

# Town of Hampton



## Hampton Board of Selectmen Minutes of November 07, 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

### SALUTE TO THE FLAG

#### I. Public Comment Period

John Nyhan, 4 Penniman Lane. Mr. Nyhan came here tonight to comment on an item under Old Business having to do with the west side streets infrastructure loan. Some preliminary comments he would like to make included: how Board put the project on hold so that he could seek additional Federal or State Funds to help supplement the cost of the project, understands the Board cannot continue to hold the \$477,000 set aside for this project, one option for the money is to identify a sewage project on the beach and another option is to take the money and apply it to the bond. He recommends applying the money to the first option and to do a few of the streets in this area and Precinct is in support of his choice. He hopes that the money will be spent on what it was originally intended for. Another item he would like to bring up is the Experience Hampton and would strongly encourage the Board to participate in the parade.

Arthur Moody commented on the T-intersection at Winnacunnet Road and Rte 1 and the taking of \$50,000 out of surplus to fund this project. He would like to see where this is in the minutes over the past year. He still believes that this is something that should go to Town vote and not be decided by the Board. The last four traffic lights that went in were after public hearings were held.

Chairman Nichols would like to clarify that when Jamie Steffen was before the Board they agreed this would be funded out of the budget not surplus. Chairman Nichols believes that the easiest way to find the minutes containing this discussion would be to go back through the agendas to see when Jamie was present. Mr. Moody commented again on the importance of having this go to Town meeting for vote and Chairman Nichols explained that he believes the decision was made by the Board in order for the Town to take advantage of Federal funding through the State to cover 80% of the cost of the project. Mr. Welch stated that it was approved by Federal/State in May. Mr. Welch also reminded Mr. Moody about the RSA giving the Board the authority to make this decision. Mr. Welch also commented that he feels Mr. Moody is

jumping to conclusions since it is not his belief that the spur road will be done away with. Mr. Pierce commented that the voters did say no to this at one time. It was clarified that that warrant article, although it is at the same location, it was a different warrant article subject. Chairman Nichols added that he has asked Mr. Welch to do some research to decide if there is a time when we might be able to open this to public comment.

Mr. Moody commented that the Board recently did a new lease for 8 Ocean Blvd. He wonders if the Town has reduced the traditional leased land sales program vote and amendments from 20 years to 5 years. Mr. Welch stated that no, because leased land is still Town property, there is a provision for Town property, and everything is being done in accordance with the decision authorized by Town meeting. Therefore, it is still 20 years.

## II. Announcements and Community Calendar

Mr. Lally announced that on November 17<sup>th</sup> the Hampton Firefighters Local 2664 will be holding their Annual Chili Cook-Off to benefit the Toy Bank. He provided some history on how this fundraiser began over 20 years ago and the wonderful things it has done for families.

Chairman Nichols announced that Ryan Sharpe, DPW employee, has earned a Road Scholar II which he explained in further detail for the Board what this means. The tax rate has been set and is now official and the rate for 2011 is \$17.93, which is a rise in absolute terms, and the tax bills are expected to go out by the end of next week. Mr. Welch added that the bills will not be due until December 18<sup>th</sup> at this point.

## III. Appointments

### 1. Police Chief

#### a. Departmental Update

Chief Sullivan provided a quick update including: in personnel Officer Bill Bourque has gone out on Disability Retirement, Officer Gary Bratsos has resigned and relocated to Florida, in the process of filing this position, part time hiring process under way, budget, have purchased the 2 new cruisers that the Board previously authorized, 2010 activities versus 2011 major criminal activities down 6.4%, assaults even, calls for service down, arrests and DWI's up, total number of incidents down, accidents down and motor vehicle stops up. Chief Sullivan also addressed concerns of the Winnacunnet School Board in regards to the absences of the SRO Officer. He reminded everyone of the agreements made between the schools and the Police Department and that the officers work for the Police Department and not the schools. He will be working through these issues with the schools.

#### Discussion

Mr. Znoj asked if we have three SRO's. The Chief clarified that we have two SRO's one at Winnacunnet and one at Hampton Academy. Mr. Znoj asked what it takes to get into the Police Academy and the Chief went through all the requirements for the Board.

Mr. Pierce asked how many Specials we hope to have for next summer and the Chief hopes to have 50. Mr. Znoj clarified that the current number of specials is around 40.

Deputy Chief Sawyer went through the staffing of the Specials for the Board. Chief Sullivan explained that we do not actually have a real handle on the expected total for next year at this point.

