

Town of Hampton



Hampton Board of Selectmen Minutes of January 30, 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

5:30 PM Nonpublic Session – RSA 91-A:2, II(a)
6:30 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. Public Comment Period

Arthur Moody noticed on the board upstairs 4 suits filed by taxpayers in regards to taxes they paid. One is Foss Manufacturing which he was surprised to see them saying they have paid too much in taxes after all the help the Town has given them. Mr. Moody clarified that in the Firefighter’s CBA there is a clause changing the shift for new hires to 24-hour shifts. He expressed additional concerns with having someone working 24 hours straight. Chairman Nichols commented that the Fire Chief has been very involved with this whole process and this decision.

II. Announcements and Community Calendar

Mr. Pierce reminds everyone once again to recycle and the proper placement of the barrels. Also recycling is single stream meaning you can include paper, plastic, glass and cans all together.

Mr. Znoj reminds everyone that the Deliberative Session is this Saturday starting at 8:30. He expressed how uncomfortable he is when only 100 people attend compared to the number of voters. He thinks the warrant articles should go directly to the voters as they are but instead we have this Deliberative Session in place giving special interest groups the opportunity to come in and make changes to the these articles. He has seen this happen the past 2 years he has served on the Board. He feels that if there is a better showing we might mitigate some of

the maneuverings that will probably go on. The Board will do the best they can but eventually some of these items will go to a vote.

Mr. Griffin stated that it will happen the same way this year as in the past. There was an additional discussion on what happens at the Deliberative.

Mr. Lally agrees with Mr. Znoj and he feels that we have outgrown this form of government. Mr. Znoj feels that this should be discussed the next time the legislators are in to see what can be done.

Chairman Nichols commented that there are 41 warrant articles and he has looked back and this is the lowest number since 2005.

Mr. Pierce pleaded with everyone to please come out for the Deliberative Session on Saturday every vote counts.

III. Appointments

1. Keith Noyes, DPW Director
 - a. Enforcement Plan for Mandatory Recycling

Mr. Noyes stated they have been working internally to come up with a good enforcement program. Working on this they have come up with probably more questions than answers on how to do this and get it right. They are trying to avoid a real strict enforcement policy that would involve police and summons and all of that. He is asking the Board to allow them to have the Recycling Committee get more involved in ways to promote the recycling program. He would also like some more time to get in touch with some of his peers across New England and inquire to them how some of their mandatory programs have become successful. After doing this he will come back to the Board with some recommendations along with the Recycling Committee. He does not feel comfortable recommending a program at this time that he can feel good about supporting. He did mention the number of issues that they have worked out over the past six months that he has been here but he needs a little more time to get this one right.

Discussion

Mr. Znoj feels planning is extremely important. This is going to be a difficult program but it should be at least two facets one for the Transfer Station and one for the public roads. How do we resolve the issues in both places and he listed a few of the possible problems. He also brought up the importance of education. Mr. Znoj is ok with taking more time to come up with a program.

Mr. Noyes wants to assure the Board that in the meantime they will continue to remind people about mandatory recycling and place stickers on trash barrels containing recyclables.

Mr. Lally agrees with Mr. Noyes that this can be done in a positive way.

Chairman Nichols stated for the benefit of the public he confirmed that a somewhat aggressive approach was considered and there was a consensus between Mr. Noyes, Mr. Welch, and the Police Chief that was not the way to go. He has not heard anyone from this Board arguing that having seen the copy of the plan. Chairman Nichols reiterated that they want to actively involve the Recycling Committee and see what other Town's are doing. He stated we will come back together in about 5 or 6 weeks.

Chairman Nichols mentioned under New Business there are four requests related to DPW Capital Reserve to be withdrawn. He would like to slide these forward since Mr. Noyes is here now. The DPW bids and there motions are reflected under New Business.

