

Town of Hampton



Hampton Board of Selectmen Minutes of April 23, 2012

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

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

SALUTE TO THE FLAG

I. Public Hearing: Acceptance under RSA 31:95-b of \$149,156.00 “Downtown Storm Drain Upgrade” FEMA Hazard Mitigation Grant Program

Mr. Welch explained this is the result of a Town application, which was submitted through the Fire Chief’s office to upgrade hazard mitigation storm drains on High Street and Lafayette Road. This has been pending for many years and FEMA has disbursed the funds and are now in the process of getting this Boards approval to accept the funds.

Discussion

Mr. Moore wonders if this fully funds this whole area and Mr. Welch stated it will cover the problems on the corner of High Street and Lafayette Road.

Mr. Pierce asked if this will take care of the problem over by the Depot and it will not according to Mr. Welch.

Mr. Nichols stated that this basically drains out behind the railroad tracks. Mr. Nichols wonders if this funding became available as a result of a storm and Mr. Welch explained that these are funds left over from the storm three years ago.

Chairman Griffin stated that this is an area that has always had problems including all the water that ends up down on the railroad tracks.

Mr. Moore MOTIONED to accept under RSA 31:95-b of \$149,156.00 “Downtown Storm Drain Upgrade” FEMA Hazard Mitigation Grant Program. Mr. Pierce SECONDED.

VOTE: 5-0-0

II. Public Comment

Charlie Preston would like to know where they stand with the MOU with the State. He would like to see something amended in the MOU. He brought up the meeting at the

Seashell on March 31st and Mr. Bryce seemed to really be listening to concerns expressed by people present. He has spoken in the past about allowing residents to park in the Town Lots for free during the preseason. He brought this up at the meeting on the 31st and he suggested that anyone with a State Park Plate, Veteran Plate or Town Parking sticker. Mr. Preston would like to see it added to the MOU that on school days anyone with a State Park Plate, Veteran Plate, or Town Sticker could park in town lots free.

Maury Friedman, 30 Hampton Meadows, stated whether you are a government entity or private entity you need to worry about short term and long term objectives. He wonders at what extent the Board is looking at long-term goals. One example he provided was in regards to the building committee and how this was discussed in 2008 but nothing has been moved forward on this yet. He is here to ask the Board to look a little closer at 2012 goals. He mentioned that every time he brings up the word planning everyone always says that's not their job but somebody else's instead. He reiterated that he would like the Board to put in some long-range goals.

Richard Reniere, 29 Highland Ave, would like to discuss item #2 under the Town Manager's Report, which has to do with the State not painting crosswalks along Ocean Blvd. In his opinion this is number four in issues the Town has recently had with the State that he finds unacceptable. He listed them out for the Board including: the deed restrictions in regards to concessions on State property at the Seashell, State not taking care of the sidewalks, issue turning off street lights and now not painting the sidewalks. He expressed how when you go to a store and do not receive the help you expect you ask to see a supervisor and he thinks that is the approach that needs to be taken here. We talk to people from DOT and DRED but those people have bosses and the delegates here tonight are those bosses. He thinks the delegation needs to take a stronger stand on these issues and get it straightened out.

Timothy Jones, 16 Dustin Ave, brought up an article on Patch in regards to the State pushing down the cost of painting crosswalks and how the State denied this. He would like to make a somewhat larger point on that topic and it speaks to the clear violation of contract law that is taking place. He does not blame the State Representatives it is not their responsibility here the Governor is in charge of these departments. He shares Mr. Welch's outrage. When you see a Governor who is willing to violate contract law, he is willing to violate any law ultimately at his convenience and that includes constitutional law, which is what Mr. Welch was alluding to in his quotes in the article. He went through the violations and read them for the Board. He referred to all the MOU's that we keep talking about. Mr. Jones reiterated his support of Mr. Welch and his hopes that the Board remembers their oath and joins the Town Manager and live up to their constitutional rights. He also reminded everyone at home that they are not bystanders sitting at home but instead need to take a part in their government and reminded everyone that it is an election year.

III. Announcements and Community Calendar

Mr. Pierce mentioned the great work that Linda and John Gebhart, Bob and Ann Radwan, Cathy Silver and her class at Winnacunnet and many others have contributed to the great landscaping work that is being done at Bicentennial Park. He thanked the people who contributed funding such as gardening clubs from many neighboring communities and the water company.

Mr. Moore announced this Saturday April the 28th the Hampton Arts Network will have their annual meeting and membership drive with light refreshments being served from 5:30 to 7:30 at the Hampton Beach South Pavilion Conference Center. He shared the necessary contact information for anyone interested in attending. On Thursday May the 10th the Rotary Club in cooperation with Seabrook PEAKS will have a free community event to help parents read daily to their infants and children from 5 to 7 pm at the Winnacunnet High School dining hall. There will be free book bags to promote reading at home and the contact information was given out by Mr. Moore. Mr. Moore expressed condolences from the Board for Bonnie Searle (former selectperson) whose husband passed away last week.

