Hampton Board of Selectmen
May 16, 2011 Minutes

PRESENT: Richard Nichols, Chairman
William Lally, Vice-Chairman
Richard Griffin, Selectmen
Gerald Znoj, Selectmen
Michael Pierce, Selectmen
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney
Wanda Robertson, Assistant Town Attorney

7:00 PM Public Meeting

SALUTE TO THE FLAG

I. Public Comment Period

Corinne Baker, 244 Exeter Road. Mrs. Baker explained she was recently been appointed to the Recycling Committee. She shared some of the statistics on recycling. After attending her first meeting with the committee, she has some questions for the Board and provided them with a copy of the questions. She asked about the 9,800 containers being ordered, size and weight of container, are they assembled and wonders if we can order smaller ones, and if the trucks will be able to pick up the smaller containers. Lastly, will Businesses have to purchase their own barrels?

Chairman Nichols shared the research he did and that he came close to the 9,800 number of containers needed.

Mr. Welch clarified that the medium and small containers can be picked up with the trucks and the barrels will be delivered assembled. Mr. Welch confirmed that we will pick up from anyone that we currently pickup. The barrels are due to arrive after July 1st and trucks are due to arrive in August. Mrs. Baker also asked if there was another warrant article in regards to trash pickup and there was not. They discussed the article on the Concord Co-Op and the number of residents who voted in the election.

II. Announcements and Community Calendar

Mr. Znoj shared a message from the Heritage Committee on June 11th at 9 am in the Pine Grove Cemetery they will have a demonstration on stone restoration. He provided further details on the event.

III. Appointments

Greg Grady and Chuck Rage – 11th Annual Master Sand Sculpture Competitions.

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

Mr. Griffin mentioned that Chuck Rage was voted in as Chair of the Hampton Beach Village Precinct at last week's Precinct meeting and everything went very well.

Mr. Grady explained that he is here to ask for the Town's assistantance once again with this event. The two items they are asking for is the fencing as provided in the past and the increased police presence. Mr. Grady provided some details on the event for this year. Mr. Rage provided some details on the need for security especially at night. Mr. Grady announced some of the volunteer opportunities available during this event and they can be found at hamptonbeach.org. He provided some information about sponsor opportunities and the magnitude of this event. He shared some information about a new series on the Travel Channel about Sand Sculptors.

Discussion

Chairman Nichols stated that this has been done in the past and the Board all agreed that this is a great event. There was a consensus amongst the Board that they would provide the fencing and increased police presence as requested by Mr. Grady.

1. Dyana Martin, Parks & Recreation Director & Chris Valhouli – Skate Board Park Project

Mr. Valhouli provided some background on the fundraising that has been done to help pay for improvements to the Skate Board Park and the passing of Article 19. The final budget for this project is $20,550. The contractor who is going to be building the bowl for them would like to get a commitment from the committee and start the project. There is a problem that Mr. Valhouli is facing, it is in regards to the $5,000 appropriated through the passing of Article 19 and the Town's requirements to put this out to bid. He shared the extensive research they have done and have been told by many that the cost of constructing a bowl like this would be upwards of $30,000. He explained the ties that the contractor the has with the Town of Hampton and why he is willing to do this job for such a great price.

Mr. Valhouli is requesting that the Board to approve this project going forward with the appropriation of $5,000 as a "no bid expenditure". The contractor would like to start construction in the next 2 to 3 weeks. The second item is a request to have the donations that have been raised be released from the Town to the Friends of Hampton Skate Board Park. He announced that the Flat Bread Restaurant in Amesbury will be holding a fundraiser on next Tuesday. They will be having a brick sale in which an advertisement or message may be placed on the brick and the returned brick will be used in some manner when constructing the park.

Discussion

Mr. Znoj asked about the cost of the bricks. Mr. Valhouli explained that with a $100 donation, an individual would be provided a brick that has up to three lines for engraving. He provided in detail information on the brick fundraiser. There is a Friends of Hampton Skate Board Park Facebook page. He also shared the support that they have received from many of the local businesses.

