

Minutes of April 15, 2013

PRESENT: Philip Bean, Chairman  
Richard Nichols, Vice Chairman  
Michael Pierce, Selectman  
Ben Moore, Selectman  
Mary-Louise Woolsey, Selectman  
Frederick Welch, Town Manager  
Kristina Ostman, Administrative Assistant

SALUTE TO THE FLAG

Mr. Bean asked the Board to remain standing for a moment of Silence for the victims of the tragedy that occurred this afternoon at the finish line of the Boston Marathon.

I. Public Comment Period

Arthur Moody, 3 Thomsen Rd, commented on the agenda and the items listed under old and new business; consent agenda; Court House; the memorials for the Veterans of Hampton.

II. Announcements and Community Calendar

Selectman Pierce spoke about the Charrette that was held on Saturday; and the Hampton Arts Network exhibit at the Town Offices.

Selectman Moore spoke about the Historical Society event the “Civil War Saturday” on April 27<sup>th</sup>.

Selectman Woolsey apologized for her disheveled look as she has broken her wrist.

Town Manager Welch announced that the Town Clerk would like to remind everyone to register their dogs by April 30<sup>th</sup>; and the Tax Collectors Office will have limited hours or will be closed all of next week due to a medical emergency; and the asbestos from Court House has been removed.

III. Appointments

1. Jay, Diener, Chairman Conservation Commission
  - a. NH Coastal Program – Accretion and Subsidence of Salt Marsh

Mr. Diener explained about the NH Coastal Program “Accretion and Subsidence of Salt Marsh” and the Conservation Commission supports this research effort and hopes that the BOS will approve the installation of two monitoring sites on Town land, and introduced Mr. David M. Burdick, Associate Research Professor at the Jackson Estuarine Laboratory. Mr. Burdick has been doing this type of research over the last 18 years and has established 16 other monitoring sites on salt marshes in New Hampshire.

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Mr. Burdick is working with the NH Coastal Program and others to establish a network of benchmarks in the estuary to help measure accretion (marshes build in elevation as sea level rises) as well as subsidence (marshes also sink with pressure and slow decomposition of the peat). Mr. Burdick would like to install 3-4 monitoring sites in Hampton to help characterize the marsh building processes in the estuary. The benchmarks will be sunk to bedrock or point of refusal, then cut at the surface of the marsh and protected by a 6 inch PVC pipe with concrete. All that will be visible is 3 to 4 inches of the pipe and a short rod to attach to the measuring instrument. The pipes are kept short to avoid ice damage. The data collected at the site will be used to determine how fast the marsh is building or sinking relative to sea level and provide information to Hampton and other towns to help protect our marshes and our most vulnerable infrastructure and property from flooding. The proposed monitoring locations would be relatively easy to access 2-3 times a year for measurements.

Selectman Pierce discussed the following with Mr. Burdick and Mr. Diener: map of locations of benchmarks; will they have the ability to measure other things such as pollution but this cannot be done.

Selectman Woolsey MOTIONED under the sponsorship of the NH Coastal Program to allow the monitoring devices to be set into the marsh for the study of accretion and subsidence of the salt marsh SECONDED by Selectman Nichols.

VOTE: 5-0-0

#### IV. Approval of Minutes

##### 1. April 01, 2013

Selectman Woolsey MOTIONED to move the Minutes of April 01, 2013 SECONDED by Selectman Pierce.

Page 8: First paragraph second line change “voice over program” to “voice internet over protocol”; third line change the word “signing” to “sign” and add an “o” to the “t”

VOTE: 5-0-0

#### V. Old Business

##### 1. Town of Hampton and the State of NH

###### a. MOU – DOT

There was a discussion amongst the Board regarding the MOU that needs to be drafted and meeting with DOT representative Michael Houseman.

###### b. Reporting Matrix

Board members Pierce, Moore, Nichols and Woolsey discussed: the potential to track DPW, Fire and Police expenditures at the Beach or NH State property; recouping costs from the State; need to move forward on tracking this information; statistics they have received from DPW, Fire Department; not sure information from Police Department was complete; capital cost involved; where does the State responsibility begin; special services needed for some of the businesses down at the beach; lower tax base if there was no beach; complicated exercise from both an analytical and political perspective; analysis done by Mr. Schwotzer and Department Heads; problem with getting anything out of Concord; what went on with SB21; start with Legislative Delegation; problem with working with Legislative Delegation; any

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functions the State puts on need to bill for any cost incurred by the Town; not fair to put blame on the Legislators for Hampton; no revolving fund for DPW; an invoice will not be paid unless it is agreed on by the State, this has already been done through the DRED MOU; if State does not want to pay then do not provide the service.