Mr. Bean provided information from the Newburyport Daily Report that the NRC will hear public comment on a forum that's added to the Annual Meeting on the Seabrook Power Plant. He read the article further stating that the public will have a chance to ask questions of NRC. It will be held on Thursday from 5:30 to 6:30 at One Liberty Lane conference center.

Mr. Nichols had the same information to share as Mr. Bean but he had the time of 6 to 8 pm.

IV. Appointments

1. Chief Sullivan

a. Police Department Update

Chief Sullivan here to present his report but would first like to touch on the funeral service for Chief Maloney. He thanked the community. It was a difficult time for law enforcement and Chief Maloney's family and the support from the community was incredible. He discussed the following items for his monthly report. Under personnel, they are back up to full staff after losing two employees to retirement. The two new officers are Jim Colburn and Matt Robinson. Anthony Azarian is the department's newest graduate of the academy last Friday evening. The update on part-time staff included: will finish State class on May 4th with a graduation, will begin in house training for about another month and join the department on the road sometime in June. Overall activities for the year comparing first quarter of 2012 to 2011: calls for service up in all categories, calls for service up 22%, arrests up 23%, DWI's relatively even, incidents up 11%, offenses up 12%, accidents down 6%, motor vehicle stops up 145%, major criminal down slightly, assaults relatively even and reported rapes and robberies up slightly. That is a general overview of their activities. March was very warm as they know and it was an extremely busy place.

He commented to Mr. Bean that they are still working on the calls of service in the State area as requested by Mr. Bean. They are trying to figure out the best way to compose this information for the Board.

This Saturday April 28th they will be participating in one of the drug take back programs.

He would like to provide an update for the Board on Emergency Management and asked Chief Silver to join him. First off, last Tuesday they participated in the final graded exercise for Seabrook Station. Chief Silver stepped in as Emergency Management Chair since Chief Sullivan was busy with funeral preparation. The team did a tremendous job and received positive feedback.

Discussion

Mr. Pierce complimented Chief Sullivan on the wonderful job he did with the procession on Thursday and services on Wednesday. Chief Sullivan thanked Mr. Pierce and all the people who stepped up including his agency along with law enforcement from all over the State.

Mr. Moore commented on the outstanding professionalism and he thanked the Chief and his department, the Fire Chief and his department, Public Works and all the other agencies that helped. He appreciates the tremendous professionalism shown.

Mr. Bean stated for Chief Maloney, when it went bad, he stepped into the breach, and we should all dedicate ourselves to our government service and our standards and our teamwork and it was really a noble event that they put on.

Mr. Bean commented regarding the metrics they have heard this bubbling up of this dissatisfaction with perhaps a litany of neglect from the State. When we hear this conflict concerning what is the government's responsibility really belongs to this Board and as such, these department heads are the trigger pullers on establishing the metrics. The Board cannot have a dialogue with the State until they get the information from the department heads. He is hoping to have the data operational starting June 21st for their summer season. Chief Sullivan reminded him that it will not be perfect.

Mr. Nichols thanked him for his report and doing a great job.

Chairman Griffin congratulated him on doing such a great job and it makes everyone happy to live in a small Town like Hampton.

Chief Sullivan would now like to discuss the questions that have come up in regards to the Emergency Operations Plan, which is an item on the consent agenda. This is something that is done annually and Mr. Nichols had sent a few questions to the Chief, which he has answered. Mr. Nichols touched on the three issues he had: there are some things in the plan that need updating which according to Chief Silver will be done over the course of this year, need to be better at getting the public to sign up for the emergency notification and the issue of NIMS certification. There are 9,000 properties in Town and we only have 300+ people signed up to receive notifications. Mr. Nichols discussed in further detail the need for every Selectmen to be NIMS certified and some of the reasons why this is important such as FEMA reimbursements.

Chief Sullivan discussed the revision of the plan in further detail for the Board and shared some information on the State plan and Town plan.

Chief Silver touched on the NIMS certification and the Selectmen's roles in regards to Emergency Management. Currently all first responders meet the NIMS requirements. Chief Silver will forward information to Mr. Bean, Mr. Moore, and Mr. Pierce in regards to NIMS certification and he discussed that it can be completed online and is easy to complete/understand. Once they have completed the training, they should forward the documentation to Chief Silver so he can update his files.

Mr. Pierce questioned what he needs to know prior to taking the online training. Chief Sullivan assured him that the online tutorial will walk them all through the training.

