

# Town of Hampton



## Hampton Board of Selectmen Minutes of December 5, 2011

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

6:00 PM Non-public Meeting RSA 91-A:3., II (a) and (e).

7:00 PM Public Meeting – Selectmen’s Meeting Room, Downstairs Town Offices

### SALUTE TO THE FLAG

#### I. Public Comment Period

Arthur Moody wonders what roads will be on the 2012 warrant or hopefully more than one article if there are multiple roads. Chairman Nichols asked Mr. Welch about the roads to be accepted. Mr. Welch commented that they are still doing the research and the list will not go forward until they have completed everything they need to verify the status of each road.

Rusty Bridle commented on the petitioned warrant article for the Holiday Parade. He would like to thank the public for helping to make the parade a huge success this week. He commented on all the people involved with the parade and the tree lighting on Friday night.

Vic Lessard provided the Board with a copy of old maps of the beach area/precinct. He shared some history on the state highways/sidewalks and is glad that the State is coming down on Friday to discuss these things. He talked about the sidewalks owned by the State and how the agreement with the Town was to build and maintain the sidewalks and the seawall. He talked about the companies who have worked on the sidewalks at the beach and the repairs made by his company. He shared a story on how he was told by John Hangen to make a repair to the sidewalk even though it belonged to the State and how the State told him that he could not do this work since the sidewalk belonged to the State. He does not think that the Town should be fixing the problems since it is the responsibility of the State. He believes it is the Town’s job is to take care of Hampton and let the State take care of their property. If not, then tell the State to give back to the Town everything and then the Town can do the work. He hopes to be able to attend the meeting on Friday and bring some more maps of the precinct.

Chairman Nichols commented that last week Mr. Welch had commented on how we were not making much progress with the State and pretty much just pushing papers around. The next morning Senator Stiles called and arranged for the meeting on Friday with the Commissioner, however, Bill Watson will be coming in his place. Mr. Griffin thinks that Mr. Watson should be coming to a Selectmen's meeting and how Mr. Watson wants to be a willing participant. Mr. Lessard reiterated the fact that the sidewalks should be fixed by the State.

Arthur Moody stated that there is a DOT medal marker at the North Hampton line. He shared how the State accepted the land. He brought up some lawsuits in regards to the sidewalks and how the Town got rid of them since it was not Town property. In 1994, the State received money to make the sidewalks handicap accessible and did so on both the east and west side of Ocean Blvd. He talked about an old survey of the land and if we can find a copy of this, we might be able to see whose sidewalk is whose.

## II. Announcements and Community Calendar

Mr. Lally reiterated what Rusty said and it was a great weekend for the public. He thanked all the people who helped especially the Experience Hampton Group.

## III. Appointments - None

## IV. Minutes of November 21, 2011

Page 1. Last sentence insert after the word "confirmed" insert "with Mr. Welch"

Page 2. 7<sup>th</sup> paragraph changed the word "axed to asked"

Page 4. Last paragraph, 2<sup>nd</sup> sentence strike the sentence "It was stated that everyone in the State is an "employee at will."

Page 8. 4<sup>th</sup> paragraph change, 2<sup>nd</sup> sentence change "8000 to 7200 sq. ft."

Page 10. Correction of Minutes change the word "matrix to metric". Under town managers report #3 change the word "loots to lots"

Mr. Pierce MOTIONED to approve the Minutes of November 21, 2011 as amended. Mr. Lally SECONDED.

VOTE: 5-0-0

## Minutes of November 28, 2011

Mr. Pierce MOTIONED to approve the Minutes of November 28, 2011 as submitted. Mr. Znoj SECONDED.

VOTE: 4-0-1 (Griffin)

## V. Town Managers Report

1. Pursuant to the Board's request, it has been determined and approved by the Park & Recreation Department to place the memorial bench requested by Mr. McMahon at Tuck Field on Park Avenue. The authorization is contained in your consent agenda and is recommended for approval by both the Park & Recreation Director and myself.

2. Note is made that the proposed Constitutional Amendment on School aid to poor communities has failed. Efforts by the Coalition will continue to adopt some form of Constitutional amendment that will shift control to the Legislature and eliminate potential donor towns.
3. I am pleased to report that three additional planning escrow accounts have been completed and will be closed shortly as directed by the Board. All three are escrows for review of condominium documents.
4. The Selectmen have received the second petitioned warrant article for the appropriation of \$3,000 for the 2012 Christmas Parade.

#### Discussion

Mr. Pierce asked for a breakdown on some of the things that the \$3,000 pays for. Mr. Lally commented on some of the things such as details, charges from bands and others to be in the parade and a few other items. Chairman Nichols pointed out that as long as the voters vote in favor of this it can be spent however the Committee sees fit.

