

Town of Hampton



Hampton Board of Selectmen Minutes of January 23, 2012

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

6:15 PM Non-meeting with In-House Legal Counsel – RSA 91-A:2, I(b)

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

SALUTE TO THE FLAG

I. Presentation of the Holiday Lighting Awards

Mrs. Martin announced that they have three awards to hand out tonight for the Holiday Light Extravaganza. Mr. Lally assisted with the presentation.

Brightest Holiday Display Winner – Bill Bowley – Mr. Bowley thanked everyone and stated how much he loves the Town of Hampton.

Best Overall – Sheryl Silver

Best Business – 401 Tavern

Mrs. Martin thanked all the participants on behalf of the Recreation Department and Rec Council.

II. Public Comment Period

Arthur Moody would like to discuss two items. One is in regards to when Hardardts Way was made a class V road last and he confirmed that a plan was made for this road. The reason he asks is because of some plans the soccer facility has to build basketball courts and access off of Tide Mill Road and Hardardts Way. The other item is concerning item #8 under the Town Managers Report pre-applications for the State Water Pollution Control 20% grant and the pre-application for SRF funding for the Church Street Station have been filed with DES. Mr. Moody confirmed that this is two separate applications. Mr. Welch stated that this is a pre-application and an application will be filed. Mr. Moody shared how Newmarket has recently withdrawn their application. Chairman Nichols explained how the

SRF funding works and how the rate changes based on the number of years and the current interest rate for a 20-year loan is 3.5%. There was a discussion about the State's 20% match dropping and whether or not the match will even be available since it has not in the past few years.

Fred Rice, 15 Heather Lane, noticed on the agenda that they will be discussing the budget override for the Fire Station. He would like to reemphasize things he has said at the Budget Committee Public Hearing last week. Whenever we have projects in Town that tend to be extremely important to us we may have 49% of the public who favor it the way it is and the other 51% who do not favor it. However, no one of the people who do not support it do so for the same reason. He discussed how last year the important project of the Fire Stations came forward and how it came about. He discussed the price tag when it came back and how many felt it was too high. This year it is coming up again to do it in phases. He talked about how the cost this year has dropped to \$4.6M but this is only for the Beach Station and phase 1. He has discussed this with Chief Silver and how a compromise has come up so that both projects can be done in one phase. This would include making it a one story building on Winnacunnet Road and the increased cost involved would be just over \$1M. He would encourage this Board to empower the Fire Chief to build what he needs because he is the expert. When they are discussing budget overrides tonight, he would suggest that they amend the warrant article. He thinks it is important that the amendment come from this Board and not at the floor of the Deliberative Session.

III. Announcements and Community Calendar

Mr. Pierce wants to encourage everyone to recycle and that the barrels need to be 3 feet apart with the handles facing your property. He also reminded everyone that the recycling can all be put in together.

Mr. Znoj reminded everyone that the Deliberative Session is on February 4th and the importance of voter turnout. There needs to be a better showing of people to represent the voters and what goes on the ballot.

Mr. Griffin stated that we have been talking about Aquarion Water and issues at the past few meetings. He has provided the Town Attorney with letters from four different Towns/Cities in Massachusetts who use Aquarion Water and the increases they have had over the past few years. Three of the cities are discussing taking over the water company.

IV. Appointments

1. Richard Sawyer and Mary Conroy, Pres. Special Olympic NH
 - a. Penguin Plunge 02/04/2012 and 02/05/2012

Deputy Chief Sawyer thanked the Board for allowing them to come and explained that they are going to be celebrating their 13th year this year. Ms. Conroy also thanked the Board and expressed how 13 years ago nobody had any idea how popular/successful this event would be. She shared some benefits that have come from the proceeds from this fundraiser. She commented on how well the Town works with the organization to make this event successful. They expect to have about 800 people participating on Sunday raising on average \$350. The high school plunge on Saturday is the fastest growing event, they hope to have 1,000 students participating this year, and they have been asked to raise a minimum of \$150.

Deputy Chief Sawyer is here to explain the procedures they have in place for this year. They would like the Boards support and approval to run traffic detours in the same pattern that they have in the past with the exception of last year. He explained the traffic pattern in detail for the Board.

Discussion

Mr. Griffin MOTIONED to grant Deputy Chief Sawyer to make the necessary changes in the traffic pattern on the beach during the Penguin Plunge. Mr. Lally SECONDED.