2. Chief Silver
 - a. Fire Station Architect Selection

Chief Silver reminded everyone that when he was before the Board a few weeks ago they discussed how they would proceed with the selection of an architectural firm. He wanted to make sure he was giving them accurate information so he went back and did a review of what they had collected previously, looked at some current projects, and looked at the short list of architects they had previously narrowed it down to. He would like to give the Board a brief overview and what his request is. In 2009, there were seven architectural firms that meet the qualifications. These seven firms' submitted proposals and delivered presentations to a group of department members as a final step in the process. After the presentations, only four firms were selected as meeting all the qualifications and needs. He listed out the four firms for the Board and stated that it was only in the end that they considered what the firms cost proposals were and that is when Goudreau was selected as the lowest and meeting all their requirements. He went through all the projects that these four firms have completed recently. He provided a comparison of five recent projects in the area for fire departments including Portsmouth, Dover, Hampton, Pelham, and Manchester (he did not include Stratham because a lot of the time was donated). He provided the Board with these documents and he went through some of the information for the Board. He listed out the fees and compared them to the fees for Hampton. He provided a comparison of total A&E cost and the bottom line shows what the percentages are and Winnacunnet is .8% higher in some cases which is consistent with the cost for renovation projects. The other percentages were very close. After presenting this information, you can see that Hampton is right in line with others in the area in regards to architectural cost. Therefore, to conduct an additional RFP to conclude the design development phase and construction document phase would require an additional 45 days. Should any reduction from the current budget result in awarding final architectural and engineering services to a firm other than Goudreau Associates would likely result in further time because some of the work done early on would have to be recreated. Although they own the paper drawings, they do not own the electronic version of all the schematics that have been done. We are actually through the schematic design phase and have moved onto the design development phase. Some additional cost that could arise from waiting are continued occupancy of existing structures, risk of material costs increase and if the project completion is delayed past one season, we may end up with additional payments to the Precinct for lost parking revenue. So from his perspective it seems prudent at this point to continue with what he feels is a well established and very effective relationship with Goudreau Associates and permit further negotiation of a final contract cost. He believes that Goudreau is willing to negotiate on cost once he shares with them the comparisons they will be willing to make sure their fees are certainly within line. Chief Silver would request that the Board wave any requirements in regards to any further bidding of architectural and engineering services for the Hampton Fire Station projects.

Discussion

Mr. Nichols confirmed with Chief Silver that the issues being discussed go beyond architectural design and includes all the other engineering type designs. Mr. Nichols understands everything the Chief has said and that he has developed a good relationship with Goudreau and everything he has heard about them is very positive. However his concern is in principle and to go out and make a decision on \$300,000 or there about in engineering work without the benefit of comparative pricing then we do not know what the cost could have been. He knows companies providing pricing are always going to provide better pricing in a competitive environment. He reminded everyone that when they went through

this on the schematic phase the ranges for the prices were from \$25,000 to \$120,000. He believes primarily because of the cost it is a bad practice to avoid competitive bids.

Mr. Moore confirmed with Chief Silver that he is still trying to come up with a firm fixed price and not a percentage cost. Chief Silver explained how firms are being encouraged to not use a percentage of the price of the project and that he is definitely going to be getting a fixed price for this project. Mr. Moore believes that if he goes back to the minutes of April 9th he will find that there was a motion and a second to allow the Chief to move forward on what he is now discussing and at the time the Board decided to take the motion off the table and have the Chief come back and provide the Board with this type of information. The one big concern was that we did not want to necessarily tell the person that the Chief is wishing to contract with that they had the contract. Therefore, if they are going to make a motion tonight he would like to say that the Board is going to give him the authority for up to \$370,000 so that the Chief will still have some control over negotiating as the Chief stated he might be able to do. The Chief agreed that he is not asking the Board to approve blindly but instead give him the authority to wave the bidding process so he can begin negotiating. Mr. Moore also pointed out that although they are talking about \$370,000 if they look at the lowest number the Chief has from Portsmouth we are talking about a difference of about \$60,000. Mr. Moore heard him a couple of weeks ago and is still hearing him now and it is time to get on with this and get these projects going.

Mr. Pierce thinks the basic concern he heard at the last meeting is that they have many contracts going out and a lot of construction and if we start out saying, we are not going to have any bids on something in the beginning of this evolution he thinks that sets a very bad precedents. He expressed concern with others coming forward and doing the same thing and fall back into the rut the Town was in a few years ago. He personally thinks we need to have some bidding on this. He will go along with whatever the Board decides. He finds it very hard to not follow the bidding process.

Mr. Bean stated that this is an issue that has gone on for years and years in this Town and the conversation they are having right now speaks to the need for a Building Committee. Mr. Bean asked about going over the deadline the Chief spoke about and the cost involved to the Precinct. Chief Silver stated that right now they know they are going to extend across one parking season and the estimated revenue payment for lost parking was between \$80,000 and \$90,000. He does not know how long the delay would be but it would take 45 days to go through the RFP process again and he stated in the end if they decide to go with Goudreau Associates they have lost 45 days but if they decide to go with someone else and have to start some of the design work again we may be looking at 60 days. One of the things they are trying to do now is select their team of engineering services so they can get started as quickly as possible so that they do not lose any time. If they go into another summer season, it would depend on when final completion occurs. Mr. Bean asked if Mr. Welch has any input on this. Mr. Welch stated that if we do run into the second season the potential could be as high as \$90,000, which is something they are not budgeted for.