Mr. Znoj asked Mrs. Martin if she has been involved in this process and about all the other contractors costing $30,000 plus. Mrs. Martin has been involved in the whole process and does agree with what Mr. Valhouli has presented to the Board. There was an additional

discussion amongst the Board on the cost involved for a project like this and the fact that the information should be posted on the Recreation website. It was confirmed that the $20,550 is a committed price and not an estimate. Mr. Valhouli does not think that there will be any problem raising the additional money needed.

Chairman Nichols expressed his initial concerns with not having this project sent out to bid. However, after hearing the research that has been done he is more comfortable with this project not being put out to bid.

Mr. Griffin asked about the location of the brick wall and Mr. Valhouli provided a few suggestions. They discussed in further detail the volunteers that have come forward to help with this project.

Mr. Lally MOTIONED to approve the Skate Board Park Project and the releasing of any funds related to this project by the Town. Mr. Griffin SECONDED.

VOTE: 5-0-0

a. Request for Use of Ashworth Parking Lot June 25, 2011 (Moved from New Business)

Mrs. Martin explained that the lots will be open at that time. She thinks this is a good cause but we would lose money. Chairman Nichols commented that their proposal seemed that they would be happy to work with the Town and anything that we could do to help would be appreciated. The request was for some kind of a car show and they were asking for 300 spaces. They planned to be out by 2 PM.

Discussion

There was a discussion on the fact that this will be during a busy time and in the past events that have been held in the lots have been moved to a time that was not so busy. This is the weekend right after school ends and the weekend before the 4th of July.

Chairman Nichols asked Mrs. Martin to give an estimate of revenue lost if they were to be charged $3 to $5 per car. If the weather is nice, we would be charging $15 but it depends on the weather. They also discussed how to monitor the cars that are part of this event.

There was a discussion on the fact that Island Path would also be busy if the weather is nice.

Mr. Lally feels that as a Board they are going to have to decide what time of year things like this can be done. The Board agreed that it is a great cause but it is not something that can be done at this time of year.

They discussed the Leased Lot on Church Street. Last year this lot was used/leased by the Ashworth and DRED for parking for State employees. Mrs. Martin was asked to follow up with these two organizations and if they are not interested in leasing again this year, maybe this lot could be used for this. If it is available, it could be offered at a discounted rate.

The authorization from the Board was to offer them discounted spaces in the Church Street Leased Lot if they are available.

Chairman Nichols followed up on some parking issues brought up last week by Charlie Preston and Mr. Welch and Mrs. Martin have discussed this, and the Board agree to implement the parking recommendations.

IV. Minutes of May 09, 2011

Page 5: 1st sentence, insert the following after the word "Officers" were hired
Page 5: 3rd paragraph, insert the following in the second sentence after the word "streets" "and/or the consideration of alternative streets for installation of the lights".

Mr. Pierce MOTIONED to approve the minutes of May 09, 2011 as amended. Mr. Znoj SECONDED.

VOTE: 5-0-0

V. Town Manager's Report

The Board has received copy of the Town's Hazard Mitigation Plan in preparation of being asked to sign off with the approval to allow for the Federal approval. This will be on your May 23rd agenda.

Discussion

Mr. Znoj pointed out the list of committee members including the two Chiefs. Chairman Nichols explained that we have to have one of these plans to receive the funding. This plan must be updated every 5 years.

Chairman Nichols MOTIONED to approve the Town of Hampton Hazard Mitigation Plan. Mr. Griffin SECONDED.

VOTE: 5-0-0

The Board has received an application to purchase 12 H Street, a leased land parcel. It is now in the hands of Town Counsel to start the process governing sales of leased parcels. This is another leased land parcel that will need to be turned over to the Leased Land Commission.

Discussion

Chairman Nichols explained for the public the process of selling leased land.

Chairman Nichols MOTIONED to turn the decision making process of the selling of leased land at 12 H Street over to the Leased Land Commission for a decision. Mr. Znoj SECONDED.

VOTE: 5-0-0

You have on this week's agenda the institution of Fire Lanes in the Meadow Pond and Green Street areas in answer to last week's questions on the resolution of parking problems in this area. There has been a motion prepared.

Discussion

Mr. Lally clarified that the grass portion has been removed from these parking restrictions.

Chairman Nichols mentioned that this was a topic that came up last year. He also brought up that everyone will not be happy but does believe that the majority of the people in this area will be happy with this change. They also discussed parking on High Street and the phragmites.