2. Ed St. Pierre
  - a. Citizen Petition – Town Manager

Mr. St. Pierre would first like to make one comment seeing that Police preceded him. He commented on the contract that is going forward to the voters and how he and many others would like to see this happen for all the union employees. He reminded everyone of the Town Manager's contract issues that came up and the progress being made. He sees that there is a three-month extension and although he is happy to see this on the agenda, he does not think this is long enough. He would like to see a contract extended to the end of Mr. Welch's career. He shared some of the fact finding he has done and the tremendous amount of support he has found for Mr. Welch. He spoke about the petition he has started and how he went about getting these signatures. He read the petition that he has for the Board with over 300 signatures. He reiterated to the Board that he would like to see Mr. Welch complete his career in Hampton and went through the many projects that the Town still has going on and the Town needs the wealth of knowledge that Mr. Welch has.

#### Discussion

Chairman Nichols and Mr. Lally both thanked Mr. St. Pierre for his hard work.

#### IV. Minutes of October 24, 2011

Page 4, in the paragraph regarding the Property #3; insert the word "not" before the words "to take."

Page 5, in the paragraph regarding Property #8, 12<sup>th</sup> line remove the word "voters" and replace with Legislative"

Mr. Peirce MOTIONED to approve the Minutes of October 24, 2011 as amended. Mr. Lally SECONDED.

VOTE: 4-0-1(Griffin)

#### V. Town Managers Report

1. The hearing processes on the acceptance of drainage easements on Falcone Circle will continue at next week's meeting, if you are interested or have comments to make please be present or if you cannot be present please be sure to send your comments in writing.
2. 2011 Paving projects have been completed with the Recreation parking repaving and repair being completed on Saturday, November 5, 2011.
3. Storm damage brush and limbs pick-up will be occurring all week at curbside. Material should be of an appropriate size for our employees to pick-up and place on our vehicles.
4. A bid was awarded to Ted Barry Co., as the low of four bidders \$32,550 for the cleaning and inspection of 9,300 of sewer lines for a cost not to exceed of \$32,550. The current equipment cannot clean pipes of this size and that is why this has gone out to bid.

5. The Fire Department is making very good progress in removing the old overhead fire alarm wires within the community. Permission is requested to sell the scrap wire and utilize the proceeds to continue removal.
6. The first day for submission of petition zoning articles is November 14th with the last day ending at 5PM on December 14th. Petitioned articles for the Town Meeting Warrant are continuing through 5PM on January 10th.

#### Other Items added to Town Manager's Report

7. As John Nyhan stated earlier the Board has been invited to the Christmas Parade and the members should RSVP if they plan to attend.
8. This Wednesday November 9<sup>th</sup> at 2PM, the Federal Government will be interrupting all broadcast frequencies for the first National Test.
9. Public Hearings have been scheduled on the 10-year highway plan and are posted in the Town Office. Mr. Noyes is attempting to attend one of these two meetings.

Mr. Welch explained that he was asked last week to look at the Escrow Accounts and he has given the Board a report on this. Some of the escrows go back prior to 2003 and he will have these resolved in 30 days. The Town Planner will be reviewing these and getting back to Mr. Welch. RSA 41 is the statute that deals with this. The Planner will be putting a policy in place in regards to escrows.

#### Discussion

Mr. Pierce asked about the Cogger Street plan and he expressed concerns with the west side of Mill Road actually being worse than it is now. Mr. Welch described the plan in detail again and it should improve some of the problems on Mill Road. They also discussed drainage that flows through Mill Road and not just the Cogger Street area.

Mr. Znoj asked about item 4 and wonders how they determine the 9300 feet of sewer lines. Mr. Welch explained that they did some inspections by going in the manholes. Mr. Welch also explained that at some point we will be requested by the Federal Government to put together a system where we clean all the pipes in Town over a certain period. They also discussed the lines to be cleaned and they are down at the beach including one on Brown Ave.

Chairman Nichols commented he drove down Tide Mill Road this week and it was a pleasure. He clarified that the brush from the storm pickup is on your regularly scheduled trash day. The size needs to be manageable by one employee.

## VI. Old Business

### 1. Tax Effect Spending

Chairman Nichols would like to give a short presentation of a 5-year financial forecast that he and Mr. Schwotzer have collaborated on. He started out with providing a little history showing a 20-year history of Hampton taxes and how whenever you have a revaluation the tax rate changes. Therefore, it was the consensus of the Assessor, Finance Director, the Town Managers and himself that the best matrix to compare taxes over any extended period is to do it by comparing the actual taxes on a single value home. In 2011, the average value on a single family home was \$318,000 as opposed to \$364,000. He explained a chart showing property taxes on a single family home of average assessed value from 1992 to 2011. The

taxes were broken down to show the municipal, school, and county tax portion. He also included a column showing what the taxes would be if the rate had increased at the rate of the CPI (consumer price index). Taxes on the average single family home actually got as high as \$5,900 in 2009. The school tax rate increased at a rate higher than the municipal portion; the schools increased at 2.6 times and municipal at 2.3 times. From 1997 to 2003, taxes increased by 70% and during this same time the CPI only increased by 14%. Starting in 2004 the voters began to turn down many warrant articles including the budget resulting in many years of Default Budgets for the Town.