Mr. Nichols would like to ask a question in regards to timing of the project going into a second season. He is not sure that delays would swing them into an entire second season. Chief Silver stated that they want to get all their site work done prior to winter and if they are delayed into the middle of winter, they may say it is not a good practice to start some of the site work at this time and make us wait until after March. Therefore, we may be talking

about an additional 5 months. There was an additional discussion on what type of work contractors are willing to do during the winter months.

Mr. Bean stated it is inherently more expensive and difficult to pour concrete over the winter months especially if you have a bad winter. On another department issue, we just had a recycling issue and he wonders if we just replaced the lowest bidder with another contract. Mr. Welch stated it was at the same price it was a transfer of responsibility.

Chairman Griffin would just like to say that he hopes we do this under the best conditions no matter what.

Mr. Pierce stated that the problem of running into 2013 and that not being included in the budget is ok since that budget has not been worked out yet. Mr. Welch disagrees since the amount for the Precinct parking loses was included in the budget for this project. Mr. Nichols stated that the incremental cost they are discussing would be in 2014 not 2013.

Mr. Moore would like to make two additional comments. The architect that the Chief is suggesting and might be used was chosen in a competitive process, the idea of what they are doing tonight is certainly a transparent issue since we are not issuing a contract to someone without going through the public eye and he will still be using a construction manager to manage the overall cost of the building. Chief Silver agreed with what Mr. Moore stated and added that the construction manager along with any other contractors performing further work will require going through the bidding process.

Mr. Moore MOTIONED to allow the Chief up to \$370,000 to choose an architect for the project. Mr. Bean SECONDED.

VOTE: 3-2(Nichols/Pierce)-0

3. Senator and Representatives Legislative Delegation
 - a. Legislative Update & Discussion

Chairman Griffin invited the delegates to join them at the table. Chairman Griffin thanked them all for coming and explained that it will be a slightly different format tonight. There are topics that the Board has requested be discussed and the delegates have agreed on which topic each of them will speak on. All questions will be held until all the delegates have had a chance to speak.

Item 1 – The States decision to turn off 21 streetlights in the Town of Hampton -

Senator Stiles has been in constant communication with the DOT Commissioner on this and her concern is the lights over the bridge and Ocean Blvd. This is a concern year round for her. The Commissioner explained the whole process to her last week and she provided the Board with the letter that was sent to Seabrook Town Manager. The Commissioner was directed by the Governor to reduce his budget by \$650,000 in the area of lighting which means turning off some streetlights. There are 3,000 poles statewide and the Commissioner is trying to analyze which poles belong to the State, which belong to the utilities, and which belong to some communities. The Commissioner contacted the utility companies for some help with this and in turn, some of the utility companies contacted some Town Manager's, which was not his plan at all. The Commissioner was hoping to just remove some light bulbs but that is not possible the whole pole must come down which would be an additional cost to the State. Therefore, what they are trying to do is see what needs to be done in regards to

keeping lights on for safety purposes. The Commissioner has been very sincere with the fact that he will not have the lights on Ocean Blvd near the new facilities turned off. Senator Stiles is still working with him to make sure that the lights stay on over the bridge. She has been told that nothing will happen before June and the Town Manager's will be brought together to discuss this before anything happens. Senator Stiles will stay on top of this.

Item 2 – Pension Reform

Jim Waddell believes there are two bills that they need to be concerned with and they are HB1460 and SB229. Both of these bills have to deal with switching from a defined benefit program to a defined contribution to new employees. No matter what their policy views are this is not ready for prime time. There are too many questions that are still open and one of the biggest problems is the big elephant in the room the \$4.3B unfunded liability that we currently have. In switching from a DB to a DC program some actuaries say that we will increase the unfunded liability by an additional \$1.2B and he explained why this is so. He discussed what some other States have been doing, bonding the State portion and there are GASB rules that they have to go under. He and some others are in favor of SB229 since it is a study committee that will take the time to look at this in a very detailed manner. He cannot say for sure but he is under the impression that the House wants this defined contribution type of a plan and they want it from a policy standpoint more than anything else. The House will probably amend SB229 to add their own type of language, it will then go back to the Senate, and they will then have the chance of not concurring. He will tell them that he is the only one on the subcommittee telling everyone to slow down and therefore he is more in favor of the study committee approach. He does not think the switch should be made now and the philosophy is that you will pay more now but have it paid off sooner and not have an unfunded liability. On the NHRS website, you can find all the information on this topic. He thinks it is important for municipalities to stay on top of this and Hampton is doing a good job of this so far.

Mr. Waddell spoke on SB228 spiking and it is coming up on Thursday. Senator Stiles would like to thank the Board for allowing Mr. Nichols to come in.

