

Town of Hampton



Hampton Board of Selectmen September 26, 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 – Selectmen’s Meeting Room, Downstairs Town Offices

SALUTE TO THE FLAG

I. Public Comment Period

Art Gopalan speaks in support of the sign license for Hampton Arts Network. They have asked the utility companies to be able to post signs on utility poles at key intersections. They are also thinking of political type signs. He reminded everyone that this event is also in partnership with the Hampton Recreation Department. He would like to ask for permission to advertise the event on the electronic signs the Town has. He provided further details on activities that will take place during the event in October.

Mr. Lally MOTIONED to approve Sign License “Hampton Arts Network” 10/01-10/08. Mr. Griffin SECONDED.

VOTE: 5-0-0

Chairman Nichols questioned the use of the portable sign and the uses in the past. He expressed concern with using this sign for a private event. It was discussed that since it is in conjunction with the Recreation Department it could be used.

Ed St. Pierre is glad to see Mr. Welch here tonight and shared with him the tremendous amount of support that Mr. Welch has from the public. He discussed the petition drive in place to support Mr. Welch. He is bothered by the fact that someone has said he was making personal attacks on individuals or that he said that three people were colluding together. He did not do or say this and suggested that they watch the tapes or read the minutes to see that this did not occur. He tries to use the code of ethics as a guideline for him to live by. He read a portion of the code of ethics for Mr. Znoj since he feels he has violated a portion of this code. He also read a portion of the code for Chairman Nichols since he feels that he has also violated the code of ethics.

He read the petition that is out in support of Mr. Welch and being signed by the public. He shared the following reasons for needing Mr. Welch: WWTP, drainage problems, and cable franchise agreement. He expressed concerns with the Town Manager term ending in March and how that time of year is not the best time to be changing managers. He would also like to know what course of action the Board can take against members who have violated the code of ethics as he has pointed out previously, he believes that two members tonight that have violated their own code of ethics.

Diandra Sanphy, 34 Langdale Drive, would like to talk about the demolition at the old Town Hall, which included: type of fencing, easy access into the site itself, five schools in the immediate area and putting a police officer in place before and after school. She appreciated being able to get in to talk to Mr. Welch and Mr. Pierce so quickly this afternoon. Mr. Welch commented that this is a very short project only a couple of days and he will try to get an officer there before and after school. There will be additional "no trespassing" signs posted first thing tomorrow. Mr. Pierce thanked Ms. Sanphy for coming in and asks for the parents support to keep their children away from the demolition site.

Mary-Louise Woolsey she informed the Board that she has not spoken with Mr. Welch this week. She has spoken with many of the members of this Board and is now more perplexed than before. She mentioned the fact that the meeting on September 6th ended very late with only the five of them left in the building and a comment was made that the vote should not be leaked before the Chairman as a chance to contact Mr. Welch in the morning. She feels that the Board should have made it a point to tell Mr. Welch this information as a whole. She thinks that the Board owes Mr. Welch a public apology. She feels the Board needs to encourage Chairman Nichols to resign from his position and she read the reasons why. She believes they are in a no win situation. She spoke on the role of the Selectmen. She discussed negotiations and wonders why the unions would want to negotiate with Chairman Nichols after the way he has treated the top employee of the Town. As a resident, taxpayer and elected official she demands that Richard Nichols resign as a Selectman immediately to give the Board an opportunity for a fresh start. She would like to poll the Board in response to what she has said.

Mr. Lally would like to hear what Chairman Nichols has to say in response to what has been said tonight. Chairman Nichols does not believe he has behaved unethically and that he made his conflict of interest public. Ms. Woolsey disagrees with the fact that he made his conflict of interest public since this was not done until September 6th and he has made it known to people for the past year that he wants the Town Manager's job. She strongly believes that he has acted unethically as an elected official. She also feels that the creditability of the Board is at risk if Chairman Nichols does not resign immediately. Mr. Pierce stated he does not have any pangs of guilt at this point and she is missing a lot of the picture.

Gerry Dignam would like to comment on a comment made by Mr. St.Piere. He has had people asking him what they are doing to Mr. Welch. The majority of the people in Hampton are disgusted with this Board. They are asking them to keep this manager and they are doing nothing about this fact.

