

Town of Hampton



Hampton Board of Selectmen Minutes of October 17, 2011

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

Candice Stellmach, 488 High Street, would like to remind everyone that this Saturday October 22nd they are having the Fairy House tour at the Grist Mill. There will be an event that children need to preregister for through the Recreation Department to build fairy houses with author Tracy Kane. She also thanked the Board for putting the Grist Mill budget together for them.

Mary George spoke in regards to preserving the historic buildings in Town. She shared some research she has done in regards to the Court House and how she feels the Town needs to restore this building and not tear it down. She also provided the Board with a petition to keep the Court House. The only problem she can see is neglect by the Town.

Arthur Moody, 3 Thomsen Road, commented that he has some unfinished business but was unable to get into the last public meeting held by the Board since the room was filled with union members. He talked about the old safes being stored at DPW and the possibility of them being declared surplus. He shared some history on the old purchasing ordinance, which addressed the issue of surplus equipment, and the new purchasing ordinance that does not address surplus equipment. He would suggest that the Board declare these safes and safe doors as surplus equipment available for sale by bids or auction. Mr. Moody also asked about the District Court Sign that was over the door and where it has gone. Mr. Welch stated that the sign is at DPW. He discussed some issues he had with the road race a few Sundays ago that included a half marathon and a marathon. He talked about a race that took place last February and the additional work DPW did to prepare for that race. He would like to see what the company was billed for the work that DPW did to prepare for the race. Chairman Nichols does not know if the organization was billed but it is the policy of the Board to charge the race organizers for any Town related cost. Chairman Nichols also commented on the surplus equipment no longer being

included in the purchasing ordinance and Mr. Welch stated that it does not need to be included in the purchasing ordinance since there is an RSA related to the disposal of surplus equipment.

II. Announcements and Community Calendar

Mr. Znoj announced the collection of unwanted medication/drugs on October 29th from 10 am to 2 pm at the Hampton Police Department.

Mr. Griffin would like to congratulate Candice and the others for the hard work they have put into the fairy houses at the Grist Mill and how nice it looks. There is also the Haunted Fire House on October 30th from 4:30 to 7:30 pm at the beach Fire Station.

Mr. Lally reflected on the passing of George Iverson and provided some information on all the great things he had done throughout his life. He was a fine citizen and respected by many throughout the State. He also brought up the 100 club and some of the things this group does including a dinner uptown tonight.

III. Appointments

1. Jay Diener, Conservation Commission

a. Batchelder Farm “Public Walk”

Mr. Diener reminded everyone that they have worked very hard on placing a conservation easement on the land on Batchelder Farm. They have not reached their financial goals at this time and are roughly \$100,000 short. They have put in for two additional grants, which they hope to get. They have embarked on a private fundraising campaign to close this financial gap. This Sunday at 1 pm, they are having a walking tour of Batchelder Farm. The tour is being hosted by Dan Batchelder and will last about one hour.

Discussion

Mr. Pierce asked Mr. Diener to provide directions to the farm, which he did.

Chairman Nichols asked about the two-step process to determine the value of the land and he wonders if it as a point yet where there is a formally negotiated price for the land. Mr. Diener stated that they are close and the appraisal is in the hands of the Batchelder’s to decide if they agree with the value.

2. Michael Schwotzer, Finance Director

a. Monthly Financials

The report for September is on the website and has been made available to the Budget Committee. This is the ninth month with a monthly target of 75%.

Income – The motor vehicle income total came in at \$199.3k, which is \$14k below budget. On a year-to-date basis, it now is 1.6% below target but it is still better than the variance last year, which was 3.6%. Today he checked to see what he would use on the MS4 and he used 98.7%, which is exactly where we are right now. The MS4 is at 102% of budget so therefore in doing all the calculations the motor vehicle shortfall was overcome by other income therefore there was a plus side of \$189k. He has checked and the DRA has updated their queue and they are still waiting for the Schools revenues. The total month’s income of \$1.7M included the \$1.29M received from the issuance of the bond for MSW/Recycling.

Other major contributors were: Interest on taxes @ \$22k, Federal Grant repayment @ \$50k, NH Grant @ \$61k, Departmental @ \$396k, Parking Lots @ \$28k and the Real Estate Trust Fund @ \$32k.