VOTE: 5-0-0

Mr. Lally asked if the State is charging them to use the beach at all. Ms. Conroy explained that they are being charged a \$100 permit fee. Deputy Chief Sawyer added that there has been no increase in fees this year but there is no guarantee that going forward there will not be an increase. Mr. Lally thinks it is outrageous that there is any fee at all and that the fee will probably increase. Mr. Griffin added that the only event not being charged is the Easter Egg Dig. Deputy Chief Sawyer pointed out that the State will be opening the bathrooms and allowing use of the upstairs room.

2. Jane Marzinzik, Town Clerk & Dyana Martin, Director Parks and Rec.
 - a. Beach Parking Stickers

Mrs. Marzinzik stated the stickers have come in and they have sold 46 since last Tuesday. The purchase free ratio is about 15% at this point but will hopefully increase with advertising. She encourages each of the Selectmen to come in and purchase a sticker. They are working to have these available for purchase online. The cost is \$10 each and can be purchased at Town Clerk's Office. Proceeds from the sale will go towards a scholarship fund in the Recreation Department to help send kids to camp. The free stickers will still be available.

Mrs. Martin explained that with the \$460 already earned we will be able to send four kids to camp for one week. The scholarship will be available year round and for any camps they offer including sport camps and vacation week camps.

Discussion

Chairman Nichols commented based on the number of registered vehicles in Town if the 15% ratio keeps up we could possibly raise \$30,000 for this scholarship program.

Mr. Pierce asked them to explain once again what the money would go towards. Mrs. Martin explained that it will help families send their children to camps/activities that would not otherwise be able to afford. Mr. Lally added that there are many families even in Hampton who cannot afford to send their children to camp. Mrs. Martin shared some information on a grant that in the past was available through the State but has since dried up.

Mr. Znoj questioned where the money will show up each month and it will be in the revolver.

3. Chief Sullivan and Deputy Chief Sawyer – Police Department
 - a. Departmental Update

Chief Sullivan stated that he will go over his monthly report but will also include annual stats. Some personnel changes include 2 pending retirements Officer Larry Barrett and Detective Laura Stoessel, he shared some history on these employees and thanked them both

for the service they have provided to Hampton, part-time officer Bateman has also decided to leave after 30 years and he also thanked him for the many things he has done for Hampton, in the process of hiring two new fulltime officers to replace the retirees. As far as part-time specials, they will have six officers going to the academy. The conference room at the Police Department has become a satellite training location. The activities compared from 2010 to 2011 are as follows: major criminal activities overall down 4%, assaults and rapes about even, calls for service down 19%, arrests up 15%, DWI's up 50%, total number of incidents down 4% but the number of offenses per incident up 6%, accidents down 5% and motor vehicle stops up 10%. A couple of other things to touch base on include disaster relief. When does the Town receive disaster relief, which the Chief explained in detail for the Board including incidents such as the Ice Storm. When a disaster has been declared in the past, the Town has filed for and received funds. The process of filing for this money is very cumbersome. He commented on year-end revenues specifically the SRO program. He explained the increase in revenue from 2010 to 2011 had to do with a deployment of the SRO Officer at the Academy. He confirmed that Winnacunnet is also now being billed for the benefits along with the hours. The PD income being down 20% seems to be predominately related to the parking ticket area last year. He expressed to the Board the importance of their jobs is to enforce the law and there is not a focus on generating income. The District Court Fines being up is directly related to the fact that the arrests were up and a lot of the arrests were alcohol related so more money comes back to the Town. There was a question about the phone bill being up \$10,000 and part of this is related to a miss scoring of accounts, which accounted for about \$6,000. The final thing is he would like to thank this Board for their support on coming to terms with the two HPA unions on a contract. He encourages the public to get behind the support of this Board and the Budget Committee and support these union contracts. Their employees are valuable and these contracts are very fair.

Discussion

Mr. Pierce asked about the part-time police academy and if they expect to get all six out of the academy that, they are sending. Chief Sullivan explained that they have a pretty high success rate but we have to wait and see. The big issue is the time commitment of the academy. It is two nights a week and a Saturday for 3 months without pay. The academic part does not tend to be a problem for them. Mr. Pierce agrees that it is great that we have union contracts on the warrant and they have 100% support from this Board.

Mr. Znoj asked about the revenue for parking tickets and he does not see this being down when you look at actuals compared to budgeted amounts. Chairman Nichols pointed out that his question was comparing one year to another and not budget to actuals.