Arthur Moody would like to start with the demolition of the old Town Hall and still wants to know where the walk in vault door has gone. It is believed that it is still in the building and

will be transported to the DPW department. Mr. Moody would like to know what the Town is going to get for the vault door and the cylinder vault. It is not known at this time. He would also like to ask about the Smuttynose Rockfest ½-marathon voluntary vehicle detour in the Town Manager's report.

This will be discussed in the Town Manager's report. In addition, under the Town Manager's report the RFP for the intersection engineering studies and clarified that this is not for the intersection of Winnacunnet Road and Lafayette Road.

Mr. Znoj wonders if Mr. Welch would like to comment on the expending of funds for the demolition of the old Town Hall as suggested by Mr. Moody last week. Chairman Nichols would like to suggest that this be discussed under Old Business.

Mrs. Sanphy questioned if any of the vaults in the old Town Hall would come up for bid. Chairman Nichols explained that any asset of value that the Town no longer has no use for would go out to bid.

Norman Silberdick was watching at home and felt the need to come down and comment. He has watched this Board over the past few years and he feels that the Town has been well served by both the Board and the Town Manager. If the controversy around Mr. Welch is a result of a process of the Boards review of his performance, which has taken place in nonpublic session, there should be consideration of the people in Town that the Board knows what it is doing. With two votes that basically provided a no confidence vote for Mr. Welch there is some underlying reason. It is the prerogative of the Board to make a decision relative to Mr. Welch's continued employment with the Town. Although he has always got along well with Mr. Welch and thinks that he is very knowledgeable but if this Board feels differently for some reason than the people should support the Board. He does not feel that it should be passed along to another Board for a decision. He has the utmost respect for this Board and his complete support of the Board for what they have been doing.

Chairman Nichols would like to slide forward the agenda item under the Town Manager's report the Smuttynose Rockfest Half Marathon and the proposed alternate route to divert traffic due to the long expected delays. He explained that Lt. Dan Gidley from the Police Department was present to give an overview for the public.

Lt. Dan Gidley explained the route for the Board. They have 2600 runners for the half marathon and the marathon. The hours are 9 to 2 and a portion of Ocean Blvd in North Hampton will be shut down. The organizers are requesting permission to have a voluntary detour posting a sign in the area of 18th Street and Ocean Blvd stating there will be long delays ahead. This is a good thing for the Town since there will be many people present. This race is a pre-qualifier for the Boston Marathon.

Mr. Griffin commented that he has received three complaints from Presidential Circle since it holds the traffic up for about one hour.

Mr. Pierce thinks it is good that they are keeping them away from High Street and Rte 1. The race will run from 9 am and 2 pm.

II. Announcements and Community Calendar

Mr. Lally commented on a bike race that came by last Friday night down at the beach and how busy all the businesses at the beach were.

Chairman Nichols announced that the mandatory date for residents to start using the new trash/recycling carts has been pushed out to January 1st.

III. Appointments

1. Michael Schwotzer, Finance Director

a. Monthly Financials

Mr. Schwotzer commented that the August financial statements are posted on the Town website. August was the eighth month and the monthly target of 66.7%.

Income: The motor vehicle income total came in at \$225.6k, which is \$12.3k above budget. The other major contributors to the month's total income of \$632k were: Interest on taxes @ \$58k, Departmental @ \$76k, Parking Lots @ \$84k, Cable Franchise @ \$107k and Real Estate Trust Fund @ \$48k.

Expense: At the end of August, the operating departments (without debt service) were 64.5% of the budget, which is below the month's target of 66.7%. This difference is factored into the calculation of the 2011-year end "savings" estimate of \$277k. As stated above, the accuracy of this forecast is still suspect because of the compounding effect the higher summer costs. There was a discussion on the year-end savings and how the forecasted amount has dropped since last month. In Personnel Administration, the YTD retirement expenses are still below budget because the budgeted contribution rates were lower for the first half versus the second half of the year. He originally calculated that we would be \$13k over budget but we have received the estimate of the monies coming back from the Legislator our portion of the \$3.5M. Therefore, in this year we should come out even in this area. Health Insurance is still under budget 1.8% or \$48k. The credit to Workman's Comp from the 2010 payroll audit has been received at \$17.4k. When this and the fourth quarterly bill are paid in October, the annual total for this account will be over by \$10.9k. The overall Police Department is running at 66.3% of budget, which equates to \$14k below at the end of August. This is 3% higher than the same YTD period in 2010, which can be explained by the completion of the computer project in Admin and having an equal cost for summer coverage in Support Services. The overall Fire Department is running at 61.5% of budget, which equates to \$153k below. The FD OT expense is .8% above its YTD target and is \$24k higher than the same time period in '10. The main difference is in the OT wages line where an additional firefighter is being assigned to each shift due to the increasing volume. In Highways & Streets is \$256k below and Municipal Sanitation is \$216k this will change with the large projects still to be done. In the Bond – MSW & Recycling account, all of the equipment covered by the \$1.3M warrant article has been received and paid for. The second half of the cable franchise fee was received in August of which 25% was booked into Fund #25.

