

Town of Hampton



Hampton Board of Selectmen May 23, 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

Victor Demarco wondered if the State Representatives and Senator Stiles would be answering questions after. It was explained that this was going to be more of a back and forth between the Selectmen and the Legislators. However if someone would like to make a comment during public comment a Legislator can than comment during the Boards discussion. Mr. Demarco brought up the many concerns that have been expressed to him in regards to the retirement bills. He spoke about the reduction of colas, no increase in medical subsidy, disability retirement and those who gave their life in the line of duty. He also spoke about the bill about carrying a concealed weapon and the many people he knows that are against this bill. He personally expressed his concerns with Payday Loans. He also brought up the bill in regards to if a retiree goes to work for any municipality and is collecting a pension the municipality will have to pay 9.3% on the wages this retiree is paid.

Jane Marzinzik asked by Chairman Nichols to speak on SB156. SB156 is currently waiting to be signed by the Governor and it will allow Automobile Dealers to process new and transfer registrations for their customers. She commented on some of the reasons this bill came up including the problem with temporary plates. This bill was originally started to correct the problems with temporary plates and has turned into so much more. She went through the process of registering a vehicle and how the bill violates RSA's. She also spoke on the loss of revenue the Town would face. Mrs. Marzinzik went into further details about the flaws in the bill including the fact that 33 States do not actually use this system, proof of residence issues and she shared some information about a problem in Laconia that is now under investigation. She commented on how many errors dealers make in completing title applications.

She would encourage the Board to send a letter to the Governor asking him to veto SB156. The Board agreed that they would send a letter to the Governor. Chairman Nichols will work with Mrs. Marzinzik on drafting the letter and have Kristina prepare the letter for the Board to sign. Mrs. Marzinzik wants to thank Fred Rice for all the hard work he has done on this bill.

Matt Newton would like to comment on HB474. This is the right to work bill and the fact that it was put in by a group from Virginia. This bill has to do with unions being able to charge an agency fee. He explained the process the bill has gone through so far. He hopes that the Legislators who voted against it before will do the same again this time. The Governor has vetoed the bill and he hopes now that it will be vetoed in the House.

II. State Senator and State Representatives

Chairman Nichols asked if they preferred to summarize things they are working on or go directly to a discussion on concerns the Board has with certain bills. They agreed to go directly to the Boards concerns.

Mr. Znoj asked them to address the questions brought up during public comment.

Nancy Stiles commented on the following bills and the status: family members of deceased who died in the line of duty and carrying a concealed weapon.

Mr. Rice commented on and provided some history on Payday Loans. Mr. Znoj discussed Payday Loans in greater detail with Mr. Rice.

Mr. Nevins commented that he voted in favor of Payday Loans and shared the reasons why he supported this bill. There was an additional discussion amongst the members present on all the issues that came up in committee on this bill.

Discussion on Retirement

Chairman Nichols would like to bring up what is going on that he thinks will have the greatest impact on Hampton. This is a combination of pension reform along with the States potential reduction of the 35% of Group II contributions. He went through the NHRS cost to the Town dating back to 2003. His estimate for NHRS cost in 2012 is \$1.4M to \$1.7M. This is clearly one of the budget busters for the Town along with Health Insurance. The four issues include the States 35%, spiking assessments, language related to part time employees and deferring of effective dates for all the NHRS reform. He went through some background information back to the time of campaigning. He also spoke about allowing pension benefits to be 125% of base pay is wrong. He mentioned the impact that these changes can have on contract negotiations.

Mr. Waddell commented on the promises made to the Town and promises made to the employees. They are now trying to fix a very complicated situation. The committee is very focused on the unfunded liability. He does believe that pension reform will pass at some point and affect the Towns in some way.

Mrs. Stiles shared some information on the pension reform bills and the fact that the senate is still waiting for these bills to come back to them from committee.

Chairman Nichols does understand that there will be changes made to the pension plan but he does not understand the spiking charge.

There was also a discussion about the Town being assessed fees for part time employees they hire that are retirees collecting a pension from the State.

Chairman Nichols feels that the impact of this is less than the impact of the spiking charge. Mr. Rice feels that this part time specials issue is very unique to Hampton. They also discussed that the limit on hours is still at 1300 hours. Mr. Pierce commented on some other communities such as Weirs Beach that this must effect.

There was a discussion on special duty pay being excluded from pension calculations.