Mr. Griffin thanked him for his report and glad to hear the support of the union contracts. Mr. Griffin reminded everyone that there are actually five union contracts on the ballot and they all have the support of the Board. He urges everyone to vote in favor of all the union contracts.

Mr. Lally confirmed that DWI's being up 50%. Chief Sullivan attributes some of this to a number of focused patrols that they have going out looking for these and frankly, they have some young and aggressive officers out looking for this. He expects this trend to continue. The enforcement is great on this.

Chairman Nichols asked how the six part-time officers in the academy affect the net number of part-time officers. Chief Sullivan believes that they will be a wash at best. Deputy Chief Sawyer added that out of last year's class of 12 he expects to be down to 4 for this year. He also expects to see two or three more resignations before the season begins. One little plug that Chairman Nichols would throw in based on the CBA there is an increase in the starting rate from \$13 to \$16. He does not know how much this helps. Deputy Chief Sawyer stated as they have said before this is not a recruiting issues but instead after they get that first check they wonder what they have done. This will definitely not hurt.

4. Michael Schwotzer
 - a. Monthly Financials

The monthly financial report is on the Town website and is for the month of December. There is also the yearend report and was distributed to the Board in 2 pieces. One component was the report for December and the other was as of last Friday notes and comments on the statements for yearend. We had a good year revenue was above budget and expenses were below.

Income (not including withdrawals from the Capital Reserve) was \$481k above the budgeted level. When he compares this to the MS-4 form that he uses to forecast revenues before the setting of the tax rate we are \$165k over what was budgeted for revenues. Highlights of income include: motor vehicles below by \$72k, State of NH Highway Block Grant up \$25k, Landfill grant \$61k, sewer fees \$23k, FEMA-Irene \$13k, Transfer Station over by \$80k, parking Lots total \$352k and Cemetery & RE Trust Funds over by \$247k.

Departmental Expenses ended the year with \$435k (or 1.76% of budget) available. He realizes that we are looking at very large numbers but this is very tight. When he looks at last year, we were at \$1.4M. The question of the day is where did the million dollars go and after doing some research he came up with the following: budget between '10 and '11 shrunk by \$300k, retirement and other personnel items was up \$390K and insurance up \$250K. Therefore, the departments spent about the same as last year. The Police Department overspent but this is related to purchasing of the two cruisers that was approved by this Board. The Recreation Department came in over by \$27,000 and last year she came in at exactly zero dollars. This budget was over since the Board authorized Mrs. Martin to purchase a truck. The other area where we spend money is in warrant articles. The warrant articles that remain open for 2012 include: WWTP \$1.3M which is a long term SRF funded construction project and he will be converting to a fund before the next monthly report, Batchelder Property Conservation Easement \$250k to close in 2012, 375th Anniversary Committee \$20k and Drainage construction Tuck, Cogger and Mill at \$40k. In regards to the revolver accounts: Recreation Fund increased by \$13k to end at \$33k, Cable Commission increased by \$36k to end at \$81k, Private Detail decreased by \$5k to end at \$73k and EMS Fund decreased by \$35k to end at \$162k. Things are tightening up on us and looking at the budget next year it is going to do it to us again.

Discussion

Mr. Pierce stated that looking forward to next year things are going to be pretty snug.

Chairman Nichols added that things are going to be more than snug with the budget at \$24,374,000 and \$13,000 added at the Budget Committee and looking at the following

expenses that have been added to the budget: insurances, tapping the EMS fund no longer, increases in NHRS cost, mounted patrol, mosquito control and so on. Although there has been \$300,000 or so added to the budget the items he just rattled off come to about \$800,000. It has the ability of being incredibly tight. He shared some history going back to 2009 to discuss the budget amounts to help reflect the reason for the large yearend surplus Mr. Schwotzer discussed above. He also pointed out that since we cannot overspend the total budget we will always end up with some money left in the budget.

Mr. Pierce takes it back he thinks we are going to be more than snug and could end in the red.

Chairman Nichols also commented on the Legal Department coming in at \$261,000 this year, which was 12% or \$34,000 under budget. It is also the lowest expenditure for the Legal Department since 2004.

Chairman Nichols also added that we spent \$0 on TAN's. There have been a lot of negative discussions about not using part of the surplus to offset the tax rate however; we did reduce the tax rate

Mr. Lally asked about the hydrant fees being down by \$40,000. Mr. Schwotzer explained that the Town rents the hydrants and the bills went down even though nothing has changed. He explained when he budgeted he did not realize that in the past couple of years we had been charged for some onetime expenses/fees that we were not hit with this year.