He reminded everyone that the reports are posted on the website and will be distributed to the budget committee as soon as they are completed.

Discussion

Mr. Pierce asked about Employee Separation Cost and Bank Buyback Program and wonders if it will make it to the end of the year. Mr. Schwotzer confirmed that the Buyback number

will remain the same since this was taken care of in January. The Employee Separation Cost could change if someone decides to retire.

Mr. Znoj asked if we have received any revenue from the State in regards to billing them for trash/waste. Mr. Schwotzer stated they have been billed for trash. Mr. Welch confirmed that we will be billing for WWTP now that the season is over. There was a discussion on breaking out a new line item for the State trash and WWTP. Mr. Schwotzer would suggest instead of adding a new line item he could provide them with a breakdown of the charges to the State.

Chairman Nichols asked about the timeline for setting the tax rate. They need to follow the MS-1 and there are two forms needing to be filed by the schools. Once this is complete, we will be put into queue and hopefully will get in by the middle of October.

Chairman Nichols brought up the financial controls suggested by the auditors in regards to the Parking Lots. He clarified that Dyana and Victor are putting together the policies/controls/procedures together for Mr. Schwotzer so that he can forward this information to the auditors so that this can be reflected in the comments that come back from the 2011 audit. There was a consensus amongst the Board that this should be done. Mr. Znoj commented that he has read over the policies and it appears there are very tight controls in place.

IV. Minutes of September 12, 2011 and September 14, 2011 1:10:51

Minutes of September 12, 2011

Page 2, 4th paragraph, 14th line. Change the word “loosing” to “losing”.

Page 5, 6th paragraph, last sentence. Change the word “down” to “filled”.

Page 13; vote on the E-One Pumper. Change the vote to reflect the Abstain vote of Mr. Znoj to a No vote. Vote was 3-1-0.

Mr. Lally MOTIONED to approve the Minutes of September 12, 2011 as amended. Mr. Pierce SECONDED.

VOTE: 4-0-1(Griffin)

Minutes of September 14, 2011

Page 3, last paragraph, last sentence. Change the following “actually about \$22,000 less than last year” to “less than \$2010 actual spending”.

Mr. Peirce MOTIONED to approve the Minutes of September 14, 2011 as amended. Mr. Znoj SECONDED.

VOTE: 5-0-0

V. Town Manager’s Report

1. The RFP for the intersection engineering studies for Five Corners and for Landing Road at Winnacunnet Road has not been awarded. Although, the RFP’s was advertised and seven proposals were submitted for consideration, the RFP is currently under legal review, which is expected to be completed this week. Once that review is completed, we will know if a re-issuance of the RFP is necessary. I will proceed to review the three

lowest proposals submitted under the RFP to determine if everything is in appropriate order and given that it is a RFP, it will be awarded for Phase One only, which includes the conceptual design and survey. The final design will take place next year given final approval of the conceptual design.

Discussion

Mr. Pierce asked what they plan to do with five corners. All options will be explored to make this a safer intersection and reduce the number of accidents in this area.

2. I have requested that a representative of the Police Department be present to explain and answer any questions on the Smuttynose Rockfest Half Marathon and the proposed alternate route to divert traffic due to the long expected delays. Discussed in detail above before Appointments.
3. The removal of the old Town Hall has started today and the work should be completed by the end of the week, if all goes well.
4. Next week the Board will receive a new long-term billing contract with Comstar, our ambulance provider. Thanks to the efforts of our Fire Chief, the proposal includes a decrease in fees from 7% to 5% of collections made. The 7% rate was the result of an earlier reduction from 10%.
5. In response to my letter concerning the crosswalks on Ocean Boulevard from Winnacunnet Road to High Street, the DOT has responded. Each crosswalk will be repainting with high visibility markings. I make note that DOT has informed the Town that several crosswalks under DRED's control require re-construction to comply with ADA Standards, and if not re-constructed to ADA standards, these deficient crosswalks may be discontinued by DOT.