Mr. Lally MOTIONED to designate both sides of Green Street as Fire Lanes restricting parking on the paved portions of the roadway for the entire length and designate the West side of Meadow Pond as a Fire lane restricting parking on the paved portions of the roadway for its entire length. No restrictions on Gentian Street. Mr. Pierce SECONDED.

VOTE: 5-0-0

Please be aware that the Police Department will be conducting firearms training this coming Saturday from 9AM to 5PM.

The Town Clerk's office will be closed on May 25th so that staff can attend annual required training.

We currently have vacancies on the following Committees – one vacancy on the Highway Safety Committee and two vacancies on the Insurance Advisory Committee.

The Household Hazardous Waste Collection Day is this Saturday, May 21st from 9AM to 12 noon in the parking lot behind the old Town Hall on Winnacunnet Road. There is an extensive list of what can and cannot be taken.

Discussion

Mr. Griffin mentioned the death of Robert Viviano a long time member of the Planning Board. He did a wonderful job and served the Town for many years.

The Police Department received a grant today from the State of NH titled the Hampton Route 101 East Corridor Patrol, which is effective June 1st. He explained the program to the Board in detail.

He shared an email that the Board received from Public Works Department on May 9th regarding the State SRF funding. The State is asking the Town to remove the largest of the four applications. The one that they would like remove is the largest of the four and has to do with drainage on Lafayette totaling approximately $678,500. They want this to be done in order to get the WWTP SRF grant in.

Discussion

Chairman Nichols brought up the 20% matching and has spoken with the State Reps including Chris Nevins. He would like this to be put on hold to discuss with the Representatives next week.

There was a discussion on how the SRF bonding works and the drainage problems on Lafayette Road.

Mr. Welch was asked to forward these concerns to the Representatives for next week.

Other Discussions

They discussed possible members for the Insurance Advisory Committee.

VI. Old Business

1. Appointment to fill remaining vacancy on Hampton Leased Land Real Estate Commission

Chairman Nichols explained that we have filled two positions and have one remaining. The two interested individuals are Vic Lessard and Cynthia Perreault. He shared some qualifications for each of them.

Discussion

Mr. Lally thinks that everyone on the Board is new he would nominate Vic Lessard since he has some history with the Town.

Mr. Griffin stated that Cynthia is very qualified.

They discussed the current members of the Commission and the fact that there has actually never even been a meeting.

Mr. Znoj commented that Vic's application did come in a day earlier but he is impressed with Cynthia's qualifications.

Chairman Nichols agrees with the benefits of having Vic based on his experience. Mr. Znoj stated that Mr. Lessard is a very fair person.

Mr. Lally MOTIONED to appoint Vic Lessard to the Hampton Leased Land Real Estate Commission. Mr. Pierce SECONDED.

VOTE: 5-0-0

Mr. Griffin stated that a letter should be sent to Cynthia stating that if someone steps down she will be appointed to the Commission.

2. Pension Spiking Legislation HB 462

Chairman Nichols put this on the agenda since spiking appears to be back and has some momentum in Concord. Atty. Gearreald has been asked to come and give the Board some comments on this.

Atty. Gearreald provided some history dating back to June of 2008 and how the spiking charge came about. He shared the story of the Dover Police Chief retiring and his pension was greater than his base pay. The spiking charge was setup to be a surcharge to municipalities in which employees retire and have a large payout. He discussed some of the problems that arose from the calculations and the fact that this Board has been very active in addressing these problems. He also spoke about the effect on CBA's that are in a "status quo" state. If no legislation is passed, we will still have the mathematical problems.

Chairman Nichols added some history on the fact that the original bill came from the Senate and it is the House version that is now at committee of conference. The new legislation that corrects the mathematical problems and has spiking goes into effect July 1. 2012. HB 462 does not override the protection for "status quo" contracts. Chairman Nichols clarified that the exclusion from HB 641 remains in place for "status quo" contracts. If HB 462 passes and does not go into effect until July of 2012, the Town still has time to negotiate CBA's. Atty. Gearreald stated that if HB 462 does not pass than spiking goes into effect on July 1, 2011.