Mr. Pierce commented that he does not feel that the Town's should be blamed for the mess the Retirement System is in. Chairman Nichols commented on the contractual agreements in regards to sick time, vacation time and overtime.

Mr. Znoj would like to know when it becomes an unfunded mandate. He also commented on the Governor giving them a budget of zero dollars.

Mrs. Stiles asked Chairman Nichols about questions he had on other bills. She went through the bills that have passed in regards to retirement and there are only two bills that have passed. Chairman Nichols would really like to see us take a stand in regards to spiking charges. He is more than willing to go up to Concord and try and make the Town's case in the House. Chairman Nichols asked if the Board is in support of him doing this and he has the Boards support.

The Group II rates have been agreed upon and they are 11.55% for Police and 11.8% for Fire. The Group I rate will increase to 7%. These rates have only been agreed on not voted on.

Chairman Nichols commented on some of the increases and projected decreases in rates in SB3 and the fiscal impact.

Mr. Znoj brought up the makeup of the Board of Trustees. Mrs. Stiles stated that this has been addressed and provided the Board with the makeup. This has not been voted on yet but has been agreed on. There was a discussion on the importance of making sure that this Board is balanced. Mr. Znoj expressed that we need to get employers on this Board.

Chairman Nichols pointed out some of the things that the Board of Trustees has done recently and they seem to be moving in the right direction. People who are affected by this should go to the NHRS website and the Frequently Asked Questions are updated on a regular basis.

Discussion on other bills

Mr. Nevins pointed out that the budget process is a four-step process starting with the Governor, goes to the House, goes to the Senate and then is voted on by June 30th.

Mr. Rice provided some information on how the budget has been prepared in the past few years compared to this year. The projected budget is \$4.46B. Mrs. Stiles believes that we will get the \$500,000 back for the Sea Wall.

Mr. Znoj asked about SB97 revitalization of the Town areas. Mrs. Stiles stated that they are going to be working on this and at this point, it will go back 15 years. Mr. Znoj provided some further information on how this bill will help local business owners.

Mr. Lally brought up the Right to Work Law and the impact on unions. He thinks this is hand in hand with the retirement system. He expressed how when the retirement system problems surfaced it was somehow the union's faults. He does not think this is fair to say since employees have always contributed the same amount and it is actually the employer percentages that have fluctuated.

Mrs. Stiles stated that there is nothing in this bill that stops union or collective bargaining. It instead gives the individual the right to decide whether or not to join the union. There was an additional discussion on some of the process and the individuals involved with this bill. They also discussed all the testimonies that were given before the House.

Mr. Rice commented on the amendment that was put in after these testimonies. They also discussed individuals being removed from committees, possible arm-twisting and bullying going on in Concord.

Mr. Lally also brought up a bill about Health and Human Services and children in need of services he thinks this is awful. Mrs. Stiles plans to look into this and will get back to Mr. Lally.

Chairman Nichols brought up SRF loans to purchase capital equipment. He would like to get an understanding on where we stand on this.

Mr. Nevins explained that it is not there yet but we are in line and about number 13.

Mrs. Stiles shared information that she got back from DES today and the projects that will be taken care of. Chairman Nichols asked about low interest loans and the 20% match. This is a big issue for the seacoast. Mrs. Stiles pointed out that the SRF funding for the WWTP is still in the capital budget.

Mr. Znoj asked about Donor Town's. Mrs. Stiles explained it is in both bills to not have Donor Town's come back. They also discussed funding for reading proficiency.

Mr. Rice talked about the Committee of Conference in regards to Constitutional Amendment on education. Mrs. Stiles also shared some information on the Constitutional Amendments.

Mr. Znoj brought up the committee of conference in regards to collective bargaining. Mrs. Stiles stated they are forming a study committee. Mr. Rice stated that automatic evergreen clauses have been removed.

Mr. Pierce is not in favor of the concealed handgun bill.

Mr. Rice provided an update on the Happy Hour Bill. This bill will allow businesses to advertise Happy Hour specials on the outside of their establishments not only inside.

Chairman Nichols thanked them all for coming.

III. Announcements and Community Calendar

Mr. Pierce announced that Art Gopalen, president of the Hampton Arts Network, wanted him to mention that they will be having a hospitality center at 28 Depot Square between 10 am and 1 pm on Memorial Day.