Mr. Znoj has some comments to make. Mr. Znoj asked what UCC filings is under revenue and it is Universal Commercial Code it's a form that is filed with the Town Clerk to put a lien on a property and they are charged a fee to do so. In the income from departments, he would like to see this area defined better such as in DPW he would like to see if we are earning any money for taking in recycling or compost screening. Under the Transfer Station, we budgeted \$120,000 in revenue and only took in \$107,000. Also for Transfer Station billing, we budgeted \$18,000 and earned \$47,000. Mr. Schwotzer will have to look into this for Mr. Znoj. Parking Lot Revenues \$390,000, which is up from last year and it was pointed out this has to do with weather and adjusting rates. The Real Estate Trust Income at \$675,000 and Mr. Znoj thanks them for their hard work. He is really impressed with the Welfare Departments ability to manage her department and came in under budget again. Mr. Znoj voiced his displeasure with line item 4312, the paving and reconstruction line item, which was budgeted at \$622k and 562K was spent with open PO's of 115K leaving 117K and he thinks this is an area where we should have spent money. Legal is under like Chairman Nichols pointed out. The year-end savings of \$434,679 will be going to the undesignated fund balance. Mr. Schwotzer clarified that there are multiple factors that are still going on that feed into the number so he is not saying the exact amount at this time. Mr. Znoj shared some history on amounts spent in PO's in December and thanked the Town Manager and Department Heads for keeping this number down this year at around \$300,000. Mr. Schwotzer clarified that the numbers that Mr. Znoj is referring to is the balance in PO's open not necessarily the amount spent from PO's in December. Mr. Znoj pointed out the employee separation cost and buyback program spent \$212,000 in employees separation cost and \$120,000 on buyback. Mr. Schwotzer clarified that is not correct we did not actually spend this amount but he was directed by this Board to remove the remaining portion of money in this account to the Trustees to fund the Uncompensated Leave Fund. He does not

know the exact amount but Chairman Nichols believes it was around \$30,000. Mr. Znoj commented on the large amount spent on retirement cost and read off the amounts for each group. Chairman Nichols added how the amount spent on retirement has increased over the past few years. Mr. Znoj pointed out the health insurance cost being so high and how the CBA's are going to help lower these costs over time. This is a very good reason to get these CBA's passed. Chairman Nichols pointed out how the premiums for the HMO plan is 18% lower than the POS. He added under the new CBA if employees stay with the current plan they will pay 15% and if they switch to the HMO they will continue to pay 10%. Mr. Znoj was not happy with how the Police blew the budget on overtime in almost all their areas, which he listed out for the Board. The Fire Department looked pretty good and Chief Silver has his reigns on the budget down there. The Lifeguards actuals came in just as he predicted under budget. The DPW did not spend the money they had in the budget and that is very disappointing to him and he hopes new management will correct this. He thinks the WWTP ran quite well and electricity cost down, which he attributes to not running the press all the time. In the sewer line, we left \$105k on the table, which is upsetting to him. The Library excellent management there what they budgeted for they came right in at 100%. Overall, we did very well. He feels that if the voters put money in then we should do it and not come in significantly under budget.

Mr. Griffin asked about an article in the Boston Globe where Seabrook got paid \$150,000 or more for their recycling and their money goes directly into a revolving fund to buy trucks for DPW. He wonders if this is what we are doing. Mr. Welch stated it is not happening that big for us right now since we are still waiting for the new station to open. Once it does, we will be paid \$120 per ton, which will end up being a lot more than what Seabrook gets. The Town does not currently have a plan to put the money into a revolver fund but if this is something the Board is interested in then we can look into this. There was a discussion on where Seabrook is going and how it is transported.

b. Approval to carry forward 2011 WA # 11-28 Drainage @ \$40,000.

Mr. Schwotzer explained nothing has been spent on this article yet and warrant articles basically have a life span of 2 years if they are non-lapsing they can be up to 5 years. This article was not in this category. However he thinks it makes sense to carry this one forward with the Boards approval. This does not require an encumbrance just a motion from the Board.

Mr. Griffin MOTIONED to approve the carry forward of 2011 Warrant Article #11-28 Drainage @ \$40,000. Mr. Pierce SECONDED.

VOTE: 5-0-0

Chairman Nichols confirmed that this money is for Cogger Street and Mill Road area.

