

Town of Hampton



Hampton Board of Selectmen Minutes of April 02, 2012

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

6:00 PM Non Meeting with In-House Counsel – RSA 91-A:2,I,b

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

SALUTE TO THE FLAG

I. Board of Selectmen

1. Election of Officers

Chairman

Motion by Ben Moore to nominate Richard Griffin as Chairman SECONDED by Phil Bean.

VOTE: 4-0-1(Griffin)

Vice Chairman

Motion by Ben Moore to nominate Richard Nichols as Vice Chairman SECONDED by Rick Griffin.

VOTE: 4-0-1(Nichols)

2. Selectmen Representative Appointments to Boards, Commissions and Committees

Representative to the Budget Committee

Motion by Richard Nichols to nominate Ben Moore as Representative SECONDED by Michael Pierce

VOTE: 4-0-1(Moore)

Alternate Representative to the Budget Committee

Motion by Ben Moore to nominate Michael Pierce as Alternate Representative SECONDED by Dick Nichols.

VOTE: 4-0-1(Pierce)

Representative to the Planning Board

Motion by Ben Moore to nominate Rick Griffin as Representative SECONDED by Michael Pierce

VOTE: 4-0-1(Griffin)

Alternate Representative to the Planning Board

Motion by Rick Griffin to nominate Dick Nichols as Alternate Representative SECONDED by Michael Pierce

VOTE: 4-0-1(Nichols)

Representative to the Recreation Committee

Motion by Ben Moore to nominate Phil Bean as Representative SECONDED by Rick Griffin

VOTE: 4-0-1(Been)

Alternate Representative to the Recreation Committee

Motion by Rick Griffin to nominate Michael Pierce as Alternate Representative SECONDED by Ben Moore

VOTE: 4-0-1(Pierce)

Representative to CATV

Motion by Rick Griffin to nominate Michael Pierce as Representative SECONDED by Dick Nichols

VOTE: 4-0-1(Pierce)

Alternate Representative to CATV

Motion by Rick Griffin to nominate Dick Nichols as Alternate Representative SECONDED by Ben Moore

VOTE: 4-0-1(Nichols)

Representative to the Insurance Advisory Committee

Motion by Rick Griffin to nominate Phil Bean as Representative SECONDED by Ben Moore

VOTE: 4-0-1(Been)

Representative to the CIP

Motion by Ben Moore to nominate Dick Nichols as Representative SECONDED by Michael Pierce

VOTE: 4-0-1(Nichols)

Alternate Representative to the CIP

Motion by Richard Nichols to nominate Ben Moore as Alternate Representative SECONDED by Michael Pierce

VOTE: 4-0-1(Moore)

Representative to the Hampton Beach Village Precinct District

Motion by Rick Griffin to nominate Michael Pierce as Representative SECONDED by Ben Moore

VOTE: 4-0-1(Pierce)

Alternate Representative to the Hampton Beach Village Precinct District

Motion by Dick Nichols to nominate Rick Griffin as Alternate Representative SECONDED by Michael Pierce

VOTE: 4-0-1(Griffin)

Representative to the Records Advisory Committee

Motion by Dick Nichols to nominate Arthur Moody as Representative SECONDED by Ben Moore

VOTE: 5-0-0

Alternate Representative to the Records Advisory Committee

Motion by Rick Griffin to nominate Michael Pierce as Alternate Representative SECONDED by Ben Moore

VOTE: 4-0-1(Pierce)

Representative to the Hampton Area Chamber of Commerce

Motion by Rick Griffin to nominate Phil Bean as Representative SECONDED by Ben Moore

VOTE: 4-0-1(Bean)

Alternate Representative to the Hampton Area Chamber of Commerce

Motion by Rick Griffin to nominate Ben Moore as Alternate Representative SECONDED by Michael Pierce

VOTE: 4-0-1(Moore)

Representative to the Heritage Commission

Motion by Rick Griffin to nominate Phil Bean as Representative SECONDED by Ben Moore

VOTE: 4-0-1(Bean)

Alternate Representative to the Heritage Commission

Motion by Rick Griffin to nominate Ben Moore as Alternate Representative SECONDED by Michael Pierce

VOTE: 4-0-1(Moore)

Representative to the Energy Committee

Motion by Rick Griffin to nominate Dick Nichols as Representative SECONDED by Ben Moore

VOTE: 4-0-1(Nichols)

Alternate Representative to the Energy Committee

Motion by Michael Pierce to nominate Ben Moore as Alternate Representative SECONDED by Rick Griffin.