Expense – At the end of September, the operating departments (without debt service) were 71.3% of the budget, which is below the month’s target of 75%. This difference is factored into the calculation of the 2011 Year End “Savings” estimate of \$524k. This is an increase of \$247k over last month’s estimate. Included in the calculation is the \$99k cost for the additional “Carts” which was designated to come from year-end savings. As stated above, the accuracy of this forecast is still suspect due to the compounding effect of using the higher summer costs. For comparison purposes, last year’s estimate at this time was \$1,143k. In Personnel Administration the YTD retirement expenses are still below budget (71.4%) because the budgeted contribution rates were lower for the first half versus the second half of the year. This will change now that the full impact of the legislative changes to the retirement system has been implemented. The Town did receive its pro-rata amount (\$23.8k) from the NHRS relating to the State’s \$3.5M one-time share payable in 2011. In Municipal Insurance, Health Insurance continues to be under budget (1.9% or \$53k) through September. The overall Police Department is running at 73.6% of budget, which equates to \$49k below at the end of September. The summer volume is in there now so we are going into the winter swing, which should help. They also have issued the PO for the two new cruisers. The overall Fire Department is running at 68.3% of budget, which equates to \$205k below at the end of September. Of that total, \$80k will be paid in November for Holiday Pay (annual expense). The FD OT is 3% below its YTD target and is only \$2k higher than the same time period in ’10. He explained how if someone is out on workers comp or another similar type of leave he is moving some of the overtime cost involved in covering these shifts into the regular wage account. Highways & Streets is \$336k below the September budget target in total. This section of Public works has some very large dollar expense lines (paving, drainage, and sidewalks) whose funds have not been committed due to changing priorities/projects. He feels that this is strictly a timing issue here. Municipal Sanitation is 6% or \$216k below target. This section of Public Works is also experiencing changing priorities like the \$99k associated with the additional waste/recycling carts being ordered. In the Capital Outlay/Warrant Articles section, payments to the Road Improvements/DPW Equipment Capital Reserves (\$600k) will not be funded until later in the year so to conserve pre-tax bill season cash flow. At that time, an offsetting withdrawal request will be made for the \$405k (current estimate) that will have been spent on DPW Equipment.

Discussion

Mr. Znoj clarified that the two cruisers for Police will be coming out of their budget therefore reducing their bottom line.

Mr. Znoj asked Mr. Schwotzer to explain how he calculates the YE savings and Mr. Schwotzer explained in detail the formula he uses. There was an additional discussion on how difficult it is to calculate this.

Chairman Nichols questioned how the overtime to cover certain types of leave in Fire is being moved back into regular wages. He wonders if this is being done in Fire should it be done in all departments. He might suggest that there be a particular line other than regular wage or overtime that these amounts are plugged into.

Mr. Pierce wonders if all the drainage issues have gone out to bid. Mr. Welch stated that some of them have not but the bids are being prepared.

Chairman Nichols clarified that by waiting on expending funds from the Capital Reserve we are attempting to avoid borrowing.

Mr. Znoj asked the following questions of Mr. Schwotzer: other State revenues totaling about \$60k, receive any money from the State for WWTP and trash, interest on deposit in brackets, in Public Works looking at money available in paving, drainage, sidewalks and sewer line maintenance and if this money is encumbered he would not be in favor another warrant article for these items next year, happy to see the WWTP electric under budget, little money in supplies & expenses and replacement equipment can be used for pump repairs, listed out money being spent for warrant articles for DPW capital reserve, capital outlay on vehicles and lastly he reviewed the special revenue funds.

Mr. Schwotzer stated that the other State revenue is a grant that he thought ran out last year but it did not and he has put it back in for next year. Mr. Schwotzer stated that we have billed and received for trash from the State but he is not sure about WWTP and will look into this for next month. Mr. Schwotzer clarified that the interest on deposits is a negative amount and explained how the service charges are currently outweighing interest. Mr. Pierce reminded everyone that the DPW Director has explained to the Board why money is not being spent at this time on paving.

Chairman Nichols agrees that a plan needs to be put in place for paving/reconstruction. Mr. Lally wonders why paving cannot be done during the summer. Mr. Welch explained that the reason the paving was not done in the summer is because of change in personnel. There was an additional discussion on how this seems to be the case every year in December. Mr. Welch stated that at this time the aeration system at the WWTP is not hooked up to the backup. Mr. Schwotzer explained that the capital outlay for vehicles was for the two new trucks at DPW.

