 pm at the Great Bay Community College in Portsmouth.

He would like permission of the Board to take June 14th to the 17th off to attend a youth conference.

Discussion

Chairman Nichols clarified in regards to parking problem with the school that parking is allowed on Towle it is just back from the corner so the walk is a little further. Mr. Pierce pointed out the parking available at the Academy and behind the Old Town Hall. Mr. Znoj wonders how often this happens and if the school has been notified. Mr. Welch stated that the school has been made aware of this problem and have supposedly notified the parents. Chairman Nichols has noticed that the parking lot is very busy when school gets out.

Chairman Nichols clarified that Mr. Welch is looking for permission for two items. One is a letter to Solid Waste District, which the Board has received in their packet. The Board is ok with this letter being sent. The second item is a need for a motion to appoint Mike Schwotzer Acting Town Manager.

Chairman Nichols MOTIONED to appoint Mike Schwotzer as Acting Town Manager from June 14th to June 17th 2011. Mr. Lally SECONDED.

VOTE: 4-0-0

V. Old Business

1. Recycling Pick-up Plan

a. Written Implementation Plan

Chairman Nichols explained that the Board has received a written plan including a narrative and spreadsheet outlining some of the routes. He has provided some input from himself and residents he has heard from since last week's meeting.

Discussion

Mr. Lally has read the plan and clarified that the trucks will make a few dry runs. Mr. Welch added that they have things that they would like to look at in April and then in May when people start coming. Mr. Welch also reminded the Board that the trash at the beach is usually started at around 5 am and done by 8 during the summer.

Mr. Pierce wonders when we will get the trucks and it will be July or August. There was a discussion on when the trucks will start running and possible training in other communities. They also discussed the current trucks being retrofitted so that they will have hydraulic lifts on the back to lift the new containers.

Chairman Nichols commented that maybe it will end up working out better that the new trucks will not begin running on July 4th weekend.

Mr. Znoj shared some information he received from Mr. Price on the containers and how they will be grabbed by the trucks. They discussed the educational things that will have to be done and the fact that there will be two people on the trucks in the beginning to help with the placements. Mr. Znoj has discussed the plan in detail with Mr. Price and the many items that were taken into consideration. He thinks this plan is a good start. He also discussed driver training with Mr. Price. Many of the items will have to be mitigated once we get into this.

Mr. Welch stated that they are working with three other municipalities who want to come in with us on the tonnage. The communities are Kensington, Stratham and Newmarket. The details are all being worked out and he will bring it back to the Board later but it will be done at no cost to the Town. The other communities will cover any cost incurred plus overhead.

Mr. Znoj has sent a copy of this to the Recycling Committee. Mr. Znoj also brought up the need for some possible parking bans. Mr. Welch thinks that there will be other ways to handle this so that parking bans will not have to be put into place.

Mr. Pierce asked about the retrofitting to the current trucks and the timeframe for the new barrels going out. Mr. Welch stated that the barrels are only due to arrive about 10 to 15 days before the trucks arrive. They discussed how the retrofits for the old trucks could be used for the old barrels or the new barrels.

Chairman Nichols brought up the issue as to whether or not Waste Management is currently picking up Condominium Associations. It has been clarified by Waste Management that they are not picking up recycling in Condominium Associations on behalf of the Town. If they are picking it up it is under a separate agreement made between Waste Management and the business/association. Mr. Pierce received a phone call that at some point in the past it was promised that recycling would be picked up in some Condo Associations. Mr. Lally and Mr. Welch both agree that this Board has never stated that they would pick up trash/recycling in any Condo Association. Chairman Nichols did clarify that there are condos that tend to be duplexes that have gone through a change of use that recycling is picked up that is brought out to the curb by these so called "condos". Mr. Welch stated that the existing condominiums that are curbside will continue to be picked up but nothing is picked up from Condo Associations.

Chairman Nichols also clarified that the existing trash and recyclable receptacles on Ocean Blvd will remain the same.

Chairman Nichols did not understand the part of the plan that stated the trash trucks and recycling trucks would drive the same routes on the same days. He is concerned because at the beach in the summer, trash is picked up multiple times during the week but recycling is not. Mr. Welch stated that recycling is currently picked up one day a week at the beach and that is how it will continue. If more is needed it can be added. Chairman Nichols asked that the plan be changed to reflect that recycling will not be picked up on the same schedule as trash at the beach and it will be done once a week as it is now.

There was an additional discussion about possible parking problems and necessary “no parking” spaces and that most of this will be taken care of before July 1st.

Mr. Znoj asked about the bids to retrofit the trucks. The bids have come in and range from \$15,300 to \$24,807 this is for total cost for all three trucks. He would recommend purchasing from CN Wood for \$15,300. Mr. Znoj explained that we would give this company a truck and get it back in a week or so ready to go. The Board agreed with Mr. Welch’s recommendation.

Mr. Znoj asked about the bids for the three new trucks and totters. Mr. Welch is holding for the Boards go ahead. Chairman Nichols still expressed concern with the manpower and he wants to be sure that the two part time employees will be enough to cover the job. If Mr. Welch is sure that, the manpower issue has been worked out than Chairman Nichols is ok with moving forward with this. The Board agreed to move forward with this and order the trucks and totters.