VOTE: 4-0-1(Moore)

Representative to the Recycling Committee

Motion by Rick Griffin to nominate Michael Pierce as Representative SECONDED by Ben Moore

VOTE: 4-0-1(Pierce)

Alternate Representative to the Recycling Committee

Motion by Ben Moore to nominate Dick Nichols as Alternate Representative SECONDED by Michael Pierce

VOTE: 4-0-1(Nichols)

Representative for Collective Bargaining

Motion by Rick Griffin to nominate Dick Nichols and Ben Moore as Representatives SECONDED by Phil Bean

VOTE: 3-0-2(Nichols, Moore)

Representative for Assessing

Mr. Nichols explained that he has filled this role for the past two years and it was a necessity at the time. However, with there being no revaluation coming up he does not think that this is needed at the time. If the Board disagrees, he will be happy to take the position.

There was a consensus amongst the Board to leave this position empty for the time.

3. Public Comment Policy

Mr. Nichols explained that this item was added because of questions that Mr. Moore raised in regards to public comment period and things that have changed since he was on the Board. Mr. Nichols explained that the items that have changed are public comment was moved to the beginning of the meeting, individuals can comment on items that are not on the agenda and there was a loosely enforced time limit. Mr. Moore had suggested that this topic merited some discussion so that the new Board could decide if they want to continue with the current policy or make changes.

Mr. Moore has no problem with public comment being at the beginning of the meeting in fact he thinks this is a good thing. Time limits are a good idea but no one wants to be timekeeper and to not have time limit can make people feel like they can go on forever. So to have limits that they think they can enforce would be up to the Chair. The comment on non-agenda items is clear to him he thinks people should only be able to comment on things that are on the agenda and if someone wishes to discuss a topic not on the agenda they should request an appointment.

Mr. Pierce expressed concerns with appointments and problems that can arise if someone wants to come in and tear something apart are not necessarily in the Town's best interest. He did not always agree with the past Chairman's opinion on allowing anyone who wanted to have an appointment could. He thinks that possibly it might be better to allow people to talk

about random things during public comment and limit it to 3 minutes so that it does not carry on forever.

Mr. Nichols has mixed emotions on Ben's point of limiting it to what's on the agenda. On one hand, he thinks that they have gotten some good comments/information from the public by opening public comment to items that are not necessarily on the agenda. On the other hand, there was an element of line them up and shoot them associated with that. He has mixed emotions so if they decide to take a vote on this he will have to make a decision.

Chairman Griffin feels that one of the weakest parts of the meeting over the past year has been the public comment period. He feels that it should be limited to items that are on the agenda. He feels that at no fault of Mr. Nichols the time limit was not always enforced. When he was Chair, he does not believe that anyone was denied an appointment with the Board. There was an additional discussion on when requests for appointments may have been denied or asked to be pushed back one week. They also mentioned that anyone wishing to have an appointment must do so by Wednesday at 5 pm. Chairman Griffin is in favor of limiting public comment to items on the agenda. However, exceptions may be made if someone comes in with an emergency type of situation it is up to the discretion of the Chairman to decide if they are given an appointment.

Mr. Nichols stated that if they do wish to limit the amount of time someone can speak they must be consistent because if they are not they get into some first amendment rights.

Mr. Moore MOTIONED to maintain public comment period at the beginning of the agenda, that public comment be limited to agenda items and the time period for comments be limited to 3 minutes each. Mr. Pierce SECONDED.

VOTE: 5-0-0

Mr. Moore stated that this will not be enforced tonight.

II. Public Comment Period

William Bowley would like to discuss Mr. Welch's contract with the Town. He brought up the turmoil they have been through and how morale has been moved from the basement to the roof over the past year. The Town is looking at some very large projects trash/recycling, 2 Fire Stations and Church Street Pump Station and this is not the time to remove the Captain from his ship. If the Board plans to vote on Mr. Welch's contract tonight, he hopes it is in the positive. Mr. Welch is a good guy and the Town is being run right.