Chairman Nichols asked Mr. Schwotzer to explain the impact of the interest rate on FDIC insurance. Mr. Schwotzer explained how the treasurer really watches the checking account and how the payroll account is a zero balance account. He also commented on the large cash flow he has going out each month such as the payments to the schools.

Mr. Pierce asked about Parks & Recreation and if there is a need to have a land line at the Parking Lots and pay for it year round. Mr. Schwotzer explained why this is needed and how the telephone costs are rising. He also asked when Rooms & Meals tax is expected to be received and Mr. Schwotzer stated it is will be on the last possible day. Mr. Znoj believes that the only way to get a real handle on phone calls is to analyze every phone bill and the numbers that are being called. Mr. Schwotzer stated that an analysis was done early in the year and long distance calls only accounted for 2% of the bill.

Chairman Nichols asked about the tax rate and the MS4 form and how revenues for 2011 may be a couple of percentages over what was budgeted. He wonders how this compares to last year's number and it is about the same. He also clarified that the \$1.385 bond associated with the WWTP did not have any impact on the 2011 tax rate setting. There was an additional discussion on how the tax rate may change and the impact on the average person.

IV. Minutes of September 26, 2011 and October 03, 2011

Minutes of September 26, 2011

Page 8, 8th paragraph, 2nd line. Insert after “Rye” the following words “were billed at.”

Mr. Pierce MOTIONED to approve the Minutes of September 26, 2011 as amended. Mr. Lally SECONDED.

VOTE: 5-0-0

Minutes of October 03, 2011

Page 2, 3rd paragraph, 2nd line. Change the word “wrong to right.”

Page 3, 2nd paragraph, 5th line. Change the sentence to read as follows “In all fairness to Chairman Nichols, Mr. Lally stated that Chairman Nichols had initially asked to be involved in the CBA team, and the Board all agreed with him.”

Page 4, 3rd paragraph. Change the sentence to read as follows, “Chairman Nichols clarified that although Matt Upton is the primary spokesperson and Joe McKittrick is the primary spokesperson for the union, however there are times when different members of the Team speak.”

Page 5, 6th paragraph, 1st line. Insert after “similar” the following words “will be summaries,”

Page 9, last paragraph, 1st line. Insert after “not be” the following words “spent on,” deleting “used to.”

Mr. Lally MOTIONED to approve the Minutes of October 03, 2011 as amended. Mr. Pierce SECONDED.

VOTE: 5-0-0

V. Town Manager’s Report

1. Hampton Police were awarded a grant for Safe Community Patrols for the period of 10/2011 thru 09/2012. This is a reimbursable account and we will bill monthly according to grant requirements.
2. November 14, 2011 is the first date to submit warrant articles to amend the Zoning Ordinance and the last date for submission being 5 PM on December 14, 2011.
3. January 10, 2012 at 5 PM is the last date to submit petitioned warrant articles on all subjects except Zoning
4. Appointments from the Town to the Hampton Beach Area Commission. Two 3-year appointments; the first expiring 10/2011 and the second 10/2012 in accordance with the 2009 amendments of the legislature.
5. The Tax Collector Office will be closed on Tuesday, October 18th, tomorrow, so that she and her staff can attend a staff development meeting.
6. The removal of the Old Town Offices is completed and the site filled. The safes have been removed and are stored at Public Works, and I would request that the Board declare them to be surplus and subject to sale or auction.
7. Hampton Beach Village District – Responsibilities under Chapters 414:6 and 414:7 of the Acts of the General Court for 1979 “Precinct Tax Exemptions.” A number of complaints have been received and forwarded to the Precinct Commissioners. The mailing of these exemptions is the responsibility of the commissioners not the Town.

8. He has received a letter from Kathleen Murphy Superintendent of SAU 90 approving the Town's request to hold the elections on September 11th at Marston School for the Presidential Primary and the National Election on November 6, 2012.
9. Have spoken with the representatives from Brox Paving and they are planning on plaining the streets on October 21st and start paving on October 25th. The roads that will be done are the ones that were in the warrant article. Mr. Welch pointed out some of the work that has already been done on Tide Mill Road.
10. There has been some vandalism reported on benches at the beach. These items are being fixed. Chairman Nichols provided some further information on the location and the damage done. It was in the area of Bicentennial Park.
11. The Secretary of State is thinking of having a 2011 primary and the Town does not have any money budgeted for this election.
12. The Board has been invited on Wednesday October 19th at 6:30 at the United Methodist Church regarding education in the 21st Century.