Discussion

Mr. Znoj asked when this will be done and it should be done in the fall. Mr. Pierce wonders how this will hold up over the winter.

6. The Town has been notified that the land clearing and construction on the Concord Co-Op Recycling Facility has begun.

Other items added to report:

Late this afternoon received an email from DRED indicating the work process at the beach, which Mr. Welch read for the Board. They are on schedule to be completed at the end of November.

Questions for Mr. Welch

Chairman Nichols asked Mr. Welch to comment on Arthur Moody's question in regards to funding of the demolition of the old Town Hall and explain it is not necessary to have a budget line item titled Town Hall demolition.

Mr. Welch explained that as long as there is a line item within the general budget that is designated for government buildings funds can be taken or spent from this line item. Money can be spent from this line item to repair or remove buildings (as long as the Town has

approved the demolition) funds can be spent by statute. Mr. Welch stated as long as the line item has \$1 you can spend from this line.

Mr. Znoj clarified that the Town is not at risk of being faced with a lawsuit because of expending funds for the demolition of the old Town Hall.

VI. Old Business

1. Budget Discussions

a. DPW Department Budget

Discussion began at 1:23:44 with Mr. Noyes, Mr. Jacobs, and Mrs. McGinnis all present. Mr. Noyes read a statement including: thanking Theresa, Chris and the rest of management for assisting with budget, equates to a decrease of almost \$100,000 from this year's approved budget, note that the vehicles will be purchased from the DPW capital reserve, staff always on the lookout for ways to save money, does not include any new fulltime positions, labor impact of taking on the recycling program, budget includes two part-time recycling collectors and 1 part-time Transfer Station Coordinator and two warrant articles one for Church Street pump station and the other for the five corners intersection.

Discussion

Chairman Nichols pointed out this is the second version of DPW budget and the reductions that have been made. He questions the wages and the reorganization that has taken place. He is seeing an overall increase in wages over all sections of DPW budget of about \$100,000, which he broke down further into regular wages, overtime wages, and part-time wages. He can account for \$7,900 in regular wages for Teamster contract and about \$24,000 in part-time wages for the two part-time employees added to solid waste to assist with trash/recycling pickup. He wonders what is driving this increase and wonders if positions have been added.

Mr. Noyes stated that they have not added any positions. There was a discussion in regards to the Sewer & Drain Foreman and whether or not his wages were budgeted in 2011. Chairman Nichols believes that the two part-time recycling positions were in the 2011 so the increase for 2012 should only be \$24,000. Chairman Nichols asked that these wage line items be reviewed before next Monday night. Mr. Welch suggested that this be looked at after the Staff meeting tomorrow. Mr. Znoj stated he has many questions on wages so this will save sometime for tonight.

Mr. Pierce asked about the memo from Mr. Noyes about the items they wish to purchase under the Capital Reserve Fund and that it is used for big pieces of equipment. He has a problem with some of the items on this list since they are smaller ticket items and therefore should be in the budget.

Chairman Nichols does not believe that there were ever any monetary limits set on items that can be purchased from the capital reserve. Chairman Nichols feels that this is exactly what they should have done. Mr. Welch explained how the capital reserve fund was set up to be funded in the beginning and how the value was set. Mr. Welch explained how this is a long-term investment in a piece of equipment. They did this to take the pressure off the budget and put money in the capital reserve fund so that the budget would not be overinflated for equipment purchases that are not going to occur on an annual basis. These purchases will occur every 10 or 15 years. Chairman Nichols does not believe that there was ever any

monetary amount set on this. There was a consensus amongst the Board that these purchases should be made out of the DPW Capital Reserve and not be put into the budget.

Highways & Streets - discussion started at 1:45:25

Mr. Znoj asked about: vehicle maintenance under Administration compared to previous years, backup data should include this information, drop in engineering service, paving and reconstruction compared to 2011 actual and commented on the large amount for street lighting.

Mr. Noyes stated that vehicle maintenance is at \$39,000 for 2011 but they still have 4 months left in the year. Mr. Noyes has a goal to work with Mr. Schwotzer on the backup for next year. It was explained that engineering services is being reduced since Mr. Jacobs is an engineer and there is also an engineer technician. Mr. Noyes explained his plans for the paving and reconstruction line item including encumbering some of these funds.