Discussion

Chairman Nichols discussed some of the ramifications of the spiking charges in regards to negotiating CBA's. He also shared some conversations he has had with some of the Legislators. It is important to watch what goes on with this closely. This will be something that the Board should discuss with the Legislators next week. He also discussed the need of correcting the math and some of the things that needed to be changed. He also reminded everyone of the models that Mr. Schwotzer came up with in the past. This will not be a small number and it is reasonable to assume that the amount will be somewhere between $250,000 to $400,000.

Atty. Gearreald mentioned a forum that Senator Stiles is chairing in Portsmouth tomorrow night from 6:30 to 8. Senator Jeb Bradley, one of the sponsors of these bills will be present.

3. Recycling Pickup Plan

Mr. Welch provided the Board with the most up to date plan on Recycling Pickup. They have addressed some of the issues that have come up which Mr. Welch went over with the Board. They discussed condex, multi-family units and commercial businesses we pick up from. Mr. Welch brought up the different sizes and the possible benefits of ordering some of the smaller barrels. They discussed the pricing of the different sizes and the fact that we can order as many barrels as needed along with any size.

Discussion

There have been residents who have asked for a smaller barrel. There appears to be adequate funding to purchase the necessary barrels.

Chairman Nichols brought up three family homes and how that is going to work. Mr. Welch stated that they are currently out looking for these types of properties. If anyone is listening and falls into this category they can contact Mark Richardson at the Transfer Station. It was reiterated once again that if the Town is currently picking up your trash they will continue to pick up your trash.

Chairman Nichols stated it appears that we have adequate funding for the barrels but what happens if we have an oops and need more barrels. Mr. Welch explained that we cannot over spend the warrant article but the money would have to come out of the Transfer Station budget. Mr. Welch reminded everyone that we are not going to have the trucks until the middle of August so we have time to work out all of these issues.

If anyone wants a smaller container, they should call and let us know.

Chairman Nichols would suggest that by next week's plan we should have some sort of an idea of how many small, medium and large barrels we want to order.

They discussed the turn over time for getting the barrels.

There was another discussion on condexes. Mr. Griffin expressed concern with what happens when residents refuse to use the barrels. They discussed what happened when a previous Board tried to enforce everyone put trash in a barrel and how people still do not follow this.

Chairman Nichols commented that the seven issues brought before the Board for a decision will be discussed next week so that the Board has time to review them.

Chairman Nichols shared some comments on the plan previously given to the Board, which included: the streets listed, totters on one side of the street, streets with parking issues and trash bags to be used. Mr. Welch clarified that at this point they do not plan to make any changes to the parking or having totters placed only on one side of the street. They also discussed the placement of recyclables in the recycling barrel.

Mr. Znoj clarified that Mark Richardson and Ryan Sharpe will be at the meeting on June 6th. He also brought up the request of the Recycling Committee to have information to pass out to the public. Chairman Nichols suggested that maybe the Recycling Committee should have a meeting with Mark Richardson and Ryan Sharpe.

4. Warrant Article Implementation – Chairman Nichols had this put on so that we can see where we are at with a number of warrant articles.

Discussion

Chairman Nichols brought up Article 5, which has to do with the WWTP. He thinks there needs to be some kind a written plan and a target date for this would be the middle of June. Article 13 having to do with road improvements and he thinks this is another one needing a written plan, which should be completed by June 15th and Article 28 having to do with drainage improvements.

Mr. Welch provided an update on the processes that they have begun, including bidding. He went into details on what people are bidding on. Discussion on concerns that some of these property owners might have in the areas for the drainage improvements. Article 30: is there a final confirmation that this amendment was made. Mr. Welch stated that it was withdrawn and he will follow up with the Legislators next week. Article 31: the enabling legislation is still in the process and Atty. Gearreald is following this. Article 32: confirmed the deed restriction has been removed. Article 34: to demolish the Old Town Hall and Mr. Welch is working on this but it is not complete. Article 35: the State sewer billing issue was touched on when he and Mr. Griffin met with DRED, this item still needs to be negotiated and they also discussed the septic rates. Article 43: the administrative enforcement is being worked on by legal and will go out with any citation so that people will know the process. The Pedi Cab ordinance has been communicated to all current Pedi Cabs owners.