Discussion

Mr. Lally asked about the Beach Area Commission appointments. Mr. Welch explained that Mr. Griffin's term is up at this time. Chairman Nichols pointed out that this is on the Consent Agenda. John Nyhan is the other representative.

Mr. Lally MOTIONED to nominate Mr. Griffin as a member of the Hampton Beach Area Commission. Mr. Znoj SECONDED.

VOTE: 4-0-1 (Griffin)

Mr. Znoj asked if Mr. Rage would like to comment on the exemption letters for the Precinct residents. Mr. Rage stated that they made it very clear to everyone that the forms would be available online and at the Tax Collector and they would not be mailed out this year. Chairman Nichols wonders if there is a database driven email notification that could be used. Mr. Welch stated that there is not. Chairman Nichols suggested that maybe a spot be added to the form for an email address and then next year a notification can be sent out. This is something that can possibly be done at the Assessor's Office.

Mr. Znoj asked about a few letters the Board received one was about additional pedestrian warning signs. Mr. Welch stated that we are going to talk about State/Town responsibilities under New Business.

Mr. Pierce asked about the Governor's Advisory Commission on intermodal transportation the meeting has been moved from the 12th to the 26th and he would like to know if someone plans on attending. Mr. Welch believes that Mr. Noyes plans on attending. Chairman Nichols pointed out that Jamie Steffen would also be going.

Mr. Znoj asked about the letter from DRA about utility value and Mr. Welch stated that we do not use that value. He explained why in detail for the Board. The Town has total utility values greater than \$90M, which is higher than what the State has.

Mr. Znoj asked about a memo regarding RPC and the draft 10 year plan assumes a 33% cut in Federal Transportation funding, the elimination of State funding for other than maintenance and preservation of projects and 70% cut in the transportation in enhancement suggestion mitigation and highway safety. This is part of what Mr. Pierce brought up a

minute ago and the meeting is on the 26th. Mr. Znoj pointed out that this is another sign of down shifting by the State. They also discussed the plowing of roads.

Mr. Griffin asked what is going to happen to the Court House sign and wonders if it can be sent to the Tuck Museum. Mr. Welch will look into finding the location of the sign and possibility of relocating it to the museum. There was an additional discussion on whether or not the District Court would ever return to this location and Mr. Welch does not believe this would happen as it is not ADA compliant. Mr. Welch will look into having Ben Moore attend a future meeting to discuss the old Court House.

VI. Old Business

1. Sign Violations

Chairman Nichols stated that they have a list from the Town Manager of the businesses who are currently violating the sign ordinance and there are about 15 to 20 establishments on the list. Chairman Nichols read the memo from Mr. Welch. It included that the Police Department would visit these establishments one more time warning the business owners to remove the sandwich type signs and then the Board would decide if they wanted to fine the business if the ordinance was not being followed.

Discussion

Mr. Znoj thinks we are 3 months too late since the summer season is over.

Mr. Griffin thinks it is a waste of police resources and asked Mr. Rage to come forward to comment since he is on the list. Mr. Rage sees the problem with having the signs on the public walkway but the signs have been on the beach for years and if they are on private property, they should be allowed. He wonders if the ordinance needs to be updated. He has had a sign in front of his property since 1981. These signs are in every community.

Chairman Nichols thinks there are two issues one is if it is on a public sidewalk and the other is signs on private property. The police department would only be involved if the sign is on a public walkway and if the sign is on private property it would be up to code enforcement to ensure the ordinance is not being violated. Mr. Welch stated that at this point, we were asked to give notice and we were able to get the State to pay for it so it did not cost the Town anything. It was done by an officer since the Building Department is way too busy to do this at this time. Chairman Nichols believes that we should be enforcing situations where the signs are on public sidewalks and causing a safety issue. There are two separate ordinances that he explained in further detail for the Board.

Mr. Griffin does not think that we should do anything to prevent these businesses from advertising their business on the beach.

Mr. Znoj wonders if maybe the ordinance needs to be modified.

Mr. Welch stated that the bottom line is that it is the law and he cannot pick and choose who he enforces the law with so one line needs to come out of the ordinance.

Mr. Pierce commented that he received calls by residents and business owners complaining about these sandwich board signs at the beach. He shared his experience that he had when he went down to investigate this problem. He commented how people are forced out into the

street to avoid these signs on the public sidewalk. He thinks the signs need to be kept off the sidewalk for sure.