Chairman Nichols showed a graph, which represents surplus between 1992 and 2011. There was a decline in surplus between 2000 and 2005, which has begun a steady increase and has grown to almost \$5M. Therefore, what has essentially happened is that they have been reducing the level of the budget, reducing the sum of the amount of the warrant articles, and have been reducing the spending of what individuals are being taxed on; and this has gone directly into the surplus account, creating a strong balance sheet to control taxes going forward.

Chairman Nichols went through the Debt Service History. There was a very large increase between 2002 and 2005. The level just about tripled and includes items like the Police Department, beach infrastructure, Rte 1 and so on. Since 2005, the debt service has actually gone down slightly.

Chairman Nichols provided a summary of the 2012 proposed budget including: reducing the budget by \$500,000, health insurance, workers comp, retirement, debt service, EMS fund, Fire Headquarters and Beach Station construction, Church Street Pump Station, Five Corners Intersection, hopefully will have several CBA's and \$1.2M compensated absence liability.

Chairman Nichols provided information in regards to the municipal taxes only on a single family home. The graph goes back to 1992 and forward to 2016. The concern comes when you look at the proposals that are on the table today and only these proposals are being taken into consideration when forecasting out. You will see that between 2006 and 2011 we are pretty much level. The only way we are able to remain level in 2012 is by pulling between \$800,000 and \$900,000 out of the undesignated fund balance. However, this is not something that we will be able to do in the near future, so you will see a 17% increase in the municipal tax rate on a single family home between 2012 and 2016. He reminded everyone that this forecast only includes what is on the table in 2012 and does not include any large money costs that might come forward in future years. Most of the available surplus (4.8M) will be spent by 2014 and we will no longer be able to use surplus for funding improvements without impacting the tax rate, and this surplus will go away in 2012.

Chairman Nichols shared a chart showing the amounts of gross tax effect spending and how it increases each year starting in 2012 and going forward. He went on to explain that he and Mr. Schwotzer agreed to leave revenues level. The municipal rate for 2011 is \$7.13, the municipal portion of the total tax rate of \$17.93, which includes the county and school tax rate, and was achieved by not using any surplus to offset the rate. However, to get to the 2012 projected tax rate of \$7.18, we would have to use \$883,000 in surplus. He went into details for 2013 moving forward, and we will be out of the surplus to fund (lower) the tax rate. He thinks that going forward in the next few weeks it will be important for the Board to

realize where we are at and where we are going. We will not be able to fund DPW improvements out of the surplus, without increasing the tax rate.

#### Discussion

Mr. Znoj commented on the increase in taxes from 1992 to 2003. There was an additional discussion on how from 1992 to 1997 is actually not too bad it is more the 1997 to 2003, They also discussed the many things that took place during this time such as school, police station, route 1 and many others.

Mr. Pierce added that the steep incline from 1997 to 2004 and the number of people who came before the Board and stated that they could not afford to live in this Town any longer.

Mr. Pierce would like to know if there is a maximum amount for debt service and Mr. Welch stated that there is a statutory limit. There was a discussion on the guidelines and limits for debt.

Mr. Pierce wonders if Chairman Nichols has a graph showing what happens if an item is removed from the list or was to not pass. Chairman Nichols would be able to show what happens if an item is removed.

Mr. Znoj wonders if it would be able to be done at a meeting so the Board could see the impact instantly.

Chairman Nichols does believe that this could be done and if not it could be done by the next day or the next meeting.

Chairman Nichols personal opinion on how you manage this, is that you have to go back and forth and see what something is costing and what priority is has and are there any other options. He does feel that most of the items are needed and almost all of the big items are needed in some fashion. He also discussed his opinion on deferring some of these items to the future and some of the pros and cons in doing this. He thinks if it comes down to it, you can be more conservative in how you go about solving the problems. He provided an example of being more conservative in setting up the wage schedule in the Police CBA; in the 2003 approved contract, a new officer hired in 2002 would have has a 35% increase in wages in his first 4 years, in the tentative agreement, the rate of increase is half that amount. Another example he shared was the Salt Shed and the saving achieved with that. He thinks that warrant articles for projected items are projects that are going to have to be done but not over done.

Mr. Pierce thinks that we have to be very careful when we are looking at the warrant articles.