Arthur Moody brought up Mr. Nichols commenting on Mr. Moody not being in favor of the North Hampton Sewer connection and a discrepancy that was brought up in regards to the cost of disposal. Mr. Moody brought up a warrant article last year that allowed the Selectmen to set the fees with he disagreed with at the time. He read the minutes from last July when the Board stated the fees are \$80 per 1,000 for out of Town and \$35 per 1,000 for residents. There was a motion made to keep the fees above. The question now is was the State being charged \$80 or \$55. The State is being charged \$80. Mr. Nichols wonders why it is not listed correctly on the computer and Mr. Welch will make sure this is corrected because it should be \$80 not \$55. There was a discussion on the RSA related to whether or not the Board has the right to set these fees. Mr. Moody brought up another problem is that in these same minutes in July it states the cost to process the sewage is \$45.90 but residents

are only being charged \$35 per 1,000 gallons and these residents who have septic can get a sewer abatement. He thinks residents should be paying what it cost to process not less.

III. Announcements and Community Calendar

Mr. Pierce encourages everyone to recycle.

IV. Appointments

1. Wanda Robertson, Assistant Town Attorney & Human Resources Coordinator
 - a. Health Insurance Options for Collective Bargaining Unions

Atty. Robertson is coming to the Board tonight since they have completed negotiations with five of the unions and contracts have passed. The Fire Unions were the last to complete negotiations and they have three additional health insurance options. She is asking for the Boards approval to offer these options to the other unions to be fair and consistent. These options will not cost the Town any additional money since the Town has agreed to pay 90% of a Matthew Thornton Plan or 85% of a Blue Cross Plan. None of the options will cost the Town more since they have agreed to pay 85% of the Blue Cross plan being offered. Atty. Robertson has Addenda's for the Board if they would like to approve this.

Discussion

Mr. Moore thinks it is important to be fair to all the unions.

Mr. Pierce MOTIONED to Approve the Health Insurance Options Addenda for Collective Bargaining Unions. Mr. Nichols SECONDED.

VOTE: 5-0-0

2. Ed Tinker, Assessor
 - a. 2011 Sewer Abatement

Mr. Tinker explained that they are being presented tonight with the 2011 sewer abatement refund property list. This year's refund is calculated at \$.64 per 1,000 of assessed value, there are 600 properties on the list, and the refunds total \$106,946.

Mr. Moore MOTIONED to approve the 2011 Sewer Abatement at \$.64 per 1,000 of assessed value for the properties listed. Mr. Nichols SECONDED.

VOTE: 5-0-0

Other Items discussed with Mr. Tinker

Mr. Tinker mentioned that when they were setting this year's rate it was brought to their attention that some additional line items had been missing from the income/expense report they use from the WWTP and Sewer Department. He discussed what the rate would have been going back to 2008. He went through what the rates were in 2008, 2009 and 2010 and what they should have been. He is here to ask the Selectmen what they would like to do about this. The refund difference for each year is as follows: 2008 difference of \$11,950, 2009 difference of \$23,300 and 2010 difference of \$24,212.

Discussion

Mr. Nichols summarized that in 2008, 2009 and 2010 mistakes were made in calculating the sewer abatement. Essentially the sewer abatement that people received was understated and

this was discovered in the course of calculating the 2011 sewer abatement. The sum of the three years is \$59,462.

Mr. Moore mentioned that the RSA's allow interest to be awarded on those amounts at 6%. Mr. Moore asked what the process is going to be to deal with this. Mr. Tinker explained that they currently have the list of who received an abatement in each of these three years. It was discussed that only the property owner at the time of each year's abatement would receive the difference and only if an abatement had been filed. Mr. Moore summarized that for them to do it automatically residents would have to still own the property and have filed in a timely fashion for an abatement in each of the years. Mr. Welch pointed out that they would have had to only file in 2008 since it was done proactively done in 2009 and 2010. There will then be some sort of notice such as a legal notice for anyone who may have owned the property in those years but no longer owns the property so that they can come forward and claim the additional amount owed to them.

Mr. Nichols MOTIONED to approve the sewer abatement amounts owed to property owners for 2008, 2009 and 2010 in the manner as summarized above by Mr. Moore including interest at the rate of 6%. Mr. Bean SECONDED.

VOTE: 5-0-0

Chairman Griffin mentioned that this should be put on the website.

V. Minutes of March 26, 2012

Page 4; Correct the spelling of "Counsel to Council" second paragraph under Discussion

Mr. Pierce MOTIONED to approve the Minutes of March 26, 2012 as amended. Mr. Nichols SECONDED.