Mr. Welch stated that it is easier to eliminate the problem than it is to selectively enforce and he explained in further detail why he feels this way. Sandwich Boards are not allowed in Town, period. You cannot not enforce the prohibition of sandwich board signs ordinance because it is on private property and then enforce it if on public way.

Chairman Nichols thinks it can be done since there are two different ordinances. However, Mr. Welch pointed out that the (Zoning) sign ordinance states that sandwich board signs are not allowed anywhere in Town, if this is eliminated from the zoning ordinance than the problem would go away. We then have the administrative enforcement ordinance, for the enforcement of the sandwich sign, if they are in the public way. The Board agreed that there would be a warrant article to fix the zoning sign ordinance.

Chairman Nichols wonders why we would file court actions as opposed to going through the Administrative Enforcement Ordinance. Mr. Welch stated that if it is done by the Police Department a citation can be issued however if it is done by the Building Department it is a civil action and they would need the Boards authority.

Atty. Gearreald addressed the zoning ordinance and he believes that this is the ordinance that Mr. Welch was referring to needing to be amended. He also added that the Administrative Enforcement Ordinance does not apply to zoning ordinance violations; it applies to the violations of the Town ordinance's i.e. obstructing sidewalks.

Chairman Nichols wonders who is administering the Administrative Enforcement Ordinance to make sure that the citation is being paid and it is administered by the Town Manager. Chairman Nichols went through the Administrative Enforcement Ordinance in greater detail for the Board. They had a discussion in regards to the fines in place by the Zoning Board.

Chairman Nichols summarized that the Board has agreed that in going forward they only wish to enforce them if the signs are an obstruction on the sidewalk; draft a warrant article to address the issues of portable signs, and that the citations will be administered by the Town Manager's Office. Atty. Gearreald pointed out that the Selectmen do have the authority to petition amendments to zoning ordinances.

Other Old Business

Mr. Znoj would like to comment about comments made by Mr. Griffin at the Selectmen's meeting on September 26th in regards to the Board overlooking Mr. Lally for Chairman. He explained that Mr. Griffin had contacted the other members in regards to nominating Mr. Lally and two members stated that they wanted a chair that was a little more hands on. The comment that Mr. Znoj really has a problem with is what Mr. Griffin said about what he is hearing from the residents in 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 should only be done here at the meetings and let the Department Heads do their jobs. Mr. Griffin also commented on the large number of pre-meetings the Board now has and how the Department Heads are being micromanaged by this Board. He would like to speak to that. This is where Mr. Znoj disagrees with Mr. Griffin. . Mr. Griffin stands by what Mr. Znoj just read 100 %. Mr. Znoj stated that he does not meddle. Mr. Znoj does not believe in meddling and the only time he got involved with any department was when we received a citation from DES last year to the

Wastewater Treatment Plant. He asked permission to go in to try to help and was given permission by this Board to go in and help as he has the skill set to do so. The plant is running 100% better than ever since, he got out of there in May when we hired the Deputy Director and the Director. This is the only time he has gotten into any department in Town. He does not call this micromanaging in his opinion, he provided technical leadership, he and Fred. Mr. Znoj feels that Mr. Griffin thinks that the Selectmen should fly at 40,000 feet and this is ok for some things but not for items like the budget or problems in this Town, he is at ground level. He also thinks that when it comes to hiring Department Heads it should be a collaborative effort between the Board and the Town Manager as it was just done when hiring the DPW Director, he does not fly at 40,000 feet.

Mr. Griffin added that his comments on micromanaging had nothing to do with the WWTP, but if it still going on than you would have additional comments. He would like to know what the policy is in regards to hiring a Department Head and isn't there a statute that gives Mr. Welch the authority to hire a Department Head. Mr. Welch stated under RSA 37:6 states that with the exception of Town Counsel and the Town Assessor he hires all employees and sets all their wages. There was an agreement made when hiring the DPW Director and Deputy Director that they would all be involved in the process. He was asked for his recommendation and it was the person that was hired. Chairman Nichols stated it was very similar to the process of hiring the Assessor. Mr. Griffin added that this is not the way it has ever been done and he feels that once they are hired, the Board should not be micromanaging them but instead be setting the policy.

Mr. Znoj disagrees with Mr. Griffin and thinks that when it comes to budgeting especially we need to look out for the best interest of the taxpayer.

