

# Town of Hampton



## Hampton Board of Selectmen Minutes of March 26, 2012

PRESENT: Richard Nichols, Chairman  
 Michael Pierce, Selectmen  
 Ben Moore, Selectmen  
 Philip Bean, Selectmen  
 Frederick Welch, Town Manager  
 Mark Gearreald, Town Attorney

NOT PRESENT Richard Griffin, Selectmen

6:30 PM Non Meeting with Counsel – RSA 91-A: 2,I,c

7:30 PM Selectmen’s Meeting – Public Meeting

### SALUTE TO THE FLAG

#### I. Public Comment Period

Arthur Moody would like to continue the discussion from last week in regards to the two defibrillators in the Town Hall. He wonders if there is any type of written ordinance/policy concerning these medical devices for use by the public. Mr. Welch stated that there is a protocol at the Fire Department but not one here. Chairman Nichols mentioned once again that all the employees did attend training. Mr. Moody mentioned that when the High School purchased one a few years ago the Superintendent wrote a policy in regards to the use and testing of the equipment. Mr. Welch stated that the equipment is tested and maintained. Mr. Moody does know that the Library does not have a policy. Mr. Moody asked about the agenda item pedestrian grant for the Police Department and he would like to know if this is for a police officer as a pedestrian or to do with jaywalking and things like that. Mr. Welch stated that the Town receives the grant every year and it is used to monitor people who do not stop and allow pedestrians to cross the road as required by State law. Mr. Moody asked about item 2 under Old Business Authorization of Designation of Authorization of Town Manager to sign for the Assignment Contract for the Transport of Solid Waste and Recycling. He wonders if Mr. Welch will be explaining at that time what he is currently doing. There was a discussion on who is transporting the solid waste and who transports the septage waste.

#### II. Announcements and Community Calendar

Mr. Pierce announced the Hampton Beach Village District annual meeting and election of officers is on March 30<sup>th</sup> from 1 pm to 7 pm at the Fire Station on Ashworth Ave. He also reminded everyone to recycle and if anyone needs carts, they can pick them up at the Transfer Station.

### III. Appointments

1. Jay Diener, Conservation Commission Chairman
  - a. Rain Barrel Painting

Mr. Diener reminded everyone that the Commission has been selling rain barrels for the past several years. This year they are working with the Art Department at the Hampton Academy to have about a half dozen rain barrels painted by the students. They hope to have them done by mid-April and display them in the Town Hall. Once they are complete, they will be auctioned off to the highest bidder. They are in debt to Aquarion Water for the cost of the barrel, Wicked Awesome Wallpaper & Paint for donation of paint and supplies and Wayne's Auto Body for putting a seal coat on the barrels. In addition to this project, they will be selling the same rain barrels as in the past and the cost remains at \$75.

1. DPW Director Keith Noyes

Chairman Nichols stated that this is a late appointment that did not come in until after the agenda was posted on Friday. Mr. Noyes explained that he is here tonight to ask the Board of Selectmen to sign the contract for hauling trash and recyclables to the disposal facilities. The contract is with Troiano Waste Services through July 1, 2015. The present hauler BG Environmental notified the Town about three weeks ago that they are going out of business. Mr. Noyes commented on Trojiano's great reputation and meeting he had with the Owner. They have been hauling the Town's demolition materials for the last 7 or 8 years and have always given us excellent service.

#### Discussion

Mr. Moore asked if there is a change in the cost and Mr. Noyes explained that there would not be a change in cost and they are willing to abide by all the present contract requirements.

Chairman Nichols confirmed with Mr. Noyes that Troiano agrees to all the contract requirements not just price but also length of contract ending in 2015. He also pointed out that they are a vendor we are familiar with since they are already hauling some stuff for the Town.

Mr. Noyes added that the additional purchase of 3 ejection trailers adds cost savings for the Town since it is cheaper for them to haul the Town's trailer as part of the contract.

Mr. Pierce confirmed that Mr. Noyes is comfortable with this plan.