VOTE: 4-0-1(Griffin)

VI. Town Manager's Report

1. The Household Hazardous Waste Collection Day has been set for Saturday, May 19, 2012 from 8AM to 12 Noon in the parking area next to the old Court House, Winnacunnet Road. A copy of the information flyer will shortly appear on the Town Website.
2. Pursuant to questions from Board Members, I am scheduled to meet with a representative of the State Liquor Commission on Friday, April 6 to discuss a resolution to the sums due the Town for sewer services. Thank you to Senator Stiles for her assistance in arranging for this meeting.
3. I have made inquiries to DRED regarding the statute passed in 2010 concerning the use of our Police Department in assisting in the enforcement of DRED regulations on the State Beach and in the State Park. DRED has not completed the process of establishing the required RSA 541-A Administrative Regulations concerning this matter. My last contact with DRED indicated that we may be able to perform the services but the cost sharing on fines would not be implemented until the regulations are adopted. I'll have more later when the information is relayed to us.

Discussion

Mr. Pierce wonders if this means that the Town gets to keep the fines. Mr. Welch explained that Senator Stiles put forward a bill in 2010 in regards to littering, DRED has to go through a long process in regards to enforcing this, and they have not even started. Mr. Pierce stated that if he wants to go down and litter on the beach he can do so and there will be no enforcement. Mr. Moore wonders about the open container law and it was explained that is a criminal matter as opposed to the civil matters being discussed. Chairman Griffin wonders how the Police Chief feels and Mr. Welch stated that he is helpless and hopefully DRED will get to work on this.

Mr. Bean stated that there has been discussion on this in the past and he feels this is the Boards responsibility not so much the State. The Board in the past has not given this issue of our relationship with the State enough attention. He thinks the Chief of Police, Fire, and DPW all suffer from this. He thinks the Town is being un-reimbursed a large amount for fire protection, police protection and for what goes on at our Public Works Department as well. He thinks this is really a challenge for this Board going forward. He thinks the relationship needs to be improved.

Chairman Griffin stated that Senator Stiles has been working very hard on this and he shared a recent experience in Hong Kong and how they do not have these issues. He thinks there needs to be some more direction.

There was a discussion on signage at the beach and wording on the signs that will be going up. They also discussed how the Town has no power to put signs up on the beach or contribute to the language that should be included.

Chairman Griffin wonders if we can make an inquiry to see when they are going to have a firm policy on recycling and littering.

Mr. Welch reminded everyone that we have all new department heads at the State level.

4. I recently concluded a meeting with representatives of the Federal Government Services Administration concerning our held Federal easement. The GSA has requested additional information from us that is currently being developed. Preliminary indications are that the Town's request to relieve the easement restrictions will be granted.
5. The United States Department of Commerce has approved the award of construction for the Smuttynose sewer connection on Towle Farm Road. The award was to Jamco Excavators, Inc. in the amount of \$604,000.00 (\$507,886.00 original price of the Jamco bid submitted), the lowest qualified bidder. There is also an escrow agreement to cover this.

Other Items for the Town Manager's Report.

A request came in today from Ron Jillian's for a one day Entertainment License to allow them to have entertainment at their opening on April 5th. Mr. Welch would like to know if they do submit the paperwork and it passes through the proper channels would the Board approve this request and allow the Police Chief, Fire Chief and himself to sign the license on the Board's behalf.

Discussion

Mr. Moore confirmed that the entertainment would be inside.

Mr. Moore MOTIONED to approve the request of Ron Jillian's One Day Entertainment License and allow the Town Manager to sign. Mr. Pierce SECONDED.

VOTE: 5-0-0

Discussion

Mr. Nichols asked about Smuttynose and the Department of Commerce request of the Town as discussed last week. Mr. Nichols stated that the cost of the project was going to be just over \$604,000 and that amount was going to be put into an escrow and he wonders what happens if the cost of the project exceeds that amount. Mr. Welch stated that once we reach the \$604,000 the Town is done. Mr. Nichols still wonders what happens since the Town has been put on the hook for this. Mr. Welch stated that the change order has to be signed off by both the Town and Smuttynose so the escrow would have to be increased before the Town would sign off.

VII. Old Business

1. Town Manager's Contract

Mr. Moore MOTIONED to approve the extension of the Town Manager's Contract for a period just over 3 years to June 30, 2015. Mr. Bean SECONDED.