2. Chief Silver

a. Departmental Update

Chief Silver stated that he would start with going through last year's services including: 11 residential fires, 20 total fires within structures, 15 within vehicles or areas adjacent to buildings, last major fire was the second week in December, breakdown by district remains pretty consistent every year, 48% in Beach District and 52% in the Town District, 2,115 total fire related incident responses, 2,176 medical emergencies which is about 200 more than 2010, engine 2 and engine 3 refurb one completed and one back soon, bucket truck sent out for repairs this is why Christmas decorations have not been removed, specification and bid package put together for replacement of an ambulance, communication work at Winnacunnet Road Station, EOC improvements, boxes of old radio equipment he found that he will be inventorying, possibility of trading back some of this old radio equipment, responsible for wire that remains on poles from alarm boxes which they continue to remove and some revenue they have received for the cooper wiring, couple of things that might help in regards to the fire stations which he will get to the Board, has worked on a proposal of what has changed in the Fire Station Plans, looking at whether it is a sacrifice or compromise, Deputy Fire Chief down to 3 finalist and will make a recommendation to the Town Manager on Friday, continue to have one employee out on workers comp, staffing numbers and filling shifts, putting together a plan for appropriate staffing levels, preparing for the Penguin Plunge, pursuing grants for equipment, \$1,500 wellness grant from LGC, working with Bureau of E911 and how this can provide medical information when someone calls and this is provided at no cost to the Town and lastly wants to remind everyone about the calendars from Seabrook Station and they should be receiving one.

Discussion

Mr. Znoj wonders if he will have some information to display at the Deliberative Session. Chief Silver is working with the architect to get some documents to display.

Mr. Lally confirmed that there are no in-house candidates for the Deputy Chief position.

Mr. Znoj wonders what is in the calendar. Chief Silver went through the calendar in detail for the Board. He mentioned an information card that any residents with special needs can use to register to be put on a list so that they can contact them during any emergency situations including severe storms. There are calendars available upstairs and at the Fire and Police Station for anyone who did not receive one.

Mr. Znoj wonders if Mr. Moody's question about the two 24 hour shifts for new hires that is in the CBA can be answered now. Chairman Nichols asked the Chief to give a general overview and address Mr. Moody's concern with possible fatigue being on 24 hours straight. Chief Silver expressed that there have been a couple of issues with hours worked in fire service. He shared some history in the past when you came to work on Monday morning and stayed there for 6 days straight living in the Fire House. Although this was 75 years ago it shows where the long work shifts come from. He explained how the shifts shortened over time and how the North East is the only area of the country that does not use the 24 hour

shift. Is there a chance of fatigue with working the longer shift yes but they did take this into consideration and it should not be a concern in this community. He did also state that there is a limit to the number of hours they can work and it is 38 hours. He went through the current shift configuration and how the 24-hour shift configuration would work. One big benefit of changing the schedule has seen a reduction of sick time and there is no negative impact on the Town or Fire Personnel. Mr. Znoj asked if this was the Chief's recommendation and it actually came from the members but has complete support of the Chief. Mr. Pierce expressed that the shift configuration in place right now seems to be more confusing than the 24-hour one being proposed. Chairman Nichols pointed out that firefighters work a total of 2184 hours a year compared to other departments 2080 hours. If the Chief, Fire members and Mr. Welch are all ok with this than Mr. Znoj will support it.

Chairman Nichols asked about the information processing stuff and the integration of the fire suppression database with the EMS data and one of the problems with this had to do with the Police Department getting away from the Novell server. Chief Silver stated that was one of the issues and he described the three components and how nothing communicates with the EMS component which is provided by the State and free of charge. This is one of the reasons they are working with the State on the E911. He explained the problem with the Novell server having to do with dispatch and how they need to use two separate servers and they cannot get them to work consistently together. Chairman Nichols asked the Chief to email the members of the Board the Fire Suppression and EMS reports. Chief Silver can send them each a PDF and it can be done two ways one is with a large amount of information that will be useless to them or he can give them the copies he uses. The Board agreed to have the copies the Chief uses.

Mr. Znoj stated that he has looked at his 2011 budget and would like to congratulate him on the fine job he has done with his budget.

IV. Town Manager's Report

1. The Liquor License Commission has notified the Town of an application by the Fusion Cigar & Hookah Lounge at 225 Ocean Boulevard seeking a Cigar Bar-Beverage/Wine/Liquor/Tobacco Liquor License.
2. The warrant for the Annual Town Meeting was completed, signed, and posted on January 30, 2012.
3. The warrants and budgets for both school districts are also posted.
4. The Hampton PTA will hold a public information night on Tuesday, January 31st at 7 PM in the Hampton Academy Cafeteria on the Hampton and Winnacunnet School Budgets, Teacher, Police and Fire Contracts. The snow date is February 2nd. He has spoken with the School today and it has been canceled.
5. The last day to file to run for Town Office is February 3rd. Please see the Town Clerk.
6. The Deliberative Session of Town Meeting is this Saturday, February 4th at 8:30 AM at Winnacunnet High School.
7. The mounting board for the Selectmen's Meeting room plaque has been found. We will continue to search in hopes of finding the plaque.