Mr. Noyes discussed the maintenance/repairs of these trailers and how Troiano can do these maintenance/repairs. He also discussed the facilities at Troiano and how clean and well maintained they are.

Chairman Nichols MOTIONED to authorize Mr. Welch and Mr. Noyes to assign the contract currently held by BG Environmental to Troiano of Portland, ME. Mr. Pierce SECONDED.

VOTE: 4-0-0

Atty. Gearreald pointed out that part of this agreement is that BG Environmental is releasing any obligation that the Town might have to them and vice versa.

Mr. Moore brought up the point that the original contract was written with that "Town Clause" that it is really a yearly contract and the Town can always cancel after one year per

budgetary reasons because they as Selectmen cannot bind the Town for more than 12 months.

IV. Minutes of March 12, 2012

Page 4; sixth line in the 2<sup>nd</sup> paragraph change “valuable to valid”

Page 6; 3<sup>rd</sup> paragraph clarification of the sentence “\$60 per year for over 5 years”

Mr. Pierce MOTIONED to approve the Minutes of March 12, 2012 as amended. Chairman Nichols SECONDED.

VOTE: 2-0-2

Minutes of March 19, 2012

Page 1; remove the following two sentences

“With the statutory oath, Mark Olson became a member of the Planning Board”

“With the statutory oath, Thomas Harrington became a trustee of the Cemetery Trustees”

Page 3; fourth line down change the word “their to HBAC”

Page 3; last paragraph, second to last sentence change the word “one” to “on”

Page 4; 6<sup>th</sup> paragraph, last sentence change “Warren & MacKensen” to “MacKensen and Company”

Page 5; under VIII. 2. remove the word “completing”

Mr. Moore MOTIONED to approve the Minutes of March 19, 2012 as amended. Mr. Pierce SECONDED.

VOTE: 4-0-0

V. Town Manager’s Report

1. The Police Department has received three grants from the State Highway Safety Agency. All are contained on the agenda under new business.
2. Aquarion Water Company will be starting a community wide leak survey beginning this week through the month of April and some work may be conducted at night,
3. The Memorandum of Agreement with the Library for Warrant Article approved at Town Meeting has been returned and can be viewed on the website.
4. The Mosquito Control program begins on April 2, 2012. The notice is on the website.
5. The Town has received notice through Senator Stiles Office that the Army Corps of Engineers has funding for the dredging of Hampton and Seabrook Harbor beginning November 15, barring any unanticipated roadblocks. It was explained in greater detail exactly how and where the dredging will take place.
6. Senator Stiles has also notified us that the target date for the construction of the Hampton Pier is October 2012.

Discussion

Mr. Pierce is confused he thought we already had a pier. Mr. Welch informed the Board that the State pier is in need of repairs/construction. He mentioned the many accidents that have occurred. Mr. Pierce confirmed that Mr. Welch is referring to the State Pier and not the Hampton Pier.

7. Wright-Pierce was awarded the bid for Landfill monitoring for 2012 and 2013, for the annual monitoring and reporting requirements. The total contract sum is \$13,860, \$7,850 for 2012, and \$6,010 for 2013. They were the lowest of seven bidders.
8. The Town has received four notices of applications for licenses from the State Liquor Commission. All will receive appropriate investigation by the Chief of Police and report to the Commission in accordance with Selectmen's Policy.
  - a. BeeGee Corp, dba Royal Market, 94 Ocean Blvd – Combination beverage/wine liquor license
  - b. Memalmay, 225 Ocean Blvd – Retail tobacco license
  - c. Stacy Janes, 9A Ocean Blvd – Retail tobacco license
  - d. Fred/Smokey, dba Fores Restaurant, 822 Lafayette Rd – Beverage/wine/liquor license

#### Other Items added to Town Manager Report

We also received today a notice from the Liquor Commission that "Why Cook LLC" Kevin Sullivan manager dba Liberty Lane Catering has made an application for the division of enforcement for a catering offsite cocktail lounge liquor license under RSA 178-22.