5. There will be a planning meeting conducted by the State at 7PM on December 21, 2011 at the North Hampton Town Hall regarding the construction and improvements to the North Hampton State Beach.
6. Chief Sullivan has issued to the Board a response and request for no action at this time regarding the purchase of additional police cruisers. He recommends waiting until after the first quarter of 2012.
7. The Board will be meeting with representatives from the State Department of Transportation at 3PM on Friday December 9 in the Selectmen's Meeting Room regarding sidewalks on Route 1A.
8. The Town is beginning the review of utilizing wholesale purchased power for Town facilities. Usource, a division of Unitil, will be providing proposals to the Town for Town facilities within the next month for review.
9. Petitioned amendments to the Zoning Ordinance will be accepted for nine more days. Acceptance of those petitions closes at 5PM on December 14<sup>th</sup>.

#### Discussion

Mr. Pierce asked if Unitil will be providing energy efficient ideas such as what is being done at Lane Library. Mr. Welch explained that the idea here is that the Town would purchase wholesale power, which would be wheeled into Town, this would not reduce the energy use but could substantially reduce the energy cost.

Chairman Nichols confirmed that Mr. Welch will be attending the Planning Board public hearing on the sandwich signs to explain the Board's position.

Chairman Nichols asked about the bids that were due on Friday for the plowing of the sidewalks on Ashworth Ave. Mr. Welch stated that they only received one bid so they will have to send it out to bid again. There was a discussion amongst the Board on whether or not this was approved by the Board and the Board did approved it. Once Mr. Welch does have three bids he will bring them to the Board before they are approved. They discussed the plowing of the High Street Parking Lot and this had to be sent back out to bid. They discussed some options on possible equipment that can be used to clear the snow on Ashworth Ave.

## VI. Old Business

### 1. Unifit Energy Efficient Financing – Lane Library Lighting Design and Chiller Replacement

Chairman Nichols explained that there are still items that need to be worked on and this will be postponed until next week.

### 2. 2012 Warrant Articles

Chairman Nichols stated that he has put this on every week to see if anyone has a particular warrant they would like to discuss.

#### Discussion

Chairman Nichols shared a conversation he had with Mr. Welch in regards to the distribution of a list of warrant articles from Mr. Welch and then later in the week receiving additional warrant articles from Atty. Gearreald. This was very confusing to the Board and Chairman Nichols suggested to Mr. Welch that the packet be given out on Friday to avoid duplicate distribution. Chairman Nichols suggested that the date be left blank in regards to the expected date of receiving the draft article. He also commented that the Board is not prepared to discuss any article until the article has been accepted by the Board. Mr. Welch reiterated that as of this point the Board has not approved any warrant articles.

Mr. Pierce questioned whether he should provide the Budget Committee with copies of these articles tomorrow night. Chairman Nichols thinks that he should hold off. Mr. Pierce expressed his opinion and feels that these should be given and explained to the Budget Committee that they are preliminary articles. Chairman Nichols stated that he does not think it is productive to get into a dialogue until they have reached a point where the article is closer to being complete. Mr. Welch suggested that when an article has been approved by the Board, a copy will be made and given to the Budget Committee members. Mr. Pierce expressed that he does not want the Budget Committee to be receiving warrant articles at the last minute as that was very upsetting to him last year when he was a member.

Mr. Znoj thinks that it might be productive to skim through each of the articles. Chairman Nichols and Mr. Lally both agreed that it is more productive to bring up any particular issues someone might have as opposed to going through each article separately.

Chairman Nichols brought up the compensated absence fund and that Mr. Schwotzer will be coming in on December 19<sup>th</sup> for his monthly report and will provide some more details on the compensated absence fund. Mr. Znoj is not happy about the \$250,000.

Mr. Znoj confirmed that the amount for the DPW capital equipment reserve is \$340,000. Chairman Nichols explained how this amount goes back to John Hangen and how Mr. Noyes will be in next week and we can discuss this with him. Mr. Pierce explained how Mr. Hangen came up with the amount. Mr. Znoj asked about the \$300,000 for Capital Reserve Fund Road Improvements, this item will need to be discussed with Mr. Noyes.

Chairman Nichols commented on how he plans to keep the agenda for next week very narrow so that the Board has time to discuss all these things with Mr. Noyes. He will be the only appointment.

Mr. Znoj asked about the Hampton TV origination fund and the possibilities of another channel. Chairman Nichols explained that the purpose of the article is strictly a technicality, which allows the Town to move money from Comcast into the Cable TV fund.

Mr. Znoj asked about the language in the Human Service Agency warrant article, that if they vote yes on this article it will go into the Default Budget. This same language has been added to a few other articles and Mr. Znoj is not sure the Board wants this. Chairman Nichols is not even sure if this is legal or if there is any case law or history that allows for this, as there is nothing clear in the language of the Default Budget. He thinks this is something they should stay away from unless there is a foundation that it can be done legally. Atty. Gearreald stated that Senator Stiles was going to put through legislation on this and when the question was asked of DRA they were told that if this language is included in the warrant article there is no need to have any legislation. Chairman Nichols stated that the Town does not get their legal advice from DRA and shared an example of when the Town in the past has received advice from DRA that was not accurate.