Item 3 – Commitment Campaign and promises

Mr. Waddell spoke on the reform that was passed last year that addresses the rate changes that went into effect. Mr. Waddell stated that when he looks at the rates on NHRS in some cases the rates dropped and in some cases, they went up from FY11 to FY12. He went on to explain that without the pension reform the rates would have been a lot greater. He does agree that it did not end up being neutral as expected and Senator Stiles provided copies of this information for the Board. Senator Stiles reminded everyone that from FY11 to FY12 there was going to be a tremendous increase in the rates. She explained what was going on the Senate lead by Senator Bradley making complete changes to the retirement system to try and provide sustainability, at the same time you had the Governor working on the budget and he zeroed out what was going to be put in by the State to the retirement plan and at the same time the Senate is working under the impression that the State will be providing 25% to the retirement system. The sheet she provided the Board with will show what the projected increase was from 11 to 12 and they will see the changes in FY12 without the 25% from the State. Senator Stiles agrees it is not where they would like it to be but it is not nearly as bad as it could have been.

Item 4 – Downshifting

Revenue and Budget Projections – Mr. Nevins will not discuss downshifting too much but will answer questions when the time comes. He discussed the budget for the end of March and reminded everyone that the State budget for the first year will be ending on June 30th. The YTD revenues were below plan prior by \$30M and \$31.1M respectively. The shortfall is primarily due to Medicaid enhancement tax collections there is the expectation from the Finance Committee that they will get that money. One or two hospitals have already paid. There is also a pay back from the Federal Government that many States have faced and a payment plan has been set up to pay this back. Mr. Nevins went through some of the other revenue items: business taxes have actually been up which is good and hopefully they will continue to go up. Rooms & Meals Tax is up and tobacco tax is down for the year. Transfer from the Liquor Commission was below plan slightly, insurance tax fell short, and lottery taxes were actually up. Generally speaking on plan they are slightly below and anyone interested can go on nh.gov and get a complete printout of the revenue.

Mr. Nevins brought up downshifting and the fact that he is speaking to the choir. There have been basically five State revenues that used to go to municipalities that are either totally eliminated or partially eliminated and they are: school building aid, catastrophic aid, course for special education, local retirement cost, fixed revenue sharing and the effect of local poverty rates. Mr. Nevins reminded everyone that we are a property rich Town as far as many are concerned and they do not look at all the money that we have to spend to be a tourist Town and beach community. Mr. Nevins stated that they have tried to hold the line as far as retirement is concerned but he sees more coming down the road unless this recession truly mitigates to a level where we start to get some more revenue.

Item 5 – State wide education property tax

Senator Stiles provided the Board with some more information and explained how this was eliminated in the last bill that she helped through the process. The next piece that will address this is the constitutional amendment, the Governor and the Senate has agreed on the language, and it has gone to the House where they have requested a committee of conference and the Senate has agreed to this. The key word that holds the key to everything is “responsibility.” The Senate and Governor believe it is the Legislatures responsibility to define reasonable standards and establish standards of accountability and to mitigate local disparities. It is her understanding that the House has a problem with the word “responsibility.” Her thought is that if it is not the Legislatures responsibility than whose is it. Therefore, they will come together in a committee of conference and hopefully be able to pass this. She reminded everyone how this all came up and the whole point of the constitutional amendment is to allow the State to help the communities bring everyone to adequacy. The passing of the constitutional amendment will allow them to do that. If it does not pass or get out of the legislature, we will be paying first to last dollar for every community. She is very hopeful that the House will see the way that it is the Legislatures responsibility. Mr. Rice explained that in the House one of the concerns with the word “responsibility” is that we will continue to be responsible for paying for education first to last dollar. The House would rather see the authority come back to the Legislature in a subsequent year move the home rule and the only thing left for the State to do would be to set the broad standards for education. The way that each community meets these standards would be up to them locally and how they fund it would be up to the community also. If a

community could not fund it themselves they could appeal to the State for aid. Mr. Rice stated everyone wants a constitutional amendment but the word “responsibility” is the hang up here.

Mr. Rice would like to express condolences to the Eastman family on the passing of Beverly Eastman. She was the daughter of Cliff Eastman former Selectmen, Police Officer, and Teacher. She was the sister of Glenn Eastman who also served as a Selectman for many years. This family had a tremendous amount of service to the Town.

Item 5 – 53B

Mr. Rice explained that this is a fairly easy one although they cannot do anything about it now since they can no longer introduce any new bills. However when the time does come to introduce new bills it will be a matter of taking the requirements from the Town, going to the Office of Legislative Services and ask them to draft up in the proper language the way to make these time periods equal. He commented that the SB2 rule of 90 days and the 53B rule of 30 days to call a special election need to be the same otherwise the Towns are caught. This will be more of a housekeeping piece of legislation in his opinion and if he is reelected, he will bring this forward.