There is a recount of article 38 of the March 13<sup>th</sup> Town Election which failed by 32 votes. The recount will be on March 29<sup>th</sup> here in the Selectmen's Meeting room beginning at 9 am. The Town Clerk notified him that according to RSA's the Selectmen have to attend. Chairman Nichols asked Mr. Welch and Atty. Gearreald to look into whether or not all the Selectmen must attend or if it needs to be a majority.

#### Discussion

Mr. Moore wonders how many more years the landfill monitoring has to take place and Mr. Welch answered that it has to be done forever.

Mr. Bean asked for the status of the State Liquor Store paying the sewer bill. Mr. Welch stated that he was supposed to be contacted today and he was not so he will be contacting Senator Stiles tomorrow morning. Mr. Bean would suggest that this be taken to our representative on the Governor's Council.

Chairman Nichols commented on the dredging and how about 3 or 4 years ago he remembers when they were pumping sand out of the harbor and it was ending up at the end of south beach. This was not a quality of sand that you would want to see on the main beach. Mr. Welch does remember this but explained since we have the Taylor River and Black Water River merging at this location where they are taking material out there will be a lot of sediment that has to come out.

#### VI. Old Business

1. Approval of the Annual "Griffin Family Reunion" at 9 James Street on May 25<sup>th</sup> through the 28<sup>th</sup>

Chairman Nichols shared a memo thanking the Board for approving this in the past and granting an exemption to Article 2 as allowed under section 2 of the Hampton Town Ordinance.

#### Discussion

Mr. Pierce wonders exactly what they are asking for with this request. They are asking for permission to have campers on their property.

Mr. Moore MOTIONED to approve the Annual "Griffin Family Reunion" at 9 James Street on May 25<sup>th</sup> through the 28<sup>th</sup>. Mr. Pierce SECONDED.

VOTE: 4-0-0

2. Authorization of Designation of Authorization of Town Manager to sign for the Assignment Contract for the Transport of Solid Waste and Recycling – this was discussed above under appointments and approved by the Board.
3. Community Development Block Grant – Smuttynose Brewery – Authorization of Town Manager for signatory purposes

Atty. Gearreald explained that this is an item that has come up after several years. He reminded everyone that on June 1, 2009 the Board held a public hearing allowing the Town of Hampton to file for a Federal Grant in connection with the extension of sewer line from its existing location on Towle Farm Road to in front of the property now owned by Sustainable Ales also known as Smuttynose Brewery. There sewage needs are such that they would need to tie into our sewer. Therefore, what this grant enables Smuttynose to do is proceed with their project essentially and come to Hampton bringing a number of jobs and commerce to the property. Atty. Gearreald explained in detail the project that would need to be done to connect to the sewer line, the applying for a Community Block Grant, the fact that this is not to cost the Town anything and cost of project. The initial estimate was just over \$500,000 but when the bids came in they were much higher at just over \$600,000. The Economic Development Authority, which is the Department of Commerce Agency in Philadelphia, cannot commit unfortunately to any more funds to this project. Before proceeding to award the contract they want assurances from the Town of Hampton that the difference in the contract would be paid. Consistently with the Board's initial approval that this project would be at no cost to the Town that would mean that Smuttynose would pay this additional cost. Atty. Gearreald has spoken with the Manager and counsel and Smuttynose has agreed to place the whole \$604,000 in escrow with Hampton so that the bills can be paid as they come in from the contractor. This is still conceived as a win-win situation. So we need now the authority to allow the Town Manager to send a letter to the Economic Development Agency saying please proceed to award the contract to this excess over the initial budget bidder and the payment will be guaranteed.

#### Discussion

Mr. Moore thanked Atty. Gearreald for a great job.

Mr. Bean stated the Town Atty., Town Manager, this Board and other Boards in Town have all done an outstanding job with this project. The interface with the State, Federal Government, and funding agencies have all worked together.