Chairman Nichols agrees that the Board should not be telling the Police Chief or the Fire Chief how to do their jobs when it comes to police or fire work, but when it comes to the trade-offs between operational capabilities and budgeting and taxes, there is a balance and that is part of their responsibilities.

Mr. Lally stated that there is a balance is in regards to the budget. He agrees about questions in regards to wages and overtime but he disagrees about asking questions of the Department Heads about training and types of equipment. Questions of overtime, yes, the Board has a fiduciary responsibility but the questions being asked regarding "do they need the training, of course they need the training" that is minutia. He does not feel that the Board should be tapping into the technical aspect of their jobs that should not occur.

Chairman Nichols would like to comment on the many non-public meetings and he provided an example on why he thinks this is. When he first came on the Board, they were negotiating contracts and how he was asked to approve a teamster contract without any discussion, and which there were no financials. There was also a meeting when he was asked to approve a contract for Police without any discussion. He did not approve either of these contracts since he did not know what they were about. He feels that by handling the CBA's as they are currently doing it helps to assure that they are supported by the Board.

Mr. Griffin is not referring to the CBA's but instead how he feels that the Board responsibility is to be listening to the Department Heads and their needs and their recommendations. He also thinks that if the Board is discussing something about DPW, then

the DPW Director should be present or the item should not be discussed. We should not be making decisions for the Department Heads.

Mr. Znoj commented about collective bargaining, budgets, capital requests, and major decisions he is going to be at ground level and be nowhere near 40,000 feet. He has reviewed the current CBA's and non-union personnel policy, had he been on the previous Board, he would not have signed them.

VII. New Business

1. Town Responsibilities on State Highways

Mr. Welch explained that we have been skirting around the issue of sidewalks. Several weeks ago, there was a large pothole on Ocean Blvd. After someone tripped in this pothole, he contacted DOT and the State after coming out and looking at it, the State said it was the Town's responsibility. After being told this, he began to research what the Town's responsibility is and was told that the Town is responsible for everything from the fog line in, on either side of the road. This includes the portion of the road where parking is, all the drainage, the curbing and the sidewalks. The fog line sets the parameter, which is a certain measure of feet. This opens a completely new parameter for us in regards to the maintenance of the draining especially on Ocean Blvd. It was suggested to Mr. Welch that the Board adopt a winter policy in regards to clearing the sidewalks of snow, what sidewalks will be cleared or not. The question was asked about how ADA statue figures into the winter policy, and it is the Towns responsibility concerning the clearing of snow under ADA.

Discussion

Chairman Nichols commented that what he is hearing is the opinion of one State employee as opposed to something that is cast in statute or administrative rule is this and wonders if this is something that is reflected in law. Mr. Welch clarified that it was stated that this was the position of the State DOT and the Attorney General's Office.

Mr. Znoj commented that we have seen this in writing several times over the past couple of months.

Mr. Welch has seen this problem with the fog line in other communities.

Mr. Znoj thought that the State owned the beach and he thinks we need to get some legal interpretations.

The winter maintenance of the Route 1A and its sidewalks will cost the Town

Chairman Nichols does not think that the State can say that their budget is being squeezed and therefore the State states that it is not their responsibility to maintain certain areas. He thinks the Town needs to push back on this in whatever way Mr. Welch thinks is appropriate.

Mr. Welch will request something in writing on this.

2. 2012 Appropriation Warrant Articles

Chairman Nichols commented that the Board has received a list and the only new item is the Beach Fire Station at \$3,083M. He pointed out that having a warrant article for the Beach Station is not productive without something for the station uptown since that is where headquarters is to be moved. Chairman Nichols has spoken with the Chief and he is

scheduled to be at the meeting next week and is working on these plans. The Chief did ask to push out the meeting to November 21st so that he can have all the information ready for the Board. The Board agreed to have Chief Silver come to the meeting on November 21st.

Discussion

Mr. Rage brought up the state of the outside of the Beach Fire Station. He discussed the renewal of the lease and how the outside of the building is looking. If the warrant articles do not pass and the building is to remain up some work will need to be done to the outside. The Precinct does have to put the article back on their ballot but can still work with the old MOU that is in place. Mr. Rage does not see a problem with it passing on their ballot but hopes it will pass on the Town ballot.

Mr. Znoj commented on the Chiefs suggestion at the last meeting to move the location of the new station.