Discussion on Motion

Mr. Moore explained that the extension of the existing contract with Mr. Welch brings it out a little over 3 years; as the current 3 month contract extension expires on June 12th so he is rounding it off to the end of the month. He enjoyed working with Mr. Welch on his last term as Selectmen when Mr. Welch first came to Hampton and has enjoyed the few times they have met since he was re-elected a couple of weeks ago. He has reviewed the file that was provided to him including performance reviews since Mr. Welch was hired in 2007 and reviewed the contract requirements provided by Atty. Gearreald. He will not discuss what was contained in these reviews but would like to say that what is not mentioned in any of these documents to put the public's mind at ease. There was no mention of any unethical behavior by Mr. Welch or anything illegal. He believes the Town will be well served with Mr. Welch in this position. There is a great deal of work that the Town will be encountering and he hopes to have Mr. Welch present.

Mr. Pierce MOTIONED to amend Mr. Moore's motion in order for the Board to immediately go into a non-public session to discuss the facts in regards to Mr. Welch's personnel file.

Mr. Pierce would like to amend the motion to immediately enter into a non-public session because there are some points that need to be discussed that Mr. Moore and Mr. Bean are not familiar with and he thinks it will be very clear once they go into a non-public, and this needs to be discussed in non-public. He stated that both Mr. Moore and Mr. Bean have been in business before and you do not make a business decision without having all the facts and therefore he is making the amendment to the motion.

A second was called for the amendment to the motion of Mr. Moore.

Mr. Bean stated that there a first motion on the floor and that motion needs to have discussion and be voted before any amendment to the first motion can be made. Mr. Nichols

agrees that the first motion needs to be discussed and be voted or be removed from the table before the second amendment can be made or discussed.

Mr. Nichols SECONDED Mr. Pierce's amendment to Mr. Moore's motion for purposes of discussion.

Comments on Mr. Pierce's motion

Mr. Nichols does not know if a non-public session would affect the outcome of the vote in all this, however, these issues involve confidential employee information that he thinks makes a public discussion here totally ineffective. He is concerned that any public discussion of this would lead to cryptic comments, which lead to speculation and runs that risk of inadvertently, intentionally would disclose confidential information, a public discussion would be inappropriate. To proceed directly to a vote without a discussion he believes would deprive the Selectmen without a chance to hear the views of all of them. Mr. Nichols stated why he abstained in the past and why he would abstain again tonight.

Comments on Mr. Moore's motion

Mr. Bean has done an extensive review of all personnel information on Mr. Welch and contracts provided by the Town Attorney and having conducted that he would enthusiastically support Mr. Moore's motion.

Mr. Moore commented that he also has reviewed the written records on Mr. Welch and that is why he made his motion. He would tend to think that a non-public session would not change the outcome of the vote but he does want the Board to continue to work together well so he would be happy to respect the views of Mr. Pierce and Mr. Nichols and enter into a very brief non-public session.

Chairman Griffin personally feels that that this is beating a dead horse and does not anything gained by going into a non-public session, and not is in favor of it.

Vote on Mr. Pierce's amendment to go into the non-public meeting.

VOTE: 2(Nichols, Pierce)-3(Griffin, Bean, Moore)-0

Mr. Pierce made a second amendment to enter into a non-meeting to consult with Legal Counsel to determine what can be said at this meeting and what we can't.

Mr. Pierce stated that there is a lot more to this story that Mr. Moore and Mr. Bean are aware of, and he thinks they owe it to the people of Hampton to find out these details, and it is very disturbing to him that you come in here seeming to think that you have all the facts and that you do not have all the facts. There are reasons why some members of this board who do not want to push it because they know things will come out that won't support their position, so let's get this done in the non-public or non-meeting.

A call for a second and the motion failed for lack of a second.

Mr. Nichols is not in favor of a non-meeting for clarification of what can be or not be said on this topic, and believe it is not appropriate for a public discussion on this topic.

Chairman Griffin has a lot of knowledge of this issue and disagrees with Mr. Pierce.

Vote on Mr. Moore's motion to extend Mr. Welch's contract.