V. Minutes of January 09, 2012 and January 17, 2012 1:35:02

Minutes of January 09, 2012

Page 3: Forth paragraph, second sentence change the word "re-built" to "built"

Page 4. First paragraph, last sentence change the word "cost" to "costed out"

Page 4. Last paragraph, eight sentence change the wording of "it being deferred at" to "has been deferred since that"

Page 11: First paragraph, first sentence change "impact" to "forecast"

Page 15: Add the change the wording “went through the elections that the Board has to attend. The Board does need” to “that the Board does not need to attend the election during the day, but does need” to the third paragraph.

Mr. Znoj MOTIONED to Approve the Minutes of January 09, 2012 as amended. Mr. Pierce SECONDED.

VOTE: 5-0-0

Minutes of January 17, 2012

Mr. Pierce MOTIONED to Approve the Minutes of January 17, 2012. Mr. Znoj SECONDED.

VOTE: 5-0-0

VI. Town Manager’s Report

1. DRED will be holding an informational meeting in the Selectmen’s Meeting Room on this Wednesday, January 25, 2012 at 7 PM on the N. Hampton State Beach bathhouse to the Rye Sewer Line.
2. The Community Oven, Inc., 845 Lafayette Road has applied for a restaurant beverage, wine, and liquor license.
3. GHD was awarded as the lowest of three proposers for \$1,950 to complete the operational permit renewal application for the Federal license to operate the WWTP. This is a once every 5 year approval process. This will prompt the Federal Govt. to begin the renewal process.
4. Wednesday, January 25, 2012 is the first day to file a declaration of candidacy for Town Offices with the last day to file being February 3, 2012.
5. Applications for Veterans Exemptions, Blind Exemptions, Elderly, and Solar Exemptions must be filed with the Assessing Office by April 15, 2012.

Discussion

Mr. Pierce confirmed that it is necessary to file for the veteran’s exemption even if you have filed before. Mr. Welch stated that if you have filed in the past you will receive a notice from the Assessing Department. These are renewed every 5 years.

6. Applications for the abatement of 2011 property taxes must be file by March 1, 2012 at the Assessor’s Office.
7. The deliberative session of Town Meeting will be held at the Winnacunnet High School on February 4, 2012 starting at 8:30 AM.
8. Pre-applications for the State Water Pollution Control 20% grant and the pre-application for SRF funding for the Church Street Station have been filed with DES. If this is passed at Town Meeting then we can probably have the signed contract by July 1.
9. Pursuant to an authorization granted by the Board, the scrap copper for the removal of fire alarm wire was sold \$1,314.00. The funds have been placed in the budget to continue the removal operation.

Other Items added to the Town Manager’s Report

We are anticipating the warrant will be complete on Thursday or Friday and they would like an idea on the time that the Board might be able to sign the warrant. He provided the Board with a draft copy to review. The Board agreed that they will stop in at sometime between Thursday and Friday to sign the warrant.

Mr. Griffin MOTIONED to authorize the warrant. Mr. Lally SECONDED.

VOTE: 5-0-0

Anyone wishing to receive announcements from DPW in regards to emergency snowstorm information related to parking bans and trash pickup can register to receive an email or text with this information by registering on the Town's website hamptonnh.gov.

Discussion

Mr. Znoj wonders if this tool could be used by Police and Fire. Mr. Welch is not sure that this will work for all the departments.

The Hampton Union has requested use of this room on February 22nd in the evening to host a debate for Selectmen Candidates for 2012. They would also like to have channel 22 tape the event.

Discussion

Mr. Pierce wonders if the PTA is planning to host a candidate's night. It has not been announced yet. Chairman Nichols pointed out that this is a debate separate from what the PTA hosts.

Mr. Griffin MOTIONED to allow the use of the Selectmen's Meeting Room on February 22nd by the Hampton Union to host a debate for Selectmen Candidates for 2012. Mr. Lally SECONDED.

VOTE: 5-0-0

There has been a request from a resident in regards to warrant articles that contain information for taking funds from the unexpended unreserved fund balance and using it for an appropriation to fund a warrant article. The thought was that this was not explained well enough for people to understand. Chairman Nichols has come up with an excellent draft of this for articles 17, 18 and 20 where funds are being transferred out and into the appropriation. He read Chairman Nichols suggestion in language and the Board agreed it is very explanatory. Mr. Welch spoke with DRA and they do not have any problem with the change in the language.

Discussion

Mr. Znoj asked about no amount being raised from taxation in this tax year. Chairman Nichols explained how he came up with this language including researching what this fund is referred to in the audit report. Mr. Znoj thinks that language should read that no additional money will be raised by taxation. Chairman Nichols thinks this is a good idea and asked Mr. Welch to add the word "additional" before "amount."