Questions from the Board

Mr. Moore would ask Senator Stiles to look at HB1341, which passed the House; he thanked Mr. Waddell for voting against this, it happens to be the law that would remove any restrictions for firing a weapon in a compact area. Senator Stiles is already watching this. Mr. Moore stated HB1460 has the forfeitures going back to the plan and Mr. Waddell stated that is one of the legal problems that need to be looked at closer. Mr. Moore brought up CACR12 the thing that bothers him the most is the last sentence “further more the legislature shall have full power and authority to determine the amount of and the method of raising and distributing State funds for education.” He expressed concerns with the way Mr. Rice said home rule and it meant to Mr. Moore that the State could wipe its hands of any of the educational responsibility other than waiting for cities and towns to come to them with a case for special aid. He expressed further concern that this could fall into one of the categories discussed by Mr. Nevins and he would be very concerned with giving any legislature that much of a loophole. Senator Stiles reminded everyone of the constitutional responsibility to do the following four items: set the accountability, fund it, define it, and cost it out. So that is still there and the money would go out to the communities based on the formula that they have passed. Mr. Moore expressed concern that with the constitutional amendment they are trying to pass they may be negating the need for some of the legislation that was passed in response to Claremont and perhaps opening a broader avenue of options that the legislature might have. Mr. Moore thinks that the State needs to remain involved in some of these things such as education and highways. Mr. Rice commented that he believes that what they are trying to do is put things back on the Town to allow them to teach their students the way they wish to teach them and only meet the standards set by the State. It is not an attempt to say that they want to wash their hands of this. Mr. Rice also reminded everyone how Donor Town’s came about.

Mr. Nichols would agree with a combination of Senator Stiles and Mr. Waddell’s assessment that the pension plan reform was a good thing for the Town and that the removal of the States 25 or 35% is what hurt but the net of those two for Hampton was basically about \$169,000

negative impact on the Town, \$260,000 on the Hampton schools and he did not hear Winnacunnet's number but at the end of the day you are looking at a negative half million dollars impact on Hampton. He is not picking on anyone here but it is just plain wrong that the can got kicked down the road for 30 years and when it finally started being addressed the State changed their minds and said they do not want to pay anything. Mr. Nichols stated the most positive impact of pension reform for the Town's was the increase in employee rates and that is where the financial benefits were. He brought up the case in Merrimack County Court and the ruling that you could not increase the rate for vested employees (those with over 10 years of service) and there is still some question on non-vested employees. He wonders what is the plan as far as appealing that ruling because if that ruling stands it is his opinion that employer rates will go up even further so is there a plan and who has the responsibility for making that decision. Senator Stiles stated it is the responsibility of the legislature and they are going to be appeal this ruling. Mr. Waddell agreed with Senator Stiles that this will be appealed. Mr. Nichols expressed the following concerns going on with the pension system: one what if this case is not overturned and rates going up again, rates have already gone up, the actuaries rate increases for 2014/2015 which right now are between 22 and 27%, the whole use of $7\frac{3}{4}$ assumed rate of return is widely regarded as something that is not attainable and right now we are talking \$1.4M of a \$25M budget for the Town. Mr. Rice stated that there is one factor that has amazed him since being up in Concord is how when you sit up there and the majority of the people are representing these tiny little Town's and how many of them do not even know where Hampton is and the impact of these actions on Hampton and they are very happy with keeping things status quo. Mr. Rice added that they all agree with wanting to get these cost down and the only way to do this is to bring these items down to a committee and try to explain it to them and convince them hoping their vote will be strong enough to get it passed the House. Mr. Waddell mentioned that he does not see a lot of municipalities up there knocking on the door like Hampton and Portsmouth. Mr. Nichols pointed out that the \$1.2B referred to change the plan equates to 4% of payroll and for Hampton that equates to \$400,000 per year.

Mr. Bean thanked the Senator and Representatives for their dedicated service to this region. Mr. Bean would like to talk about existing law and how it is not being conformed with and not being exploited for the true benefit of all in the State. Mr. Bean spoke about transparency and read some information from the State website in regards to the State being transparent. He brought up one of the goals of this Board is to develop and Information Technology Advisory Committee. When you are looking on the States website at a breakdown of the revenue it does not break it down by zip code so that one might see how much comes from Hampton or any other community for any one revenue line item. He spoke of the importance of technology in this day and age. Mr. Bean brought up HB418, which is a statewide information policy on open government standards, and he went on to read the responsibilities of the Commissioner. Mr. Bean stated that we need the information on the revenue outflow from Hampton to the State now. He went on to read further information on the data that is supposed to be made available to residents of the State. Mr. Bean stated that the Board is establishing the metrics with our departments where they will determine and identify with exquisite granularity how much it cost to support State operations in this Town and it will be to the tune of several hundred thousand dollars. Senator Stiles asked Mr. Bean who the meeting was with on 12/17 and it was with the Department of Information Technology and she will try to figure out who is on the committee and see if there are any openings. Mr. Rice