Mr. Lally thinks that people were on board with the beach station location.

Chairman Nichols thinks that the Board all agreed on what needs to be done and the Chief understood what the Board wants him to do.

Mr. Griffin thinks that the Chief has told the Board what he wants to do and that we need to listen to him.

Mr. Rage commented on how the Police finally offered a tour of the old Police Station and that is how they finally got approval for the new station. He wonders if that might be a good idea for a tour of the Fire Station. Chairman Nichols thinks that getting approval for the Beach Station is not the problem.

Mr. Griffin commented that it is more important to the firefighters to have a contract than a new building to work in.

Chairman Nichols commented on the list of warrant articles provided by the Town Manager and how it does not include any costs for the uptown Fire Station or any CBA's. There is a lot of work to be done here in and the need to prioritizing. Once you add all these things in you are looking at somewhere between 8 and 10% increase on the tax rate. Of everything on the list, he would like to see some financial work done on the cost of the Church Street Pump Station. He brought up the estimates they had in the past on this and how the amounts varied drastically.

Mr. Lally commented on what happens when there are several very large amounts in warrant articles.

Chairman Nichols stated how he has in the past he projected out 3-years to provided the tax impact from the Fire Station and the Church Street Pump. He will try to have the 3-year tax impact projection at the next meeting.

Mr. Znoj does not think we can act on the 7M Church Street Pump Station without further details and research.

Mr. Pierce would like to know what is the last day for Budget Committee to receive articles and he would like to see them receive the articles at least a week ahead of time. The last day to submit money articles is the 10th. The last day for the Budget Committee to hold a public

hearing is January 17th on money articles. The money warrant articles are already in the hands of legal counsel for review.

Mr. Znoj commented on the \$7M and the need for someone to give the Board a pitch on this once the number is firmed up. There was a discussion on whether this might be done in phases.

Mr. Pierce wonders if this warrant article list could be given to the Budget Committee tomorrow night and the Board agreed that was fine.

Mr. Znoj also wants to keep his eye on the capital reserve fund and road improvements. He also wonders where drainage is on the list. It is on the bottom of the list and it is at \$145,000, DPW is looking into if this is going to be enough.

3. Driveway Permit Violation – 52 Nudd Avenue

Atty. Gearreald provided some background on this and the RSA involved is RSA 236:13. The Planning Board has adopted a set of driveway regulations. When it comes to enforcement, if the Planning Board determines a violation has occurred, notice is given to this Board and the Town Manager recommending enforcement. Then it is up to this Board to enforce the regulations. The penalty repeats what they saw in RSA 236:14.

Discussion

Mr. Znoj thanked Atty. Gearreald and he has read the violation.

Mr. Griffin commented that there is one man who is not paying attention to what anyone is saying to him. He went into details on some of the things that this individual has done and the problem between these two neighbors. That there is a constant puddle in front of the neighbors house as caused by this driveway work.

They discussed how this individual did not get a permit and how if he did apply for one, it would not have been approved.

Chairman Nichols clarified that they are looking for the Board to take an enforcement action.

Mr. Welch went into details of how the process works.

Chairman Nichols MOTIONED to approve the enforcement action on the Driveway Permit Violation – 52 Nudd Avenue. Mr. Pierce SECONDED.

VOTE: 5-0-0

4. Board Approval of Revised Personnel Policy

Chairman Nichols has to admit he is a little confused since they have received so many copies. Mr. Welch confirmed that it is an amended version of the new Personnel Policy. The policy that is still being worked on.

Discussion

Mr. Znoj has reviewed it in detail and he has several comments that will take about an hour to go through.

Chairman Nichols reminded everyone that Mr. Welch and Mrs. Robertson are in the process of working on the personnel policy, with all the amendments, which will replace this version of the Personnel Policy. Mr. Welch clarified that there will be a new Personnel Policy.

Mr. Znoj has a lot of comments and he does not care if it is discussed in public or non-public. Chairman Nichols would propose that it be deferred to next week. In the meantime, any small items should be sent to Mrs. Robertson and any issues with substance should be discussed next week. Chairman Nichols stated an example of a minor detail would be when something is being referred to the Finance Department with an employee's name and he would suggest that instead of the name it should be a title. An example of a major policy decision to be discussed is the policy decision is of "an employee could only be terminated with cause", in that that is taking away the employee status of "at will". He shared the reasons why this is a major policy decision in his opinion. He does not care if this is done at a public or non-public meeting.