Mr. Pierce believes that there was a plan to spend some money out of this account for carts if there is not enough Year End savings.

There was a discussion on the importance of not allocating all the \$150,000 from paving and reconstruction until it is definite that the \$99,000 for carts can be funded from YE Savings.

Chairman Nichols asked about the \$9,500 for crack sealing being removed. Mr. Noyes is all for this if there is a good crack sealing plan in place. This goes back to his desire to review and come up with a paving plan.

Mr. Noyes shared a plan that he participated with in Exeter in regards to streetlights and because of the research done the cost in street lighting was reduced by about 50%. They also discussed the lighting on Ocean Blvd.

Municipal Sanitation discussion started at 2:07:17

Mr. Znoj commented on: contrary to what has been said lately the WWTP is in good shape, overtime wages for Rye were billed at \$2,000, make sure they have the labor to take care of preventative maintenance, vehicle maintenance high to actual, tipping fees and waste hauling which is not reflecting any increase in recycling, recycling still at 30% and not moving at all, wonders why there is a drop in tonnage in trash/recycling, revenue from recycling, transfer station replacement equipment John Deere Gator moved to Capital Reserve, WWTP spares going to be funded, roof repair at WWTP and large pump repair.

Mr. Noyes thanks Mr. Znoj for all the work he has put into the WWTP. Mr. Noyes also feels that the employees overseeing the plant are doing a great job.

Mr. Schwotzer explained although we are reimbursed by Rye the overtime has to be in the budget even though it is offset with revenue.

Mr. Noyes stated that the vehicle maintenance is up to make sure that there is money available to perform the proper maintenance especially on the three new packers, as a preventative measure.

There was a discussion as to whether \$5,000 was enough to cover the cost of carts for new buildings and repairs.

Chairman Nichols asked about the \$99,000 for carts and not to exceed this amount. He commented that some people may not come to us until April and he wonders if this is something that can be set up with the vendor so that the funds are encumbered however if the whole amount is not needed they do not have to purchase the whole amount from the vendor. Mr. Noyes believes that we should be able to set this up with the vendor but will have to follow up on this.

Chairman Nichols commented on the cost of tipping fees for 2012.

It was discussed that tonnage can be down due to economic factors such as vacation rentals are down and commercial businesses who dispose of their trash themselves.

Mr. Welch stated that we are currently receiving between \$7,000 and \$9,000 a month in revenue from recycling.

Chairman Nichols would suggest leaving some money in capital reserve. Mr. Welch stated that the capital reserve is usually funded at \$340,000 each year from surplus.

Mr. Znoj MOTIONED to remove the \$7,000 out of account 4324.4.745 for the John Deere Gator 4x2 and put it into Capital Reserve. Mr. Lally SECONDED.

VOTE: 4-1(Nichols)-0

The spare parts for the WWTP are being funded from WWTP maintenance account. Mr. Jacobs explained the needed roof repairs/replacement over building 2 and 3. Mr. Znoj wonders if the roof can be paid out of the warrant article for the WWTP. Mr. Welch stated that the roof was not one of the items listed in the warrant article. Chairman Nichols expressed how he thinks the Board is better off not spending the remainder of the warrant article if Mr. Noyes and Mr. Jacobs do not feel that all the work in the article needs to be completed. Mr. Znoj thinks that if it can be legally done the money should be used. Mr. Pierce is not in favor of spending the money from the warrant article unless it is spent on a new building as listed in the warrant article.

Mr. Noyes added that Mr. Jacobs is working on a list of all that has been spent from the warrant article and a plan going forward. Mr. Schwotzer pointed out that this \$1.3M is a note and you would not want to pay for a roof for the next 20 years. There was a discussion about surplus.

Mr. Pierce questioned if it has been decided for sure that we are not going to build a new building. Mr. Pierce expressed once again his concern with what happens if the press fails again and there is no backup press. Mr. Znoj shared all the analysis they have done to make sure that the Town does not end up in the same situation as before.

Chairman Nichols stated that when you have a consensus amongst Mr. Noyes, Mr. Jacobs, Mr. Welch, and GHD than you should go with that decision. Mr. Welch clarified that he was not consulted and does not agree with this decision.

Mr. Jacobs explained the large pump repair is to the #2 effluent pump.