Mr. Griffin thanked Karen Raynes and Betty Moore for having one of their walks of Hampton last Saturday.

Mr. Lally announced the Memorial Day Parade starts at 11 am and Memorial Services start at 8 am.

IV. Public Hearing – RSA 674:40-a Road Acceptance

1. Reddington Landing
2. Playhouse Circle
3. Fielding Lane

Mr. Welch provided some background information on this including that they have all been accepted on a consent agenda but a public hearing was never held.

Mr. Pierce MOTIONED to approve under RSA 674:40-a, the acceptance of the following roads “Reddington Landing; Playhouse Circle, and Fielding Lane”. Mr. Lally SECONDED.

VOTE: 5-0-0

V. Appointments

1. Madelyn Good and Shannon O’Brien – Hampton Community Center

Madelyn Good and Shannon O’Brien explained that they are co-chairs of the Hampton Community Center Committee. They are here tonight to let the Board know what is going on which they listed out for the Board. They reminded everyone that they are not looking for tax dollars to fund this. Ms. Good expressed how this is a wonderful Town and how this Community Center would really add to this area. She has researched all that has been done to bring a Community Center to Hampton. They went through the list of things that everyone wants to see in this Community Center. They have the paperwork to become a non-profit organization. Once the center is built the question will come up with is there tax involvement especially if the building was to house the Recreation Department. Ms. O’Brien pointed out how communities that have Community Centers tend to have fewer petty crimes.

Discussion

Chairman Nichols asked who someone could get in touch with if they are interested in helping this organization. They can contact Madelyn Good at 508-868-4940 or Shannon O’Brien at 601-6298.

Mr. Pierce clarified that the next meeting is on June 13th at the Methodist Church downstairs.

2. Sandy Nickerson – Cogger Street Drainage Trench/Ditch

Mrs. Nickerson thanked the Board for allowing her to come tonight. The reason she has come is to discuss the trench/ditch that has been dug on her property. She commented on the amount of flooding that she had after all the rain last spring. She reminded the Board that there is an easement on her property. They were told that the Town would need to do some digging, lay a pipe, fix the ditch and possibly have to remove some trees. This has not happened and what they now have is not an easement they have a 3-foot ditch that runs from the side of her property back to the manhole and then runs to the back of her property where the pipe ends and the water runs onto her neighbor’s property. She would like the Town to come back and do what they said they would do. There was a discussion on exactly where the ditch is and the piping runs to. She brought up the warrant article that was passed to fix problems on Cogger Street and she wants the Town to come back and spend this money to

fix this problem as was promised to her and her husband when this started. One resident provided some additional information on the layout of the pipes.

Discussion

Chairman Nichols asked about the sump pump at 12 Cogger Street. They discussed the houses that have sump pumps. Mr. Pierce commented on the direction the pipes go.

Chairman Nichols would like to turn it over to Mr. Welch for his comments.

Mr. Welch stated that to do what they want us to do it is going to take a major drain line construction. We have an engineer starting next week and he would like to have him take a look at this area to see what it is going to take to fix this problem. He went into some details on the piping in this area and why water does not run through this area.

Chairman Nichols asked for some clarification if Mr. Welch is referring to the engineer bids that have come back for this area or the new employee researching this.

Mr. Welch was referring to the new Deputy Director. He went through the problems with the piping in this area. Mr. Pierce expressed concerns with placing water on someone else's property.

Chairman Nichols summarized that this needs to be looked at from an engineer's standpoint and the new employee will be looking into this. Mr. Welch stated that this will take about 30 days to get this done. The Town will communicate this to the residents. Mr. Pierce added some other observations that he made and the need for people to contact Public Works when drains are covered over by debris.

3. Ralph Fatello – Memorial Day Observances and Parade

Mr. Fatello provided the Board with the parade route. He went through the details of the morning. All are invited to participate. Will have hamburgers and hot dogs at the end at the Academy. Marston School is having an observation at 10:30 on Thursday and the Academy is having one on Friday at 8:30. They will be paying special tribute to the Civil War this Memorial Day. He spoke about the guest speaker this year. He commented on all of those that have died from Hampton and there should be a list on the Library website and the Post 35 website. On Friday night, the High School Jr. ROTC is having their Heroes Ball at 7 o'clock at the High School.

Discussion

Mr. Pierce commented on having the list of those who have died from Hampton be posted in the paper or the Town website.