- b. Recycling Committee Communication – Discussed above
- c. Curbside Pick-up for Condominiums – Discussed above

VI. New Business

1. Legal Department Reorganization

Atty. Gearreald explained that for the past year the Board has been provided with monthly reports as to operations and expenses incurred by the Legal Department. He explained that the legal budget is divided into two parts one for in-house component and an outside component. Since 2005, it has been necessary to incur cost for outside counsel that have actually totaled between \$141,000 and \$195,000 generally exceeding the in-house component. Another point that has been brought to this Board and gone out, as part of budgeting many times is that it actually cost less than ½ the cost per hour for in-house hours as opposed to outside counsel hours. Atty. Gearreald explained that the Board has directed that as much work as possible be done in-house to avoid outside counsel fees. This is very hard to accomplish with only one attorney and he puts in an average of 49 hours a week compared to the 35 hours he is paid. Atty. Gearreald provided the following information about Legal Assistant Wanda Robertson: graduated from Law School and passed the MA Bar, works 32 hours as a part time employee and has taken the NH Bar and awaiting results this month. As a business proposition it makes sense since the Town has made this investment in a qualified person to take advantage of those skills and to enhance the number of hours that can be worked in-house and therefore to whenever possible replace hours that have been otherwise referred to outside counsel. It just so happens that Mrs. Robertson is

very much interested in labor and employment law and those are precisely the areas that we seek outside counsel on, at a rate of \$195 per an hour. He has priced up for the Board the cost to extend her hours to fulltime – 40 hours per week, for the balance of this year, would be \$22,400, which translates to about 3 hours per week of outside counsel time, and we are adding eight hours a week.

Discussion

Chairman Nichols stated that we would be replacing 3 hours of outside work with 8 hours of in-house work, which seems like a reasonably sane decision.

On an annual basis, that would amount to approximately \$37,000, which is the cost of 4 hours a week of outside counsel time. This information was presented to the Board last week in a non-public session and he was directed to proceed with this and has done so.

Mr. Lally reminded everyone about the skepticism and some of the comments that were made by the public on the issue of the Town paying for Mrs. Robertson's schooling, as her position was part-time. One thing that was brought up at that time was that if we are going to invest in her training in Law, she should remain as an employee of the Town, in order for the Town to benefit from that investment. Mr. Lally believes that Mrs. Robertson has been an exemplary employee and the Town will get something back and this is a win-win situation.

Mr. Znoj thinks it is a good business transaction and it will help to reduce these outside cost dropping and that is a good plan.

Mr. Pierce agrees that it is a good business decision. He also brought up some of the issues in the past and Mrs. Robertson has proven to be a loyal employee.

Chairman Nichols agrees with what has been said and would only add that he has instructed Mr. Schwotzer to make the necessary changes to the Legal Department budget.

2. Oceanfront Gaming Inc., Request to sell liquor outdoors – 81 Ocean Blvd

Mr. Lally pointed out that this item and the Ice Cream Truck are always on the consent agenda and Mr. Znoj agreed.

Discussion

Mr. Lally would just like to point out that this is going to be an outside deck on the second floor.

Chairman Nichols clarified that this is just a standard request made by the Liquor Commission and it has been passed through the Police Chief.

3. Hawkers & Peddlers License – Sandra Griffin dba “Northeast Ice Cream”

Atty. Gearreald explained that this was put on this part of the agenda since it is very clear in the ordinance that there are specific areas where Hawkers & Peddlers cannot go and it is spelled out in the license. If the business violates the license, the Board has the right to revoke the license.

Chairman Nichols MOTIONED to Approve the Hawkers & Peddlers License – Sandra Griffin dba “Northeast Ice Cream”. Mr. Znoj SECONDED.

VOTE: 4-0-0

Other New Business

Chairman Nichols asked for an update on some of the liability issues in regards to some art work being displayed in the Town Hall. Atty. Gearreald provided some history on art work being displayed in the past on a decorative basis and the organization that has come forward more recently seeking to display art work in the Town Hall. He discussed some information about research that was done in regards to liability and insurance. He explained some of the options available through LGC insurance. Chairman Nichols summarized that if this type of situation were to be proposed again and the Board chose to support it as a Selectmen sponsored exhibit than there would be no need for this party to have insurance and it would be covered under the Town's current liability coverage.

The Board agreed that this would be the way to go and it was mentioned that the Building Inspector would need to be involved in the hanging of the art work.

VII. Consent Agenda

1. Hampton Cemetery Deed – Edward J. & Nancy Bugbee as JTWROS
2. Hampton Cemetery Deed – Cecelia French Estate
3. License Coin Operated Amusement Devices “Funarama Inc.” – Casino Bldg. F Street
4. License Coin Operated Amusement Devices “Hampton Beach Amusement Corp” – 211 Ocean Blvd
5. Parade & Public Gathering License – NH Surfrider & Barefoot Wine “Beach Rescue” Bicentennial Park – 08/13/2011
6. Use of Public Park & Beach Properties – NH Surfrider & Barefoot Wine “Beach Rescue” Bicentennial Park – 08/13/2011
7. Raffle Permit – NH Surfrider & Barefoot Wine “Beach Rescue” Bicentennial Park – 08/13/2011
8. Teamsters Contract

Mr. Znoj MOTIONED to MOVE the Consent Agenda. Mr. Pierce SECONDED.

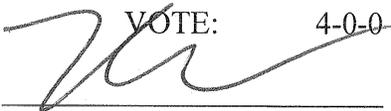
VOTE: 4-0-0

VIII. Closing Comments – None

IX. Adjournment

Mr. Pierce MOTIONED to adjourn. Mr. Znoj SECONDED.

VOTE: 4-0-0



Chairman