Other Items added to Manager's Report

DPW opened bids today for the Smuttynose Sewer extension, which will be paid for by Smuttynose and US Department of Commerce Grant. There were seven bidders and the amounts ranged from \$418,000 to \$598,832. Mr. Znoj wonders if these will benefit any residents and it will not at this point but could in the future. Chairman Nichols wonders who will make the decision since the Town is not paying. Mr. Welch stated that the Town is being paid to make a recommendation and monitor the progress.

Discussion

Chairman Nichols wonders if the liquor license under item 1 is an FYI or if it is a request to accelerate the waiting period. Mr. Welch stated they have not made that request yet but the Chief is currently going through the application.

V. Old Business

1. Sewer Rates and Charges for State of New Hampshire Properties

Mr. Welch stated they felt it was necessary to start the process to put together some sort of a formal rate structure. The Board members have received a copy and Mr. Welch went through some of the details for them. The \$1.53 per 1,000 gallons of discharge is the rate that was set by the Board. The plan includes: structural quarterly billings due in 30 days from date of issuance and if not paid subject to 1.5% interest rate per month, \$30 fee for insufficient funds, terminate service after 10 days of notification by certified mail, metering would be required, metering requirements and State can choose how they want to be metered, reserve the right to provide estimate billings if meter cannot be read, access to metering and rates set annually or more often as deemed necessary by the Town.

Discussion

Chairman Nichols expressed concern with this being different then the way that we bill Rye which he explained in detail for the public and Board. He thinks the Rye process would be a better billing process than the one suggested. It was the Boards consensus to bill the State in the same way as Rye. Mr. Welch stated that we can certainly do it that way.

Other Items under Old Business

Chairman Nichols brought up the need to go through the motions and seconds for the Selectmen sponsored warrant articles at the Deliberative on Saturday. He provided the Board with a list of these articles to go through. He explained for Mr. Pierce's benefit that whoever makes the motion is expected to speak in favor of the article.

1. Fire Station Bond motioned by Znoj seconded by Pierce.
2. Church Street Pump Station motioned by Znoj seconded by Lally.
3. Lane Library motioned by Znoj seconded by Lally.
4. Five CBA's motioned by Nichols Teamsters seconded by Pierce, both Police unions seconded by Lally and both Fire unions seconded by Griffin.
5. DPW Capital Equipment Reserve Fund motioned by Pierce and seconded by Znoj.
6. DPW Road Capital Reserve Fund motioned by Pierce and seconded by Znoj.
7. North Hampton State Beach Sewer connection motioned by Griffin and seconded by Lally.
8. Compensated Leave Fund motioned by Lally and seconded by Nichols.
9. Cemetery Burial Trust Fund motioned by Griffin and seconded by Lally.

10. Police Forfeiture Fund motioned by Lally and seconded by Griffin.
11. Cable TV Origination Fund motioned by Nichols and seconded by Griffin.
12. Recreation Infrastructure Special Revenue Fund motioned by Lally and seconded by Pierce.
13. Human Service Articles motioned by Znoj and seconded by Pierce.
14. Mosquito Control motioned by Griffin and seconded by Lally.
15. Police Mounted Patrol motioned by Griffin and seconded by Pierce.
16. Drainage Improvements motioned by Pierce and seconded by Lally.
17. Street Acceptances motioned by Lally and seconded by Griffin.
18. Disposal of surplus Town equipment and material ordinance motioned by Znoj and seconded by Pierce.
19. Advisory question of the Rte 1 sidewalks motioned by Griffin and seconded by Lally.
20. Sandwich sign ordinance motioned by Pierce and seconded by Znoj.

Mr. Welch will provide the Board with a copy of these motions.