VI. Town Manager's Report

The American Legion will be holding Memorial Day exercises on Monday, May 30th at 8 AM at the Hampton Beach War Memorial – Lady by the Sea and at 9 AM at Weares Common in Hampton Falls; at 10 AM North Hampton Parade; and at 11 AM the Hampton Parade.

The State of New Hampshire has advised that the Beach Side Restaurant at 5 F Street has applied for a Restaurant-Beverage/Wine and liquor license. Anyone wishing to comment should do so the State Liquor Commission.

The Selectmen's Office has received a request from a resident for a resident parking sticker to be placed on a rental car – does the Board have objection to the issuance of resident stickers to rental cars?

Discussion

Mr. Welch shared some information that he has had from Kristina. Chairman Nichols shared a conversation he had with Jane Marzinzik earlier today. He explained that this individual comes up from Florida a couple times during the summer and rents a car. She knows that she will have multiple rentals over the summer so she does not affix the sticker to the windshield.

Mr. Lally believes that she would still get a ticket since the sticker is not affixed to the windshield. Chairman Nichols spoke with the woman today and she stated that the sticker always said approved by Town Manager.

The other members of the Board fear that we are opening Pandora's Box if we issue a sticker to her. Mr. Znoj is not in favor of issuing a sticker for a rental car but maybe there is a solution to help this woman. Mr. Pierce wonders what we can do to accommodate this situation and wonders if there is a way to work around this and help her. Chairman Nichols believes he has heard a no on this issue.

The Town has vacancies on the following Committees – 1 member on the Heritage Commission; 1 member of the Highway Safety Committee; 2 members of the Insurance Advisory Committee and 2 members of the 375th Committee.

Please note that the Solicitation Permit for the North Wall at Hampton Beach on Memorial Day Weekend has been withdrawn.

The pre-cast shop drawings for the Brown Avenue tide gate are in preparation. Once they are completed, the structure will be cast and the installation performed. They are still projecting the installation the end of May or the first week of June.

We have received a request today from the Hampton Arts Network for a sign to be placed at the corner of the Gazebo and Route 1 announcing their event at that location. This is a 1 day only for May 30th.

Discussion

There was a consensus amongst the Board that it is ok for the Hampton Arts Network to display a sign on May 30th.

Please note that because of an open position in the Fire Protection Bureau of the Fire Department and until that position is filled, the Fire Chief will be performing those duties in addition to his own duties. Please be patient, your requests will be taken care of as soon as possible.

I have a request for the approval of a Parade License from Post 35 of the American Legion for Memorial Day.

There is a request for a streetlight to be put in over on Mary Batchelder by a young woman.

On Tuesday May 24th from 6 to 7:30 at the Marston School there will be a parents meeting of the Hampton Safe Routes to School Committee. They would like to have input from parents of the students.

Drainage Bid Update – Mr. Welch stated that we have received three bids and he has provided the Board with copies. The low bid was from Jones & Beach Engineers at \$28,500. Chairman Nichols would suggest that we do not make a decision on this until we get some of the new employees on Board at Public Works. This will be deferred.

Discussion

Mr. Znoj wonders about the members to be appointed to the 375th committee. Mr. Welch will follow up with Ben Moore on this.

Mr. Pierce updated the Board on the Budget Committee meeting last week. Mike did a wonderful job. Mr. Znoj added that when Mr. Schwotzer and Chairman Nichols were making their comments people were actually listening. Chairman Nichols brought up a few items that did come up at the meeting the size of the Undesignated Fund Balance and the allegations of squirreling away money. This is something he would like to discuss with Mr. Schwotzer the next time he is here.

VII. Old Business

1. Recycling Pickup Plan

Chairman Nichols would suggest leaving this until the next meeting. Mr. Welch stated that he had asked Public Works to look into the different sizes of totters and information for the Recycling Committee. There are three sizes of totters 35 gal, 64 gal and 96 gal. Mark Richardson thinks that the 64 and 96 gal should be divided in half but no 35 gal. He spoke with the engineer at Public Works today and they feel that some kind of handout about these changes should be given out. They are working to put this together and get it out to the Recycling Committee.