VOTE: 4-1(Pierce)-0

Mr. Nichols asked for clarification that this is strictly an extension of time; 3-years on the same existing terms of the current contract. Mr. Moore agreed that it was the extension of the current contract dated November 07, 2011, which is an amendment to a contract dated August 25, 2008. Mr. Moore thinks that it is important to ask Mr. Welch if such an extension is acceptable to Mr. Welch.

Mr. Welch agrees it is a purely extension of the existing contract since the Board has not discussed anything changes and he is favorable to this.

Other Old Business

Chairman Griffin would like to discuss some of the issues that come up each year. The first one is meeting every week during the summer. He knows there are people here who would like to meet every week in the summer. This is his 9th year here and they have never made it a policy to meet every Monday during the summer. However if it has become necessary to meet they have done so and he is in favor of continuing with the way things have been done for the past several years.

Mr. Pierce brought up issues that come up every year with the Budget Committee not having enough time to review warrant articles and he would suggest that this Board move their discussions on warrant articles back to the summer so that they could get them out of the way. Mr. Moore remembers from his past terms that even on the two Mondays they did meet they were slow enough that maybe some of these warrant articles could be moved however, there are things that cannot be moved forward also.

Mr. Nichols agrees with Mr. Pierce's point on warrant articles. However, he does not think there is a direct relationship to the Board meeting in the summer. He thinks last year there were two additional meetings that had to be scheduled and it works well. In regards to warrant articles, he does think that the Board needs to take a look at this process closely and make changes on how this is handled.

Chairman Griffin mentioned that petitioned articles are not due until a certain date. Mr. Nichols agrees but he is referring to the Selectmen sponsored articles. He thinks there should be a cut off on these articles.

Mr. Bean asked about when this schedule change takes place and it is about the middle of June.

Mr. Pierce will support this schedule if the Board agrees to start earlier on warrant articles. Mr. Nichols thinks a completion date on Selectmen warrant articles is a better approach.

Chairman Griffin would like to have Selectmen's goals on the agenda next week and thinks that warrant articles would be a good topic for that meeting.

The Board agreed to keep the schedule of meeting every other Monday in the summer.

Chairman Griffin would like to also discuss the meeting schedule for the Board in general. He has voiced his opinion over and over again in regards to the 6 pm meetings before the Selectmen's meetings and he sees no need for the amount of times they meet prior to this meeting. In the past, they were always able to handle these items at the end of these meetings.

Mr. Pierce does not like the 6 pm meetings either and would prefer the non-public meetings after the meeting. He expressed the number of times that the Selectmen's meetings start late because of these meetings.

Mr. Moore would suggest possibly meeting the next business day if it is an urgent matter.

Mr. Nichols does not like the idea of keeping a department head out that late in the evening so doing this on a Tuesday could work.

Mr. Bean thinks that this can be arranged and the possibility of even taking advantage of some different venues such as the High School or possibly outdoors. He also mentioned that this could possibly help with communicating with entities such as the State during regular business hours. There was an additional discussion on meetings with the State and how they usually transpire.

Chairman Griffin stated that there will be times when they have to meet at 5:30 or 6 pm and that is fine but it will be more of an exception as opposed to being the norm.

Mr. Welch would suggest that the Board at least set aside a time on Tuesday such as maybe 2 pm so that department heads can be available as needed. There was a discussion that it is not customary for Board members to attend staff meetings.

Mr. Nichols summarized that often times they will attempt to have non-public/non-meeting after the Selectmen's meeting and if there is a need to meet with department heads or others like that it will be planned for Tuesday afternoons as opposed to prior to the 7 pm meeting.

There was an additional discussion in regards to the need to post these meetings and they will be posted automatically.

Chairman Griffin would like to bring up that whenever there are Town workers on the agenda they need to be placed first.

Chairman Griffin brought up the meeting with the State Representatives and he does think they have been effective but he thinks there has been a lot of time wasted when they have been here. He thinks they should discuss how often the Board wants to meet with the Reps and that they should submit requests of the topics of discussion prior to the meeting.

Mr. Nichols stated that when they were here last time he sent them topics and so did another Selectman. In terms of frequency they have taken the lead from Senator Stiles based on the timing of bills in Concord.

Mr. Moore thinks that we need to give them at least a month's warning as to when we would like to meet. Mr. Bean thinks this is very important and we should meet with them at least quarterly. Mr. Pierce thinks that questions should be sent ahead of time.

Mr. Welch stated that it is usually late April or early May. Mr. Moore suggested May 21st as a date to meet.