Mr. Pierce MOTIONED to add the word "additional" to articles 17, 18, and 20. Mr. Znoj SECONDED.

VOTE: 5-0-0

Additional Discussion

Mr. Znoj thanked Mr. Welch for the wonderful memo he wrote to US Department of Interior National Parks Service in regards to the former US Coast Guard boat site. The Town has been relieved of the right of way encumbrances as a result of this memo. Mr. Welch explained that they have been waiting for the Town to do this. They discussed the exact location of this right of way starting in front of the Ocean Wok and continuing down to the water. They also asked if this shows up when a title search is done and it does. Atty. Gearreald shared some additional history on this right of way.

Chairman Nichols wonders if they have had any luck finding the Selectmen's Room Meeting sign and they have not but they did find parts for the Town clock. Mr. Welch will contact Cliff Pratt to let him know they have found these parts. He will continue to search for the Selectmen sign and he has spoken with Arthur Moody to let him know.

VII. Old Business

1. Amendments to Personnel Policy

Chairman Nichols explained that they have received the three amendments from Wanda to the personnel policy. He read the changes for the Board.

Discussion

Mr. Pierce MOTIONED to approve the amendments to the Personnel Policy. Mr. Znoj SECONDED.

VOTE: 5-0-0

2. Amendment to Parades and Public Gathering Ordinance

Chairman Nichols read a memo from Kristina, which included amendments to this ordinance. Mr. Welch added that they have looked at this very closely and this is the most inexpensive way that they can do this. Chairman Nichols added that the certificate of insurance amount will be set based on each event by the Town Manger's Office.

Mr. Znoj MOTIONED to Approve the Amendment to Parades and Public Gathering Ordinance. Mr. Pierce SECONDED.

VOTE: 5-0-0

3. Warrant Articles

a. Re-Affirm vote on the 32:18-a Legislative Body Override of Limitation of Appropriations "Article 8" (Fire Stations)

Chairman Nichols provided a simple explanation stating that there is an overall limit on the amount of the warrant including the budget and all money articles. This amount came to approximately \$35M. When the Budget Committee voted not to recommend the Fire Station warrant that essentially reduced that limitation to 10% over and above what the Budget Committee had recommended which drives it down to roughly \$33M. The net of all this is that the Fire Station warrant article could not go forward. He explained how in 2000 this legislation 32:18-a was passed allowing the governing body (Board of Selectmen) to add one simple sentence at the start of the article giving the voters the opportunity to essentially override the Budget Committees limitation and approve the warrant article. He explained

how this was discussed by the Board at a public meeting on January 17th, that was not on channel 22 and that is why they are going over it again today, and that it was voted in the affirmative unanimously by the Board.

Discussion

Chairman Nichols MOTIONED to Re-Affirm vote of the January 17th BOS meeting on the 32:18-a Legislative Body Override of Limitation of Appropriations “Article 8” (Fire Stations) and SECONDED by Mr. Znoj.

VOTE: 5-0-0

Mr. Znoj stated that this is applicable to the fire station warrant article and he wonders if it is applicable to any other articles such as the Church Street Pump Station.

Chairman Nichols stated that at the Budget Committee meeting there was a failed vote to not recommend the warrant article for the Church Street Pump Station. When he asked Mr. Welch and Atty. Gearreald if this was the same as a vote to recommend the article he was told no it is not the same. Therefore, the situation they have is that they do not have a recommendation on the Church Street Pump Station from the Budget Committee. Therefore, without a legislative override on the Church Street Pump Station this article could also not go forward. Mr. Welch stated if in fact there was not a vote to recommend then there needs to be a vote for the 10% override. Mr. Welch added that without the override the article cannot go forward.

Chairman Nichols MOTIONED to (and instruct Mr. Welch to) insert the language from RSA 32:18-a providing the legislative override on the Church Street Pump Station. Mr. Znoj SECONDED.

VOTE: 5-0-0

Mr. Welch read the language for the Board. Atty. Gearreald reminded the Board that they are once again changing the warrant.

Chairman Nichols asked how this would show on the warrant. Mr. Welch stated that they have notified the Chairman of the Budget Committee and they could possibly be holding a vote for this.

Atty. Gearreald stated that this is all going to be reviewed by bond counsel and if there is a vote by the Budget Committee to recommend this article than this Board would need to remove the language that was just added in regards to RSA 32:18-a. The Board decided that they would wait and see what the Budget Committee decides to do and if necessary, they will call an emergency meeting of this Board.