VI. New Business

1. Authorization to DPW Withdraw Capital Reserve Funds

Mr. Znoj confirmed these are the items that Mr. Noyes had listed out on the spreadsheet as items for 2012. Chairman Nichols stated that there are four items listed below and would come from the DPW Capital Reserve, which he recalls has about \$300,000 in it. The reason for the discussion is that the Board has to approve any withdrawals from the Capital Reserve with the Selectmen as agents for the fund. Another reason being that there may be a situation where it is not going to the low bidder or less than three bids received and therefore needs Selectmen approval. He has some general questions for Mr. Noyes the first is how much is in the fund and how much are we spending. There is around \$300,000 and they are spending around \$200,000. Chairman Nichols asked the question of and the DPW Director confirmed that if the warrant article to place \$320,000 in the Capital Reserve Fund was to not pass the priorities would not change.

a. \$50,945.00 Chevrolet One-Ton Dump Truck with Dump Body

Chairman Nichols summarized the following about the bids received: two companies bid, one provided three separate options and bids ranged from \$35,000 to \$57,000.

Discussion

Mr. Znoj asked what this truck will be used for. Mr. Noyes stated that this will be replacing a vehicle in the Highway Department. This vehicle will work in conjunction with the wood chipper, which makes it a lot more efficient.

Chairman Nichols asked about the \$35,000 truck and what made it undesirable. Mr. Noyes does not recall the exact details but it did not meet the minimum bid specifications.

Mr. Lally MOTIONED to Authorize the Withdrawal of the DPW Capital Reserve Funds for the purchase of the \$50,945.00 Chevrolet One-Ton Dump Truck with Dump Body. Mr. Griffin SECONDED.

VOTE: 5-0-0

b. \$73,042.00 Caterpillar 2012 305E CR Mini Excavator

Chairman Nichols supplied the following information in regards to the bids received: large number of bidders 8 and 10 separate offerings and the one being proposed is a Milton CAT in the mid range of the bids received. Mr. Noyes added that CAT has such a good reputation for this type of vehicle/piece of equipment. When his staff looked at the proposals, they felt this would be the best bang for the buck.

Discussion

Mr. Znoj wonders if he has seen this piece of equipment and he has. Mr. Noyes described the equipment in detail for the Board.

Chairman Nichols noticed that several of the other bidders offered a 5-year basic and power train warranty and this one only has a one-year warranty. He was a little surprised at the difference and Mr. Noyes wonders if the 5-year warranty has an additional cost involved. Chairman Nichols believes it is included in the price of the bid. Mr. Noyes will have to double check on this. Chairman Nichols wonders if this can be negotiated at all and Mr. Noyes will look into this further for the Board.

Mr. Lally MOTIONED to Authorize the Withdrawal of the DPW Capital Reserve Funds for the purchase of the \$73,042.00 Caterpillar 2012 305E CR Mini Excavator. Mr. Pierce SECONDED.

VOTE: 5-0-0

c. \$22,961.00 2012 John Deer 5083 Utility Tractor

Chairman Nichols commented that they only received one bid on this item. Mr. Noyes stated that they are getting a really good deal on this including government pricing.

Discussion

Mr. Znoj wonders where it will be used and it will be used for roadside cutting, the landfill cap, and generally all around as a utility tractor.

Chairman Nichols pointed out that Ryan Flynn commented that there was a mistake made by the company making the bid in regards to giving the Town \$18,000 for the trade and they meant to say \$8,000. So essentially there was a \$10,000 mistake made that is legally binding.

Mr. Lally MOTIONED to Authorize the Withdrawal of the DPW Capital Reserve Funds for the purchase of the \$22,961.00 2012 John Deer 5083 Utility Tractor. Mr. Znoj SECONDED.

VOTE: 5-0-0

d. \$39,875.00 2012 M15R Morbok Wood Chipper

Chairman Nichols stated that there was only one qualified bidder. His concern with this is that three companies responded with two not meeting the specs and going with this one qualified bidder at \$40,000 is a lot of money. Chairman Nichols thinks it might be worth it to go out and get some more bids. Mr. Noyes has spoken with some other communities and this is right in there pricewise with others for a good chipper. He stated he is looking to buy good quality equipment and take care of it so that it will last. They have done their research, this is what they need, and it will last a long time with minimal repairs. Chairman Nichols stated that the reason the other companies did not meet specs had to do with the size of the

log that they could handle and he wonders if there are other companies out there that can handle this size log. Mr. Noyes stated it is his understanding that there are not other local service/parts departments.