Chairman Nichols summarized that we are through DPW budget with the only changes being the \$7,000 removed for the gator and put into capital reserve and the \$65,000 in wages. He pointed out that this budget was already \$98,000 less than the 2011 budget. He also explained that he went through and captured all the cost involved with trash/recycling

including the new trucks, carts, cost to run transfer station and tipping fees. The bottom line of budget that has to do with trash/recycling comes to about \$1.776M, which shows what a major share of DPW budget, has to do with trash/recycling.

Chairman Nichols at some point would like to see a reading on what has actually happened in regards to the additional wages for bringing trash/recycling in-house compared to what the predicted/estimated cost were going to be.

Mr. Noyes has asked Theresa to begin working on this starting with wages and then including total cost involved. He has asked her to compare the two weeks before Seafood Festival and two weeks after for YRS 2011 to 2010. He has also asked Mr. Sharpe to spend every Friday looking at the routes and coming up with a better plan to make the stops more efficient. He also plans to contact the business owners to see what day's pickup is needed and setting up some sort of plan working together. Mr. Pierce thinks that this is great especially since people at the beach do not need their trash picked up three times a week.

Other Financial questions for Mr. Schwotzer

Chairman Nichols would like to see a list of money warrant articles and possibly have an idea of this by next week. He does not need any detail about the article at this time but an amount would be helpful. He also asked about the Default Budget being ready next week.

Mr. Znoj asked about the money left in the operating budget for the Grist Mill and he has reviewed the deed and the warrant articles having to do with the Grist Mill. The question is do we want to leave the money in the budget or put it into a warrant article.

Chairman Nichols explained that the money in the budget was for cedar siding and roof repairs. Chairman Nichols would be in favor of Mr. Znoj's suggestion about putting this in as a warrant article as opposed to the budget for fear of a Default Budget.

Mr. Schwotzer commented that it is actually on the building maintenance line item in the budget so there is money on this line item. You would be risking \$7,000 and the warrant article would only be written for \$20,000. Chairman Nichols summarized that if we did face a default budget we would just be short \$7,000 and it could be transferred from another portion of the budget. The Board agreed to leave this item in the budget as opposed to a warrant article.

2. Review of the Draft MOU with DRED – State of NH

Chairman Nichols believes that the Board and Mr. Welch have taken several passes at this and it is now ready to be sent to DRED.

Discussion

Mr. Pierce disagrees with this statement. He has conferred with the person who gave the Town such a fine relationship with the State for the past several years and he has made some comments that he would like to share. His comments included: FD cannot get into the buildings, cannot take care of the bathroom problems, 24 hour phone assistance, phone numbers for Seashell organization, schedule on page 2 since it is not done by the State, trash barrels put out May 1st but staff does not start until Memorial Day, beach raking how often it is done and schedule, street sweeping being occasional before and now there is a schedule put in the MOU, suggest billing the State for street sweeping, sweeping on North Beach,

who's going to read the meters, the State does not pay timely and in regards to lifeguards we should work with person in charge of the lifeguards.

Mr. Welch stated that each of the buildings have to have lock boxes with keys on the outside of the building; this is part of the fire code and is required for an occupancy permit to be issued. He explained that the schedule is just in the MOU so that everyone knows who is doing what and when. Trash barrels have been put out before Memorial Day in the past and maintained by the State. The Town knows when the beach has been raked because the person doing the rakings; disposes the raking at the Transfer Station. Mr. Welch explains that the street sweeping has been done on this schedule for as long as he can remember and before he arrived. Aquarion reads the meters and if they cannot read the meters, the Town wants access to the building to read the meters. Mr. Welch stated that if bills are not paid within 30 days they are charged 1 ½%.

Mr. Znoj asked if there is anything that would allow the officers to go out on to the beach in situations like Hurricane Irene. Mr. Welch stated that we do not have authority out there. Chairman Nichols believes that people were being advised by both the Town and the lifeguards to stay off the beach.

Mr. Lally MOTIONED to approve the MOU with DRED – State of NH. Mr. Griffin SECONDED.

VOTE: 5-0-0

3. Authorization – Assessing GIS Internet Services Maintenance 1-yr Agreement

Chairman Nichols explained that the cost is \$1,800. Mr. Welch stated that this is a long-term commitment and that is why they are asking the Board.

Mr. Znoj MOTIONED to approve the Authorization – Assessing GIS Internet Services Maintenance 1-yr Agreement. Mr. Pierce SECONDED.