Mr. Znoj brought up Article 24 and 25. The committee that needs to be formed as a result of Article 25 which includes 7 people including 2 appointments from the Board of Selectmen. Mr. Welch will contact Ben Moore to see if there are any interested candidates. There is time on this since it is not until 2013.

Atty. Gearreald commented that his department is working on Article 27 Martial Arts Weapons, Article 40 discontinuance of use of a portion of Winnacunnet Road and Article 42 discontinuance of use of a portion of Boston Ave.

Other Old Business

Mr. Pierce reminded everyone of the lively meeting the Budget Committee had and some of the comments that were made at that meeting in regards to the reports they receive from Mr. Schwotzer. He read some of the points that were made about the reports. He brought up a problem a few years ago that the Supreme Court ruled in favor of the Town. It was agreed that Chairman Nichols and Mr. Schwotzer would attend the Budget Committee meeting tomorrow night. Ms. Latimer the Chairman did state that Chairman Nichols would not be allowed to speak. Mr. Pierce expressed concerns with questions that Mr. Schwotzer might face tomorrow night especially in regards to policy. He knows he can handle the questions but does not know if it is fair that Mr. Schwotzer be subject to this. If it was left up to him all questions from the Budget Committee should come through the Board of Selectmen.

Chairman Nichols thinks that Mr. Schwotzer is capable of handling himself and is well liked by the majority of the Budget Committee. He does feel that it is not fair to attack his work as they did at their last meeting. Chairman Nichols will attend even if he is not going to be allowed to speak. The Board also discussed that a Department Head has the right to leave if they are being mistreated. It was agreed that Mr. Pierce, Chairman Nichols and Mr.

Schwotzer would attend the meeting tomorrow night. Chairman Nichols will answer any policy questions that come up. Mr. Znoj thinks that there are three or four very angry people on the budget committee.

Mr. Znoj commented on the audit summary report and the very good marks. He commented on the three recommendations made which include a formal credit card policy, improved controls over Parking Lot revenues and the Library Fund. He agrees with these recommendations. Chairman Nichols thinks that the Parking Lots and credit card policies were included in last year's audit. The Board agreed that we should look into these recommendations.

VII. New Business

1. Request for Use of Ashworth Parking Lot June 25, 2011 – Discussed under Appointments with the Parks and Recreation Director.

VIII. Consent Agenda

1. Veteran's Exemption: Colcord, James; Parisean, Philip G. & Rita; Elderly & Veteran Exemption: Coombs, Lydia & Carl.
2. Entertainment License "Wally's Pub" 144 Ashworth Avenue
3. Raffle Permit "Friends of the Library" 07/20/2011

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

VOTE: 5-0-0

IX. Closing Comments

X. Adjournment

Motion to adjourn by Mr. Znoj and Seconded by Mr. Pierce.

VOTE: 5-0-0

Chairman

Town of Hampton

AGENDA
Board of Selectmen
May 16, 2011

Location: Selectmen's Room – Town Offices
Posted: Town Offices, Library, Beach Fire Station

7:00 PM Public Meeting

SALUTE TO THE FLAG

I. Public Comment Period

II. Announcements and Community Calendar

III. Appointments

1. Greg Grady – 11th Annual Master Sand Sculpture Competition
2. Dyana Martin, Parks & Recreation Director & Chris Valhouli – Skate Board Park Project

IV. Minutes of May 09, 2011

V. Town Manager's Report

1. Town's Hazard Mitigation Plan
2. Application to purchase leased land on H Street
3. Designation of "Fire Lanes – No Parking Areas" for Meadow Pond, Green Street and Gentian Road
4. Police Department will be conducting fire arms training
5. The Town Clerk's office will be closed on May 25th
6. Vacancies on the following Committees – 1 vacancy on the Highway Safety Committee and two vacancies on the Insurance Advisory Committee.
7. Household Hazardous Waste Collection Day is this Saturday, May 21st from 9AM to 12 noon in the parking lot behind the old Town Hall on Winnacunnet Road.

VI. Old Business

1. Appointment to fill remaining vacancy on Hampton Leased Land Real Estate Commission – Two letters of interest received
2. Pension Spiking Legislation HB 462
3. Recycling Pickup Plan
4. Warrant Article Implementation

VII. New Business

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

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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.