Mr. Griffin commented that we keep talking about how we do not get enough bidders and how this has been a problem for all the 9 years, he has served on the Board.

Chairman Nichols at this point would not be in favor of awarding this bid and would suggest getting some additional bids. There are several other vendors out there.

Mr. Znoj wonders who does the due diligence on these bids. Mr. Noyes stated that it is done by different members of his staff and they are the hands on guys. They bring the information back to him.

Mr. Znoj MOTIONED to Authorize the Withdrawal of the DPW Capital Reserve Funds for the purchase of the \$39,875.00 2012 M15R Morbok Wood Chipper. Mr. Pierce SECONDED.

VOTE: 4-1(Nichols)-0

2. NHOS (New Hampshire Optical Systems) – Request for Letter of Support

Chairman Nichols explained the request as a process they are working on in conjunction with UNH to expand high-speed internet access. Chairman Nichols has spoken with Paul Paquette and he felt this was a good thing and therefore there is no reason to not support this.

Mr. Pierce thinks this is a good thing.

The Board agreed that they would provide the letter of support.

3. Award/Bid 2011-050 Purchase and Removal of Compost

Chairman Nichols stated there were two bidders one paying \$105 and another paying \$1,000 to take it away. There is not a lot of information and he wonders if Mr. Noyes has any additional information. Mr. Noyes stated that this compost is in the very raw state and has not been sifted and there is very little value in it in today's market. It is his understanding that in the past, we paid someone to come in and sift it and you are not saving anything by doing it this way. Mr. Noyes stated that with this bid, we would be getting \$1,000 plus they are going to leave the Town with 300 yards of sifted compost for the residents to use. He thinks this is an excellent deal for the Town.

Discussion

Mr. Znoj questioned the length of time that is going to take. Mr. Znoj confirmed that Mr. Noyes staff agrees this is a good deal.

Mr. Pierce stated that this will give them a lot more space since this is taking up a lot of room.

Mr. Pierce MOTIONED to Approve the Awarding of Bid 2011-050 Purchase and Removal of Compost to Seacoast Farms. Mr. Lally SECONDED.

VOTE: 5-0-0

4. Adoption of Credit Card Policy

Mr. Welch stated that Mr. Schwotzer was instructed by the auditors to put together a credit card policy for the Town. Mr. Schwotzer has reviewed and edited the policy several times. He shared why there is a need for such a policy in place and how it protects the Town.

Discussion

Mr. Pierce asked how the credit cards are issued and Mr. Welch explained how all cards must be registered through the Finance Department and receipts returned to the Finance Department.

Chairman Nichols questioned how many cards the Town has and Mr. Welch believes it is two. There was a discussion on the gas cards used by Police during the time when the State fees were greater. Chairman Nichols asked about how many additional cards he expects we will have after implementing this policy and Mr. Welch believes a total of three or four.

Mr. Znoj clarified that the approval for a card would go through the Finance Director and the Town Manager and to the Board if there was any question.

Mr. Pierce MOTIONED to approve the adoption of the Credit Card Policy. Mr. Lally SECONDED.

VOTE: 5-0-0

VII. Consent Agenda

1. North Hampton Beach State Park Sewer Connection Memorandum of Agreement
2. Lane Memorial Library Energy Improvements Memorandum of Agreement
3. Exemptions: New Elderly – Thompson, Arline, R.; New Elderly/Vet – Boyarsk, Patricia; Emery, Maureen (Merrill). Veteran/Elderly: Giese, Robert & Roberta. Veteran – Hebert, Rita; Sanderlin, Marlene
4. Parade & Public Gathering License “Half at the Hampton Half Marathon” 02/19/12
5. Parade & Public Gathering License “Eastern States 20-mile Road Race” 03/25/12

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

VOTE: 5-0-0

VIII. Closing Comments

Mr. Pierce and Mr. Lally both reminded everyone to attend the Deliberative Session on Saturday.

IX. 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 January 30, 2012

Posted: Town Offices, Library, Beach Fire Station

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 - a. Enforcement Plan for Mandatory Recycling
2. Chief Silver
 - a. Departmental Update

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