Discussion

Chairman Nichols would recommend that Mark Richardson and Ryan Sharpe get together with the members of the Recycling Committee before the meeting with the Board. Chairman Nichols expressed concerns with a 50/50 split on the size of totters. He shared his thoughts on finding out what the lead-time is from the vendor in regards to how quickly we will receive the totters. He would than suggest that we order a 50/50 split but in a smaller quantity than the total number that we decided we would need. There will need to be some sort of tracking mechanism in place so that we know who still needs a barrel. There needs to be some sort of communication as to which barrel each resident wants. There was a discussion about a possible survey to find out what size barrels they need to order.

Parker Diamond asked if he could comment at this time. Chairman Nichols granted him permission to speak on this at this time. He commented on the enormous amount of trash/recycling that he picked up on the beach last year. He has recently moved to Hampton and would like to be a part of this recycling effort. He explained that he recently moved into Village by the Sea and noticed that the dumpster is filled with recyclables. He wonders if he had a totter and wheeled it out to the curb would it be picked up.

Mr. Welch stated no since the Town does not pick up trash from condominium associations. There was a discussion as to why these individuals do not have to abide by the recycling mandate. Chairman Nichols commented on how this is a major project that we are embarking on and he would ask if the Town be allowed to get through phase I of this project

and then address issues such as these during phase II. The Board agreed that they would not say yes or no tonight but we need to address this at a later date.

Mr. Griffin shared some questions he has received. Chairman Nichols brought up who will be charged and not. The Board agreed that single family, duplex and condex will have totters delivered free of charge.

Chairman Nichols thinks that his whole issue of what size barrel people want, how many we order and how we distribute them has a lot of problems that need to be addressed. These problems need to be resolved.

Mr. Griffin thinks we need to have all one size and maybe we should order all 65 gal. There was an additional discussion amongst the Board on whether or not people should be given a choice as to what size, they want or if everyone should receive the same size.

2. Recommendation on "It's Italian" request for Outdoor Seating – NH Liquor License – this has been approved by all the proper people.

Mr. Lally MOTIONED to recommend "It's Italian" request for Outdoor Seating – NH Liquor License. Mr. Pierce SECONDED.

VOTE: 5-0-0

VIII. New Business

1. Parking restrictions on Huckleberry Lane

Chairman Nichols stated that everyone has received this request.

Discussion

Mr. Lally would like to hear from the residents of Huckleberry Lane.

Mr. Griffin is not in favor of reducing any additional parking.

Chairman Nichols does not see any safety issues with this.

Samuel Checovich, 1062 Ocean Boulevard. Mr. Checovich who wrote the letter spoke on this issue. He expressed his concerns with the people parking on this street and blocking the right of way. They are also cutting through his property to get to the beach. He feels that by making this a no parking zone it will eliminate the people who trespass on his property and his need to use the police resources to address this issue.

Mr. Znoj clarified that fire trucks are able to get down this road.

Mr. Lally stated that this gentleman does have a point since this has been an age-old problem of people cutting through these residents property to get to the beach.

Mr. Znoj commented that every time we say no parking the next week people come forward and complain.

The Board agreed that they were not in favor of making any further parking restrictions at this time.

2. Request for reinstallation of a streetlight on Tobey Street & a similar request for Mary Batchelder Road.

Discussion

Chairman Nichols questioned how the Town is charged and it is based upon illumination rate by individual light and size.

Mr. Lally MOTIONED to approve the request for reinstallation of the streetlight at 7 Tobey Street and Mary Batchelder Road. Mr. Pierce SECONDED.

VOTE: 5-0-0

Other New Business

Chairman Nichols brought up a Raffle Permit request he has received for Safer Seacoast Area Feline Education. This item did not appear on the agenda anywhere. He read the permit request for the Board.

Mr. Pierce MOTIONED to approve the Raffle Permit for June 11th for Safer Seacoast Area Feline Education. Mr. Lally SECONDED.

VOTE: 5-0-0

3. Solicitation Permit "Team Rack an Roll" May 28, 29, & 30 – North Beach Wall - Withdrawn

IX. Consent Agenda

1. Appointment form for Leased Land Real Restate Commission – Vic Lessard
2. License Coin Operated Amusement Devices "Tidewater Campground" – 160 Lafayette Road
3. Taxi Business License for "Surfside Taxi" Owner/Operator Dennis Croteau
4. VFW Post 35 "Memorial Day Observances and Parade" Permit May 30, 2011

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

VOTE: 5-0-0

X. Closing Comments

XI. Adjournment

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

VOTE: 5-0-0


Chairman