agrees with Mr. Bean but he thinks that he does need to activate that backbone and that is with the Governor since it is he who appoints members to these types of commissions. Mr. Rice stated that we give based on what we produce and comes back based on wintertime population. He brought up how Senator Stiles tried to get this to change last year and it failed. Mr. Rice hears what Mr. Bean is saying but they do not have the key to get in these doors for these separate commissions and do anything to change what they do. Mr. Nevins stated that Mr. Bean used the word tort here tonight and that might be the only way to approach some of the laws that are not being followed. Mr. Nevins reminded everyone that the \$1.2B cuts had to do with the recession but it does not mean that laws should not be followed. He also commented on the tireless efforts made by Senator Stile's everyday in Concord. Mr. Waddell wonders how granulated Mr. Bean would like things broken down in regards to how much money goes up to Concord from Hampton. He thinks Mr. Bean should give them the specifics to see if something can be done and if not from there move forward. Senator Stiles can share her conversations with the Commissioner and they will not release the amount of Rooms & Meals tax that comes from any given community. He would not even give her the amount for her district as a whole. Senator Stiles is committed to going back and trying to get more of the Rooms & Meals tax back to the communities they come from. She shared some information on how she needs to gather up what it cost to support tourism in a community. Mr. Rice added that he had the same discussion with many of the representatives in the House.

Mr. Pierce would like to add a couple of comments. He mentioned the tobacco tax decreasing and that can be a good thing since it means less people are smoking. In regards to the 21 streetlights and other possible places to take the money from as opposed to street lights and he brought up concerns with safety if the lights are turned off. Mr. Pierce thinks that they are going the right way with having committees to study the pension system. Mr. Pierce thinks that it is important to get the Town and State in sync. Mr. Rice brought up the "sin taxes" and how we cannot build the State revenues based on these taxes. Mr. Rice brought up the lights and how they have to keep the pressure on them on items like this. Senator Stiles has been assured by the commissioner that the lights on the beach will not be shut off.

Chairman Griffin thanked them all for their service and he is grateful that they have people like them serving in Concord.

Mr. Nevins would like to bring up the pharmaceutical take back program that the Chief mentioned on Saturday. He commented on how no one wants to talk about the problems with drugs but it needs to be discussed and the importance of checking your medicine cabinets and turning in any medications you no longer need.

Senator Stiles wants to thank the Board for the support that they provide them especially when they come up and speak whenever asked.

V. Minutes of April 09, 2012

Minutes of April 09, 2012

Page 1. 3rd paragraph, 5th line, change the word "my" to "may"

Page 4. 3rd paragraph; after Discussion; 4th line, change the word "manager" to "contractor"

6th paragraph; after Discussion; 3rd line, insert after the words "via email"
“(parenthetically, no email was sent)”

Page 9. 2nd paragraph, 3rd line, change the number “21” to “243”

Page 12. Last sentence insert the following (actual name is the Permanent Building Committee) after the word committee and change “Town vote” to “BOS”

Page 13. 2nd paragraph, 8th line insert the words “more or” before the word “less”

Mr. Moore MOTIONED to Approve the Minutes of April 09, 2012 as amended. Mr. Pierce SECONDED.

VOTE: 5-0-0

Minutes of April 10, 2012 will be approved on April 30, 2012

VI. Town Manager’s Report

1. The contracts for the construction of the Smuttynose sewer line extension were signed on Wednesday, April 18, 2012. All the work is at no cost to the Town. It is his understanding that the road digging will be done first.
2. The DPW director has sent a letter to State DOT Div. 6 Durham requesting that they cease and desist from instructing citizens to call our DPW on requests for crosswalks to be painted on Ocean Blvd or crosswalk signage to be installed because the State is informing callers that it is the Town’s responsibility to install such devices at their expense not the State.
3. The memorial for Chief Maloney was very successful thanks in large measure to the work of our Police Dept. in coordinating this large event with the outstanding assistance from our Fire Dept., DPW Dept., and other communities across the seacoast.
4. Study for coastal flooding in Rockingham County, which could result in possible changes in Flood Insurance Rate Maps (FIRMs) insurance requirements with FEMA.

Mr. Welch added that the maps for Essex County have been completed and they are working north from there to NH and ME. He has concerns since they have completely changed the system used by FEMA for flood management and insurance. They have changed the flood level, he shared some information on the cost for insurance, and we need to pay very close attention when this moves into NH. He discussed how if you do not purchase the flood insurance in the first year the rates for your insurance could sky rocket. They also discussed possible problems in selling your property if you *do not have flood insurance*.