Mr. Znoj pointed out that the same language is in the Mounted Patrol article and Mosquito Control. Mr. Znoj does not think that it is a good idea to include this language. Chairman Nichols does not think that the language is legal and therefore should not be included.

Mr. Znoj thinks that we need some examples on the Storm Water Drainage. Mr. Znoj also commented on the Fire Station article and he has been in communication with the Chief but he is not ready to give this his support yet.

Chairman Nichols clarified that the Board agreed to one article, which is for two stations. He broke the details down further for the Board. He would also like to point out that there have only been a few modifications to the Beach Fire Station article, so it is essentially the same as the article of last year. The phase one/phase two projects on Winnacunnet Road is every bit complete compared to the station proposal last year.

Mr. Znoj suggested that the wording for the Library Energy article be changed from “no interest” to “zero interest.” Mr. Znoj supports the North Hampton Sewer article and the tentative agreement with the Police Union.

Mr. Pierce asked Mr. Welch about the Capital Reserve Fund for Road Improvements and he thought that they already had the money set aside for Fairfield Drive and Belmont Circle. Mr. Welch stated that they have to replace the drainage on these streets and therefore the article has been modified. Mr. Welch explained why they hold money in the Capital Reserve Fund.

Mr. Znoj wonders when we will start talking encumbrances and the Board agreed that when Mr. Schwotzer is here on December 19<sup>th</sup> they can discuss it then. Mr. Welch will pass this information along to Mr. Schwotzer so that he will be prepared. They discussed the Building Department new truck, it has been ordered, and a purchase order has been cut.

#### Other Old Business

Chairman Nichols brought up a concern raised by Mr. Moody last week about taxing utilities and if Aquarion is being taxed for right of ways. They have not been but Mrs. Bennett and Mr. Tinker will be correcting this and issuing a bill.

Mr. Pierce provided an update on the use of laptops. He brought the laptop in and it tested out ok but the problem rises with getting the information into the computer. Mr. Pierce detailed the cost involved and has asked Kristina to keep track of all the time spent so that it can be included with the cost associated with this. He shared some additional details on the process and the work that Kristina must do to get the information into the computer so the Board can access it. The Board agreed there is more work to be done on this topic before a decision is made by the Board.

VII. New Business – None

VIII. Consent Agenda

1. 2011 “Supplemental” Real Estate Property Tax Warrant
2. DRA Form – June White Conveyance (Tentative)
3. Assets Title Drainage Easements – Falcone Circle (Tentative)
4. McMahon Bench Donation – Tuck Field

Discussion

Mr. Pierce asked why we have the supplemental real estate property tax warrant. Chairman Nichols explained that there was one property in the Precinct that was not billed correctly and the Board has to approve the warrant.

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

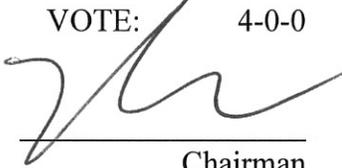
VOTE: 5-0-0

IX. Closing Comments - None

X. Adjournment

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

VOTE: 4-0-0



Chairman

# Town of Hampton



## AGENDA

Board of Selectmen  
December 05, 2011

Posted: Town Offices, Library, Beach Fire Station

6:00 PM Non-public Meeting RSA 91-A:3., II (a) and (e).

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- II. Announcements and Community Calendar
- III. Appointments
- IV. Minutes of November 21, 2011 and November 28, 2011
- V. Town Managers Report
  1. It has been determined and approved by the Park & Recreation Department to place the memorial bench requested by Mr. McMahan at Tuck Field on Park Avenue.
  2. Note is made that the proposed Constitutional Amendment on School aid to poor communities. Efforts continue to adopt some form of Constitutional amendment that will shift control to the Legislature and eliminate potential donor towns.
  3. The three additional Planning Board Condo Review escrow accounts have been completed and will be closed shortly.
  4. The Selectmen have received the second petitioned warrant article for the appropriation of \$3,000 for the 2012 Christmas Parade.
  5. A meeting regarding the construction and improvements to the North Hampton State Beach will be held at 7PM on December 21, 2011 at the North Hampton Town Hall.
  6. Chief Sullivan recommends waiting until after the first quarter of 2012 regarding the purchase of additional police cruisers.
  7. Representatives from the State DOT will meet at 3PM on Friday December 9<sup>th</sup> with the Board in the Selectmen’s Meeting Room regarding sidewalks on Route 1A.
  8. The Town has begun a review of utilizing wholesale purchased power for Town facilities. Usource, a division of Unitil, will be providing proposals to the Town for Town facilities within the next month for review.
  9. Petitioned amendments to the Zoning Ordinance will be accepted for nine more days. Acceptance of those petitions closes at 5PM on December 14<sup>th</sup>.

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IX. Closing Comments

X. Adjournment