Chairman Nichols questioned a few other statutes in regards to whether or not the articles have to be recommended or not recommended by the Budget Committee. He also commented on how it can be confusing to voters if all articles are recommended or not recommended by both the Board of Selectmen and the Budget Committee and then you come to an article that is only recommended by the Board of Selectmen.

b. Re-Affirm vote on Skateboard Park Funding “Article 41”

Chairman Nichols stated that this article came in on Friday afternoon and the vote was as follows 2-3(Znoj, Pierce, Nichols).

Mr. Lally pointed out that this was recommended by the Budget Committee.

Mr. Znoj feels that there are too many money articles on the warrant already.

Mr. Griffin added that there has already been a lot of money raised from private funds for this project.

Chairman Nichols explained that he voted against this based on the presentation to them last year asking for \$5,000 and this year he received a call at the last minute and are now asking for \$35,000 with little to no explanation on how it will be spent. He also added information about past articles related to the Recreation Department such as the tennis courts. He thinks this should be factored into the priorities set up by the Recreation Department.

Mr. Griffin thinks that we should be painting a good picture of this.

It was determined that a vote to reaffirm was not necessary.

4. Discussion on 32:5 V-a Inclusion of numerical tally

Chairman Nichols read the RSA for the Board. He went back to 1991 and did not find any evidence of tally votes. Mr. Welch added that there have been 2 incidents since 1906. Chairman Nichols stated that if they choose to do this it would show the vote such as 5-0 but would not name any names. The reason he is suggesting this is there has been a lot of disagreement on articles between the Board of Selectmen and Budget Committee however the one item that both Boards have agreed on are the Collective Bargaining Agreements. He thinks by showing the vote it introduces a positive in regards to the CBA's. Obviously, this would have to be done across all the articles.

Mr. Znoj and Mr. Pierce think that this is a good idea and they stand behind what they recommend or not recommend

Mr. Griffin thinks we should leave things the way that they are.

Mr. Lally commented that he had brought this up a few years ago and thinks it is a good idea.

Chairman Nichols MOTIONED to include the tally votes under RSA 35:5,V,(a) of the Board of Selectmen and the Budget Committee. Mr. Znoj SECONDED.

VOTE: 4-1(Griffin)-0

Other Old Business

Chairman Nichols brought up the snow plowing of the sidewalks at the beach on Ashworth Ave. He has heard back from the School District and the Bus Company and this is something that they can manage. If there is snow on the sidewalks, they can rearrange the bus stops in this area. He read a portion of the email communications for the Board.

Mr. Znoj wonders how they are going to manage this. Chairman Nichols stated that the bus company and schools will work this out and there is nothing that the Town needs to do.

Mr. Znoj asked about funds held in escrow and a lot of these actions have been closed. He would like to get these on a periodic basis. Mr. Welch stated that we are currently setting up a process to be put in place.

VIII. New Business

1. BOS 2012 Schedules
 - a. Meeting Schedule

Chairman Nichols would point out that a meeting was added on Thursday December 27th since we ran into the same situation this past year with the holidays. Mr. Pierce wonders if the new Board has any say in this and if there needs to be changes, they can be done.

- b. Department Head Schedule

Mr. Znoj commented on the Department Heads and he thinks they should have a structured format to follow. His ideas include: major issues that have occurred, any metrics related to major issues, budget comments and cost saving initiatives.

Mr. Griffin thinks this is for the new Board to decide.

- c. Spiking Assessment Repeal Legislation

Chairman Nichols has received a request from Nancy Stiles to testify this week in Concord on her bill. He is willing to do this and he also pointed out a competing bill. He would like the Boards support on him going to support Nancy Stiles bill, which is repealing the spiking legislation and opposition to the bill changing the mathematics but keeping the spiking legislation. He has the support of the Board.

IX. Consent Agenda

1. 8 Ocean Blvd – Termination of old lease (Dubois) and signing of new lease (Farnam)
2. Restaurant Bev/Wine License – Shane Pine “Community Oven” 845 Lafayette Road
3. Limousine License “Seacoast Executive Transportation” – Robert Grande

Discussion

Atty. Gearreald pointed out in regards to item #1 had approved in advance of a closing that did not actually go through and these are recalculated documents to reflect the name of the new buyer.