Mr. Znoj suggested that each member could do editing on their own and send the changes to Mrs. Robertson. Mr. Znoj stated that if we give the minor details to Mrs. Robertson we would need to get something back.

Chairman Nichols does not feel that we would need to get something back in regards to the minor details but the major items should be discussed as a group.

Mr. Znoj wants a response back on anything that he sends.

This item will be deferred to next week.

Other New Business

Mr. Pierce brought up the records committee and he would suggest that Mr. Moody should be appointed as the Selectmen's designee to this committee. Mr. Welch explained when this committee is used. It was discussed that Mr. Pierce is currently the Selectmen Representative and he would like Mr. Moody to replace him on this committee. Mr. Moody was asked to comment on whether or not he would be interested in this appointment. Mr. Moody commented that he would since Mr. Pierce called and asked him if he was interested. He shared some information on work he has done on this committee in the past.

Chairman Nichols MOTIONED to appoint Mr. Moody as the Selectmen designee to the Records Committee. Mr. Lally SECONDED.

VOTE: 5-0-0

VIII. Consent Agenda

1. Leased Land Lease Assignment – 10 I Street
2. Leased Land Lease Assignment – 14 I Street
3. 2011 Timber Tax Warrant – 1 Liberty Lane East
4. Parade and Pubic Gathering License – 2011 Christmas Parade 12/03/11
5. One Day Entertainment License – James House "Cook Off & Bluegrass Concert" 10/22
6. Raffle Permit – The James House "50/50 Raffle" 10/22
7. ~~Appointment Hampton Beach Area Commission—Richard Griffin~~
8. ~~Appointment Municipal Records Committee—Michael Pierce~~

Discussion

Mr. Znoj asked about items #1 and #2. Atty. Gearreald explained to the Board some twist or problems that can arise with leased land. These two leases have to do with a Trust but involve the same people.

Mr. Lally MOTIONED to MOVE the consent agenda minus item #7 and #8. Mr. Pierce SECONDED.

VOTE: 5-0-0

IX. Closing Comments

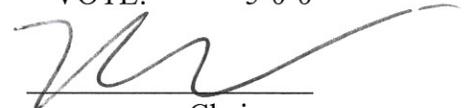
Chairman Nichols asked about the approval of the parade and gathering license for the Christmas Parade. Since this is a private organization, he wonders if we have begun to work out any details in regards to charging for details and how it relates to the \$3,000 approved by the voters for this event. Mr. Welch has spoken to the parade people and they know what they will be responsible for paying for.

Mr. Pierce wonders if the Precinct needs to do anything for the Halloween event that they will be having at the beach station and there is nothing they need to do.

X. Adjournment

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

VOTE: 5-0-0


Chairman

Town of Hampton



AGENDA

Board of Selectmen
October 17, 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. Jay Diener, Conservation Commission
 - a. Batchelder Farm “Public Walk”
 2. Michael Schwotzer, Finance Director
 - a. Monthly Financials
- IV. Minutes of September 26, 2011 and October 03, 2011
- V. Town Manager’s Report
 1. Hampton Police were awarded a grant for Safe Community Patrols for the period of 10/2011 thru 09/2012
 2. November 14, 2011 is the first date to submit warrant articles to amend the Zoning Ordinance and the last date for submission being 5 PM on December 14, 2011.
 3. January 10, 2012 at 5 PM is the last date to submit petitioned warrant articles on all subjects except Zoning
 4. Appointments from the Town to the Hampton Beach Area Commission. Two 3-year appointments; the first expiring 10/2011 and the second 10/2012 in accordance with the 2009 amendments of the legislature
 5. The Tax Collector Office will be closed on Tuesday, October 18th, tomorrow, so that she and her staff can attend a staff development meeting.
 6. The removal of the Old Town Offices is completed and the site filled. The safes have been removed and are stored at Public Works, and I would request that the Board declare them to be surplus and subject to sale or auction.
 7. Hampton Beach Village District – Responsibilities under Chapters 414:6 and 414:7 of the Acts of the General Court for 1979 “Precinct Tax Exemptions”

VI. Old Business

1. Sign Violations

VII. New Business

1. Town Responsibilities on State Highways
2. 2012 Appropriation Warrant Articles
3. Driveway Permit Violation – 52 Nudd Avenue
4. Board Approval of Revised Personnel Policy

VIII. Consent Agenda

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