Mr. Bean MOTIONED to meet with the State Legislators on a quarterly basis with the first meeting on May 21, 2012. Mr. Moore SECONDED.

Mr. Pierce amended the motion to include that the Board to submit questions to the legislators prior to the meeting.

VOTE: 5-0-0

Chairman Griffin asked about the scheduling of Department Heads and Mr. Welch explained how the schedule works. Chairman Griffin would like to suggest that the Board submit any questions to the Department Head prior to them meeting with the Board. Mr. Nichols is already in this practice and the rest of the Board agreed it is a good idea.

Chairman Griffin would like to see the Board allow the Department Heads to do their jobs. He reiterated that the Board is here to set policy.

Mr. Nichols would like to see Dyana Martin added on one of the nights.

VIII. New Business

1. Permit for Seawall Repairs on Town Property – 15 Thornton Street

Mr. Welch explained that there were repairs to this seawall last year and now that it has settled, they are filling in the voids. This is a continuation of a prior approval and will be approved by both Planning and Conservation.

Discussion

Mr. Pierce commented that the request is different from the map submitted. According to the map, it is 13 Thornton Street. Mr. Welch stated that the numbers on the map are not street addresses. Mr. Nichols stated that the Board is only approving the storage of equipment on Town Property. Mr. Pierce pointed out once again the fact the paperwork does not match.

Mr. Nichols asked about the dates since that is not included and he would suggest adding something about how long the equipment can be stored there.

Mr. Nichols MOTIONED to Approve the Permit for Seawall Repairs on Town Property – 15 Thornton Street with the condition that the equipment be removed prior to Memorial Day Weekend. Mr. Pierce SECONDED.

VOTE: 5-0-0

1. Beals Associates for Seacoast United Soccer Club Basketball Facility – Request for access onto Hardardt's Way

Discussion

Mr. Pierce believes there is a little bit of a problem here with a small piece of Town Property. They need to solve the problem of them driving over a few feet of Town land.

Chairman Griffin asked if Atty. Gearreald would like to discuss this issue.

Atty. Gearreald explained that the Town is in receipt of a letter from Beals Associates along with a diagram showing the proposed basketball facility that has prompted this request. The proposed diagram shows where Hardardt's Way would be accessed. The letter from the engineer accurately points out where there is a gap between the right-of-way and Seacoast United Facility. If the property was adjacent, there may be the ability to have a driveway permit to enter the facility. However, he does not feel this is the case here and therefore if you need to obtain permission to cross Town property they would need to go to RSA 41:14-a process. The Town has been through that process before in regards to easements; where there are two public hearings after receiving input from Planning and Conservation. He discussed how it was a long time in coming where Hardardt's Way was laid out and how this subject drew a lot of opinion. He would suggest that the Board does not make any decisions

on this tonight but instead seek the opinions on this request from the Department Head such as Police, Fire, and DPW.

Mr. Welch thinks they should add the opinion of Recreation. Mr. Nichols agrees since they have so many facilities in this area. Mr. Welch will have the four Department Heads meet and prepare a report for the Board.

Atty. Gearreald stated that this has not been laid out on the ground yet.

Mr. Nichols would like to have the ability to see where this is actually laid out. Mr. Bean added that he was down there today doing due diligence on this and it was staked out.

The Board will discuss this at the meeting on April 16th.

Chairman Griffin stated that the Planning Board will be meeting again prior to April 16th and they were seeking additional information on this before they expressed an opinion.

2. SEA/SEIU Local 1984 Memorandum of Agreement – Sick Leave Bank

Atty. Gearreald explained a letter was sent to Mr. Welch from Ann Marie Welch from the SEA/SEIU Local asking for a certain MOU be given to the Board that would amend the one contract that was not voted on by the voters on March 13th. However, this would impact the Sick Leave Bank that has been in all the other contracts. He explained the details of the Sick Bank for the Board and how the bank works. The idea behind the bank was that it would not be at a cost to the Town in anyway. He discussed a past problem with the bank that has been resolved and the bank is now back to a positive balance. He talked about some of the procedures that have been put into place to protect the Town from the bank having a negative balance. This MOU would remove 29 employee donations out of the roughly 119 hours donated each month to the bank. He stated that they have received word from the other five unions that they would not oppose to the SEA withdrawing from the bank. However, Atty. Gearreald would suggest since the withdrawal would affect the Town's obligation to develop and maintain the bank he thinks the result of that would effectively be an amendment not only to the SEA contract but also to the other five unions. He has approached this subject with Matt Upton and his advice is that if this is going to occur the SEA withdrawal there should be an addendum to the other 5 unions to consent to the withdrawal with ratification by vote of the union members not just the approval by the union presidents.