Chairman Nichols confirmed with Atty. Gearreald that the Town will be holding the escrow. Chairman Nichols would also like to know if the cost of work done by Town employees is still going to be covered. Atty. Gearreald stated that this is still an open question. Atty. Gearreald explained that initially it was believed that there was not going to be a lot of task needing to be done by the Town Atty. There has been a little more work than expected with items related to the title and State property being involved. He does not believe it will be a

problem to cover his cost at \$66 per hour and Mr. Welch confirmed that there was money set aside in the Block Grant to cover such cost. There was an additional discussion on what cost should be passed on to Smuttynose and the fact that there will be a need for a single audit.

Mr. Pierce MOTIONED to approve Authorization of Town Manager for signatory purposes.  
Mr. Moore SECONDED.

VOTE: 4-0-0

## VII. New Business

1. Police Department – State Highway Safety Agency Grants: Grant 314-12A-3 – Pedestrian Patrols, May 1, 2012; Grant 308-12A-053 – DWI Patrols, March 20, 2012; Grant 315-12A-121 – Route 101 East Corridor Enforcement Patrols, May 1, 2012. Mr. Welch stated that the Board does need to vote to allow the Police Department to accept these grants.

Mr. Bean MOTIONED to Accept State Highway Safety Agency Grants: Grant 314-12A-3 – Pedestrian Patrols, May 1, 2012; Grant 308-12A-053 – DWI Patrols, March 20, 2012; Grant 315-12A-121 – Route 101 East Corridor Enforcement Patrols, May 1, 2012. Mr. Moore SECONDED.

VOTE: 4-0-0

### Other New Business

Chairman Nichols would like to provide a plug for Meals on Wheels. He shared information on how he spent time last week delivering meals with one of the volunteers. He provided an overview of the program such as provided 22,091 meals to 212 residents in Hampton; provide hot meals on a daily basis, meals that go in fridge or freezer and have very diversified meals. Anyone interested can contact Nancy Singleton at 929-1108. Mr. Pierce stated that his mother-in-law used this program and it was really wonderful.

## VIII. Consent Agenda

1. 2012 MS-2 Form – Report of Appropriations Actually Voted
2. Appointment Metro. Planning Org. Technical Advisory Committee – Mark Olson
3. Ron Jillian's Ristorante request to serve alcohol and food outside – 853 Lafayette Rd

Mr. Pierce MOTIONED to Move the consent Agenda excluding item 1. Mr. Moore SECONDED.

VOTE: 4-0-0

## IX. Closing Comments

Mr. Moore questioned if the policy on public comment has been changed. He knows it was moved to the beginning of the agenda but wonders if it is open to any topic. Chairman Nichols was going to bring this up next week but will discuss now since Mr. Moore brought it up. Some of the changes since he has been on the Board include: moving it to the beginning of the agenda, allowed people to comment on items that are not on the agenda and policy limiting people to 3 minutes. However, the limiting to 3 minutes has not been enforced and this is something that the new Board should discuss.

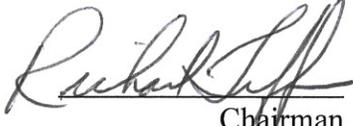
Mr. Moore would also like the extension of the Town Managers contract as an agenda item next week.

Chairman Nichols brought up how items are usually placed on the agenda by the Chairman, Department Heads or the general public. Since he has been on the Board this has been the policy and if a Selectmen wanted to discuss an item, they would bring it up under Old Business. He would suggest that if a Selectman would like an item on the agenda they should contact Kristina to have it placed on the agenda. He thinks this is something that should be discussed next week so the Board can decide how they would like to handle this. He thinks this will help with transparency with the public.

X. Adjournment

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

VOTE: 4-0-0

  
Chairman

# Town of Hampton



## AGENDA Board of Selectmen March 26, 2012

Posted: Town Offices, Library, Beach Fire Station

6:30 PM Non Meeting with Counsel – RSA 91-A: 2,I,c

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

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#### II. Announcements and Community Calendar

#### III. Appointments

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