#### 2. Town Meeting Warrant Articles

Chairman Nichols asked if Mr. Welch would like to make comments on any of these warrant articles. Mr. Welch stated that they are all still being worked on by the Legal Department and small changes are being made. Mr. Welch went down the list and made the following comments.

- (a) Police Forfeiture Fund – Using the same language that has been used each year. The Legal Department will be refining the language.
- (b) Hampton TV Origination Fund – This has to be a special warrant article as it is a special revenue fund with a set amount of money.

- (c) Mosquito Control – For \$43,000, the \$60,000 is included in the default budget, it has specific language that identifies that the \$43,000 is included in the total amount of the operating budget, and if the operating budget passes and this warrant is null and void.
- (d) Human Services Agencies – For \$170,651, as one agency has gone out of business.
- (e) Cemetery Burial Trust Fund – This figure is an estimate and based against last year and the figure will change.
- (f) Street Acceptances II – has been whittled down from three pages to about half a page.

#### Discussion

Mr. Znoj wonders if we will be adding the language in regards to no tax effect. Mr. Welch explained that we are still waiting for legislation allowing us to do this. At the current time, it would have to be amended and added at the Deliberative Session.

Chairman Nichols pointed out some discrepancies between the list of streets, which he went through for Mr. Welch and provided the list to him. Mr. Welch stated that he has not yet cross-referenced the list against the database yet. He also asked if Mr. Welch has figured out where Ocean Park Ave is yet and he has not.

Mr. Znoj stated that we have to be careful about the Grist Mill since the Budget Committee removed it.

Mr. Pierce asked about the numbering of the warrant articles and the final will have numbers associated with the articles.

Chairman Nichols believes the following articles need to be added: lease with Precinct on the Beach Fire Station, the possibility of a warrant article for “Pay to Throw” and an ordinance for the disposal of surplus property. It was stated that those articles are being worked on.

Mr. Znoj brought up the second version of the warrant article for the Library and this article will be changing again. The second version is much clearer.

Ashworth Avenue – West Side Streets Infrastructure Loan – Chairman Nichols explained it was placed on the agenda since it has been around for a long time. There is about \$470,000 that we are paying interest on.

#### Discussion

Mr. Lally has spoken with a few people down at the beach and he agrees with John Nyhan that this money should be used to do whatever can be done down there. He thinks a plan should be made and spend the money. Chairman Nichols agrees with what Mr. Lally said and saw many nods from other members. He thinks we should see which streets are the worse and do those streets.

The Board was unanimous that the money should be spent on the west side streets now.

### VII. New Business

Mr. Lally brought up the snowstorm last week and the location of where the snow is stored in the High Street Lot. The snowmelt and rain caused flooding on some of the properties that run parallel to Rte 1 near Dunkin Donuts. He wonders if there is something that can be done to correct this problem. He thinks that maybe the snow should be moved somewhere else.

There was a discussion on how we put the snow from Rte 1 in the lot also. Mr. Lally thinks that the additional parking could be used with all the businesses that are now open on Rte 1. Mr. Welch will look into possible solutions.

VIII. Consent Agenda

1. Second Amendment to Employment Agreement – Town Manager Frederick Welch
2. Deed Waivers (3): Ellenwood; Marshall; Stevens

Mr. Znoj MOTIONED to MOVE the consent agenda. Mr. Pierce SECONDED.

VOTE: 5-0-0

IX. Closing Comments – None

X. Adjournment

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  
November 07, 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. Police Chief
    - a. Departmental Update
  2. Ed St. Pierre
    - a. Citizen Petition – Town Manager
- IV. Minutes of October 24, 2011
- V. Town Managers Report
  1. The hearing process on the acceptance of drainage easements on Falcone Circle will continue at next week’s meeting, if you are interested or have comments to make please be present.
  2. 2011 Paving projects have been completed with the Recreation parking repaving and repair being completed on Saturday, November 5, 2011.
  3. Storm damage brush and limbs pick-up will be occurring all week at curbside. Material should be of an appropriate size for our employees to pick-up and place on our vehicles.
  4. A bid was awarded to Ted Barry Co., as the low of four bidders \$32,550 for the cleaning and inspection of 9,300 of sewer lines for a cost not to exceed of \$32,550.
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VI. Old Business

1. Tax Effect Spending
2. Town Meeting Warrant Articles
  - a. Police Forfeiture Fund
  - b. Hampton TV Origination Fund
  - c. Mosquito Control
  - d. Human Services Agencies
  - e. Cemetery Burial Trust Fund
  - f. Street Acceptances II
3. Ashworth Avenue – West Side Streets Infrastructure Loan

VII. New Business

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X. Adjournment