Other Items for the Town Manager’s Report

He has the contractual obligation for the funds to be committed to the Library from Unutil and they require a few signatures from the Selectmen. He would ask that this be added to the consent agenda. Mr. Desrosiers of the Energy Committee would like to provide a quick update that included: chiller has been ordered and will arrive early in May; lighting system still working on some issues with the contractor and Mark has been through the papers the Board has here to sign.

Mr. Moore MOTIONED that the Board sign the necessary documents for the Library from Unutil. Mr. Nichols SECONDED.

VOTE: 5-0-0

Atty. Gearreald reminded everyone that the Board has to sign this since the Library Trustees do not have the authority to sign these types of documents. There is no budgetary impact on the Town.

Discussion

Mr. Nichols asked for an update on the DRED MOU. Mr. Welch has received a draft that he and Mr. Noyes have reviewed and sent back. He went through some of the things that needed to be changed. Mr. Nichols stated that we sent out a number of bids related to drainage one for Fairfield area and the other related to Moulton and the bids were due in Thursday he wonders if Mr. Welch has an update. Mr. Welch knows that Moulton will be re-bid since the bids came in really high and he has not received the information back on the other area yet.

VII. Old Business

1. Coalition Communities – Statewide Education Property Tax

Mr. Welch sent all the information out to the Board. He believes someone from the Board has been asked to go to Concord and testify. He talked about the process that the State is going through right now.

Discussion

Chairman Griffin wonders if anyone from the Board is willing to go to Concord to testify. Mr. Welch stated that they could just send a letter if no one is able to go. Mr. Nichols stated that most of the information he saw was in regards to the State property tax was convincing the legislators to work together on this. He did not notice them wanting someone to come and testify. Mr. Welch stated that the Coalition over in Portsmouth had made this request. Chairman Griffin thinks a letter would be a good idea and Mr. Welch will make sure this is taken care of. Mr. Welch shared the effectiveness of seeing a Selectman coming to testify.

2. 2012 Selectmen's Goals

Chairman Griffin asked Mr. Nichols if he feels that this should be discussed next week. The Board agreed to discuss this next week.

Other Old Business

Mr. Pierce brought up the fact that the Recycling Committee is looking for new members including someone who has some computer experience. Anyone interested can contact Kristina at 929-5908. Mr. Pierce stated that there seems to be a misconception about the Recycling Committee. He stated that the Board has the right to approve or not approve members of this committee and it is not up to the committee to decide who can be on the committee. They can make recommendations to the Board on who they would like to be appointed.

VIII. New Business

Chairman Griffin brought up the fact that the meeting tomorrow was not going to be taking place but will take place on May 1st at 5 pm.

Mr. Pierce brought up the trainings he has recently attended and things he has learned.

Chairman Griffin stated that the Hampton Beach Area Commission meeting for this week has been canceled. Mr. Nichols pointed out that it was nice when the meetings were held here since they were able to be played live. Chairman Griffin will bring this up.

IX. Consent Agenda

1. ~~Emergency Operations Plan Annual Concurrence~~
2. Elderly Exemptions: Lawson, Ursula S.; Rahn, Donna J.; Walsh, William M. & Janice M.
3. Disabled Exemption: Erickson, Betty Jean

Discussion

Mr. Pierce would like item 1 removed so that he can have further time to review this item.

Mr. Nichols MOTIONED to Move the Consent Agenda with the exception of item #1. Mr. Pierce SECONDED.

VOTE: 5-0-0

X. Closing Comments - None

XI. Adjournment

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

VOTE: 5-0-0


Chairman

Town of Hampton



AGENDA Revised
Board of Selectmen
April 23, 2012

Posted: Town Offices, Library, Beach Fire Station

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

SALUTE TO THE FLAG

- I. Public Hearing: Acceptance under RSA 31:95-b of \$149,146.00 “Downtown Storm Drain Upgrade” FEMA Hazard Mitigation Grant Program
- II. Public Comment
- III. Announcements and Community Calendar
- IV. Appointments
 1. Chief Sullivan
 - a. Police Department Update
 2. Chief Silver
 - a. Fire Station Architect Selection
 3. Senator and Representatives Legislative Delegation
 - a. Legislative Update & Discussion
- V. Minutes of April 09, 2012 and April 10, 2012
- VI. Town Manager’s Report
 1. The contracts for the construction of the Smuttynose sewer line extension were signed on Wednesday, April 18, 2012. All the work is at no cost to the Town.
 2. The DPW director has sent a letter to State DOT Div. 6 Durham requesting that they cease and desist from instructing citizens to call our DPW on requests for crosswalks to be painted on Ocean Blvd or crosswalk signage to be installed because the State is informing callers that it is the Town’s responsibility to install such devices at their expense not the State.
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 4. Study for coastal flooding in Rockingham County, which could result in possible changes in Flood Insurance Rate Maps (FIRMs) insurance requirements with FEMA.

VII. Old Business

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2. 2012 Selectmen’s Goals

VIII. New Business

IX. Consent Agenda

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X. Closing Comments

XI. Adjournment