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

VOTE: 5-0-0

X. Closing Comments

Mr. Pierce brought up the laptop use again and he likes it however, there are still some things to look at including cost effectiveness. He thinks this will be something for the new Board to look at and maybe even have a committee to look at this. There was also a discussion on the need to have all records computerized. Mr. Welch stated that they are currently going through the process of digitally recording all of the Assessing records and plan to move forward to other departments such as Planning once this is complete.

Mr. Griffin thinks we have discussed this multiple times and we need to stop beating this to death.

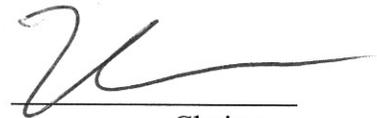
Chairman Nichols agrees that we have decided to put the laptops on hold but Mr. Pierce's point about making things electronic is a good one.

Mr. Znoj wonders if they as a Board are going to speak to the warrant articles so that the public will have their opinion on any particular warrant article. Chairman Nichols can remember a time when the Board got together and did something like this. He would suggest taping something several weeks before and replaying it several times before the election. It can be discussed at a Selectmen's meeting and then that portion can be extracted and replayed. Mr. Lally thinks it is a good idea but it was stopped since there was a lot of opposition amongst the Board in the past. He thinks it helps to explain the article. Chairman Nichols can put together a 5-minute presentation on the CBA's. Mr. Griffin likes the idea of doing it at a meeting. The Board agreed that they would do this after the Deliberative Session. Chairman Nichols thinks that it is better to focus on a selective number of articles and not the whole warrant. They will discuss this at their meeting on the 13th of February.

XI. 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 January 23, 2012

Posted: Town Offices, Library, Beach Fire Station

6:15 PM Non-meeting with In-House Legal Counsel – RSA 91-A:2, I(b)

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

SALUTE TO THE FLAG

- I. Presentation of the Christmas Lighting Awards
- II. Public Comment Period
- III. Announcements and Community Calendar
- IV. Appointments
 1. Richard Sawyer and Mary Conroy, Pres. Special Olympic NH
 - a. Penguin Plunge 02/04/2012 and 02/05/2012
 2. Jane Marzinzik, Town Clerk & Dyana Martin, Director Parks and Rec.
 - a. Beach Parking Stickers
 3. Chief Sullivan and Deputy Chief Sawyer – Police Department
 - a. Departmental Update
 4. Michael Schwotzer
 - a. Monthly Financials
 - b. Approval to carry forward 2011 WA # 11-28 Drainage @ \$40,000.
- V. Minutes of January 09, 2012 and January 17, 2012
- VI. Town Manager’s Report
 1. DRED will be holding an informational meeting in the Selectmen’s Meeting Room on this Wednesday, January 25, 2012 at 7 PM on the N. Hampton State Beach bathhouse to the Rye Sewer Line.
 2. The Community Oven, Inc., 845 Lafayette Road has applied for a restaurant beverage, wine, and liquor license.
 3. GHD was awarded as the lowest of three proposers for \$1,950 to complete the operational permit renewal application for the Federal license to operate the WWTP.

4. Wednesday, January 25, 2012 is the first day to file a declaration of candidacy for Town Offices with the last day to file being February 3, 2012.
5. Applications for Veterans Exemptions, Blind, Exemptions, Elderly, and Solar Exemptions must be filed with the Assessing Office by April 15, 2012.
6. Applications for the abatement of 2011 property taxes must be file by March 1, 2012 at the Assessor's Office.
7. The deliberative session of Town Meeting will be held at the Winnacunnet High School on February 4, 2012 starting at 8:30 AM.
8. Pre-applications for the State Water Pollution Control 20% grant and the pre-application for SRF funding for the Church Street Station have been filed with DES.
9. Pursuant to an authorization granted by the Board, the scrap copper for the removal of fire alarm wire was sold \$1,314.00. The funds have been placed in the budget to continue the removal operation.

VII. Old Business

1. Amendments to Personnel Policy
2. Amendment to Parades and Public Gathering Ordinance
3. Warrant Articles
 - a. Re-Affirm vote on the 32:18-a Legislative Body Override of Limitation of Appropriations "Article 8" (Fire Stations)
 - b. Re-Affirm vote on Skateboard Park Funding "Article 41"
 - c. Discussion on 32:5 V-a Inclusion of numerical tally

VIII. New Business

1. BOS 2012 Schedules
 - a. Meeting Schedule
 - b. Department Head Schedule
2. Spiking Assessment Repeal Legislation

IX. Consent Agenda

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X. Closing Comments

XI. Adjournment