VOTE: 5-0-0

Other Old Business

Mr. Griffin commented that the Board would have been better off if they had not overlooked Mr. Lally for Chairman. He even called all the members, when he was going to nominate Mr. Lally, which he would not normally do and was told by two Board members that they wanted a chair that was a little more hands-on. He thinks what we are hearing from the residents is that they want the Board to set policy and not be hands-on in the Departments. He thinks what needs to be done by the Board, only should be done here at the meeting on Monday nights and let the Department Heads to their jobs. The Board does get along and they do all speak their minds. The biggest complaint he has is the recent need to have so many pre-meetings and how they were a rarity in his first 2 terms. The Department Heads should not be micromanaged by this Board.

Mr. Znoj agrees with what Mr. Griffin has said and although they do not all agree on all things they do agree about 90% of the time.

Chairman Nichols commented that he has done an analysis after receiving an email stating that Mr. Lally and Mr. Griffin are being left out of Town business. All the minutes of the meeting starting with March and going through the end of August all the votes were

unanimous except for six and they were on the topics discussed the most; the Chairman position and Mr. Welch's contract. The other motions that did not pass were on small topics such as issuing parking permits.

Mr. Griffin would like to make a motion to extend Mr. Welch's contract for three months based on some of the reasons people have given in regards to the time of expiration being a very busy time and a lot is going on in the Town. He would also suggest that in the future the Town should make sure that no employee contracts should expire at the time of the year that is crucial to the Town.

Mr. Lally thinks it might be a good idea to extend all employee contracts out until June.

Mr. Pierce commented that he agrees with some of the things that Mr. Griffin said but thinks that maybe this motion should not be held for another week or so.

Mr. Znoj has a problem also with the motion. He commented that there was an article in the paper in August in regards to Mr. Welch's contract expiring and Mr. Griffin brought it up in September and he does not understand the rush. Mr. Griffin explained that it has always been dealt with at the six-month point.

Mr. Znoj commented on the full review that was given to Mr. Welch verbally in February of the goals that he had to work on and that it is premature. If we had waited a few months, if it was brought up maybe in December, it would have given Mr. Welch a longer time period to accomplish the goals that were expected of him.

Mr. Pierce thought it was also premature to look at renewing a contract in the middle of a contract. He does not understand why Mr. Griffin was bringing this up so early. Again, Mr. Griffin stated that this is the way that it has always been done. Mr. Griffin stated that there is a motion on the floor.

Mr. Znoj commented on a comment made earlier tonight that Mr. Pierce is a rookie Selectman. Mr. Pierce stated that was really an unfair comment to make since he has served on many Boards.

Chairman Nichols stated that he has abstained from making comments on this topic in the past but with the Boards permission, he does have some comments to make at this time. Mr. Lally stated he is the Chair and has the right to say anything he wishes. Chairman Nichols thinks that extending the contract out for three months is a wise idea since the current contract would expires before the new Board is in place.

Mr. Lally asked Mr. Welch if six months is a fair time to start looking at renewing a contract from his experience as a Town Manager. Mr. Welch stated that since it takes six months to a year to go through the process of being hired as a Town Manager and at the 6-month point, one does begin looking at new opportunities.

Mr. Znoj commented that in the private industry they tell you the day you are walking out the door.

Mr. Pierce asked how many Town's have contracts with the Town Manager's, it was stated that almost all do and that some automatically renew if not told in advance.

Mr. Griffin MOTIONED to extend Mr. Welch's contract by three months. Mr. Lally SECONDED.

VII. New Business

1. Application Forms for RSA 79-E Community Revitalizations Tax Relief Incentive

Atty. Gearreald explained that this is a complicated program and not something that is done in many communities. There is one correction that needs to be made to the application, which he explained to the Board. It was explained that the form was put together by Atty. Gearreald and is a guideline for the applicant. He went through the paperwork for the Board and explained it for them.

Discussion

Mr. Znoj asked Atty. Gearreald if he could start to give the Board a one-page brief as opposed to the 50 pages.

Atty. Gearreald stated that the package reflects the RSA's since that is something that Mr. Znoj always asks for. What was given is to help you know where the authority is given by the State. We will have some applicants so we will have some people to try this out.

Atty. Gearreald highlighted that a correction needs to be made. The typo is that the occurrence cannot have occurred more than 15 years. The application is evolving and may change in the future.