Discussion

Mr. Nichols is in favor of this and believes that the process being suggested by Atty. Gearreald and Labor Counsel is the right approach.

Mr. Nichols MOTIONED to approve the moving forward with the procedure discussed above in regards to the SEA/SEIU Local 1984 Memorandum of Agreement – Sick Leave Bank. Mr. Pierce SECONDED.

VOTE: 5-0-0

Atty. Gearreald will move forward and have Matt Upton begin work to drawn up the amendments for the other Unions to ratify and sign.

IX. Consent Agenda

1. 2012 MS-2 Form – Report of Appropriations Actually Voted

2. Authorization Form to Withdraw Capital Reserve Funds – DPW Equipment Capital Reserve Fund
3. Dean Merrill's donation to DPW of a metal desk under RSA 31:95-e
4. Veterans Credit: Rapisardi, Francis
5. Elderly Exemption: Peters, Glenn & Rosalie
6. Appointment to Conservation Commission – Gordon Vinther
7. Re-appointment to the Recycling Education Committee – Antonette Trotzer
8. Michael Lynch – Limousine/Livery Operation within the Town of Hampton

Discussion

Mr. Moore would request that item 8 be removed.

Mr. Nichols asked for clarification on item 2 since this request was already voted on by the Board with 5-0 vote at the meeting on March 5th. Mr. Welch explained that tonight the Board is only being asked to sign the form.

Mr. Nichols asked Mr. Moore the reason for removing item 8. Mr. Moore has a question and wonders if there is an ordinance on this. Mr. Welch explained that livery services are licensed by the State and this request is because Mass Port requires a letter from the Town in which the individual works out of to send a letter that the Town does not license liveries. Mr. Moore will remove his request to remove item 8.

Mr. Moore MOTIONED to Move the consent Agenda. Mr. Pierce SECONDED.

VOTE: 5-0-0

X. Closing Comments

Chairman Griffin mentioned that when he was in China he read the newspaper everyday and one day when he opened it up Hampton was in there. It appeared to be an article on the 14.5 million infrastructure improvements at the Beach, it was in the USA Today, and he was impressed with the article.

XI. Adjournment

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

VOTE: 5-0-0


Chairman

Town of Hampton



AGENDA Board of Selectmen April 02, 2012

Posted: Town Offices, Library, Beach Fire Station

6:00 PM Non Meeting with In-House Counsel – RSA 91-A:2,I,b

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

SALUTE TO THE FLAG

I. Board of Selectmen

1. Election of Officers
2. Selectmen Representative Appointments to Boards, Commissions and Committees
3. Public Comment Policy

II. Public Comment Period

III. Announcements and Community Calendar

IV. Appointments

1. Wanda Robertson, Assistant Town Attorney & Human Resources Coordinator
 - a. Health Insurance Options for Collective Bargaining Unions
2. Ed Tinker, Assessor
 - a. 2011 Sewer Abatement

V. Minutes of March 26, 2012

VI. Town Manager’s Report

VII. Old Business

1. Town Manager’s Contract

VIII. New Business

1. Permit for Seawall Repairs on Town Property – 15 Thornton Street
2. Beals Associates for Seacoast United Soccer Club Basketball Facility – Request for access onto Hardardt’s Way
3. SEA/SEIU Local 1984 Memorandum of Agreement – Sick Leave Bank

IX. Consent Agenda

1. 2012 MS-2 Form – Report of Appropriations Actually Voted
2. Authorization Form to Withdraw Capital Reserve Funds – DPW Equipment Capital Reserve Fund
3. Dean Merrill's donation to DPW of a metal desk under RSA 31:95-e
4. Veterans Credit: Rapisardi, Francis
5. Elderly Exemption: Peters, Glenn & Rosalie
6. Appointment to Conservation Commission – Gordon Vinther
7. Re-appointment to the Recycling Education Committee – Antonette Trotzer
8. Michael Lynch – Limousine/Livery Operation within the Town of Hampton

X. Closing Comments

XI. Adjournment