Mr. Griffin clarified that it does not have to be a fire.

Chairman Nichols clarified that the application needs the Board's approval.

Chairman Nichols MOTIONED to approve the Application Forms for RSA 79-E Community Revitalizations Tax Relief Incentive. Mr. Lally SECONDED.

Mr. Pierce questioned if this application obeys all the rules and Atty. Gearreald believes it does.

2. RSA 41:14-a Referral of Easement Deed to Conservation Commission and Planning Board

Atty. Gearreald explained that from time to time the Planning Board has applications that have easements of some sort. In the past, we did not have a mechanism other than Town meeting to accept these easements. Now what we have is an RSA that allows the Selectmen to accept easements after a process, which he went through for the Board. Atty. Gearreald explained that this was originally denied by the Planning Board but after a superior court hearing, the superior court ordered the Planning Board to accept the easements. Atty. Gearreald explained the easements and how this is already being maintained by DPW. He is asking the Board to refer this to Conservation Commission and Planning Board for an opinion on how this deed should be worded, before the Board makes a decision.

Discussion

Mr. Znoj commented on the amount of detail that Atty. Gearreald provides them.

Chairman Nichols MOTIONED to refer under RSA 41:14-the Easement Deed to the Conservation Commission and the Planning Board. Mr. Lally SECONDED.

VOTE: 5-0-0

VIII. Consent Agenda

1. 2011 Timber Tax Warrant
2. Parade & Public Gathering License "Wally's Pig Roast" 144 Ashworth Ave – 10/09
3. Wally's Pub LLC – Application for a Tobacco Vending Machine License
4. Parade & Public Gathering License "Prolife Chain" Route 1 – 10/02
- ~~5. Entertainment License "Ocean Gaming" 81 Ocean Blvd~~
6. Sign License "Hampton Arts Network" 10/01-10/08

Removal of Item #5 the Consent Agenda due to Fire Department Concerns.

Discussion

Mr. Znoj commented on the Pig Roast at Wally's Pub and he would only accept this if there is a police detail from 9 pm to 2 am. Chairman Nichols pointed out that the event starts at three and goes for 10 hours so it will end at 1 am. The Board agreed that this is reasonable.

Mr. Pierce MOTIONED to MOVE the consent agenda with the condition that item #2 Pig Roast must have a police detail from 3 pm until 2 am. Mr. Znoj SECONDED.

VOTE: 5-0-0

IX. Closing Comments – None

X. Adjournment

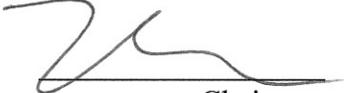
On motion made by Chairman Nichols and seconded by Mr. Znoj to enter into a Nonpublic session RSA 91- A:3.,II.,(a) related to compensation.

By roll call vote, the Board voted unanimously to enter into a Nonpublic session RSA 91- A:3.,II.,(a) related to compensation.

And;

Mr. Znoj MOTIONED to adjourn the public meeting and SECONDED by Mr. Pierce.

VOTE: 5-0-0


Chairman

Town of Hampton



AGENDA Board of Selectmen September 26, 2011

Posted: Town Offices, Library, Beach Fire Station
7:00 PM Public Meeting – Selectmen’s Meeting Room, Downstairs Town Offices

SALUTE TO THE FLAG

- I. Public Comment Period
- II. Announcements and Community Calendar
- III. Appointments
 1. Michael Schwotzer, Finance Director
 - a. Monthly Financials
- IV. Minutes of September 12, 2011 and September 14, 2011
- V. Town Manager’s Report
 1. RFP Award – Intersection Engineering Services Improvements
 2. Smuttynose Rockfest Half Marathon Voluntary Vehicle Detour
- VI. Old Business
 1. Budget Discussions
 - a. DPW Department Budget
 2. Review of the Draft MOU with DRED – State of NH
 3. Authorization – Assessing GIS Internet Services Maintenance 1-yr Agreement
- VII. New Business
 1. Application Forms for RSA 79-E Community Revitalizations Tax Relief Incentive
 2. RSA 41:14-a Referral of Easement Deed to Conservation Commission and Planning Board
- VIII. Consent Agenda
 1. 2011 Timber Tax Warrant
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 5. Entertainment License “Ocean Gaming” 81 Ocean Blvd
 6. Sign License “Hampton Arts Network” 10/01-10/08
- IX. Closing Comments
- X. Adjournment