Town Manager Welch discussed: needs time to go through the budget; how to identify the capital cost through the budget; what are we providing and what are we providing it for.

Chairman Bean spoke about an email from Michael Cargo a Selectman in Dover, NH, who along with Representative Verschuere engaged in at the State House on behalf of the adequacy aid inequities for school funding. In the email it was stated that the fact is that Hampton is projected to be under-funded \$455,668.07 for FY 2014. Additional information on the cost on the taxpayers; possibility of having a non-public to discuss this with personnel, to get the information on these cost; first step is to produce a letter on the financial analysis.

c. DOT Sidewalks

Board members Pierce, Nichols and Woolsey discussed the State's lack of maintenance on the Westside sidewalks; problem of the State since it is on their property; need to take a firm position on this; State does not care what the Westside sidewalks look like, provided examples of this; support of Hampton Legislators but outnumbered at the State level; not in favor of the Town doing anything on State property.

d. DRED Op Plan

Board members Pierce, Moore, Nichols, Woolsey and Mr. Welch discussed the changes in the DRED Op-Plan changes by DRED; information sent to DPW for review; identified what the State has approved with respect to Hampton; stop allowing the State to dump the beach rakings at DPW; they have one more year to bring beach raking to the DPW, it will stop in 2014; repairing the seawall and make them higher due to higher sea level; grants that have been made available to Hampton through DOT and were turned down by the Town; set this as a goal of the Board; timing is continuously off when it comes to this topic; should be able to be taken care of in 30 days; State owns beach; dreadful disrespect for the beach; State needs to enforce carry-in/carry-out; State has responsibility to recycle; opposed to beach raking; carry-in/carry-out on Town beaches as well; not recovering cost; State gets the profit from the beach; need to discuss seawall construction prior to the State beginning this work. There was an additional discussion on the beach raking and how the State can keep the beach clean between Selectmen Nichols and Woolsey.

2. Selectmen's Representative to Recycling & Education Committee

Selectman Woolsey MOTIONED to Appoint Selectman Pierce as the Selectmen's Representative to Recycling & Education Committee SECONDED by Selectman Nichols.

Selectman Moore explained why he would be voting the way he did, he believes that this committee should be sunsetted.

VOTE: 3-1(Moore)-1(Pierce)

Selectman Pierce MOTIONED to Appoint Selectman Woolsey as the Selectmen's Alternate Representative to Recycling Committee SECONDED by Selectman Nichols.

VOTE: 3-1(Moore)-1(Woolsey)

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Selectman Nichols questioned if once the appointments are made, will all vacancies on the Committee be filled. Ms. Ostman confirmed this to be true.

3. Scheduling for Future Action; Staff Planning and Staff Execution

<u>Subject</u>	<u>Agenda Date</u>
A. Legal and Finance Review	April 22, 2013
(1) Revolving Fund – Articles 16, 17, 18	
(2) Channel 22 – Box Van	

Atty. Gearreald discussed the following: has a conflict with the date of April 22, 2013 for the Legal and Finance review of the Revolving Fund – Articles 16, 17, 18 and Channel 22 – Box Van requests that it be discussed on April 29<sup>th</sup>; SAU 90 – Request for Cable Channel Funding to be discussed a week or two after April 29, 2013; Keefe Avenue to be discussed on April 29, 2013 to review the proposed agreement.

Selectman Pierce asked about the items that Keefe Avenue development will be taking care of themselves.

Selectman Woolsey would like to add encumbrances under “A” Legal and Finance Review.

Chairman Bean requested that Item #1 under New Business be discussed with Counsel at this time.

VI. New Business

1. Authorization for Motion for Re-hearing
  - a. Zoning Board of Adjustment Variance Decision on 339-345 Ocean Blvd

Selectman Woolsey MOTIONED to move that the Board of Selectmen authorize outside legal counsel, Matthew Upton of Drummond Woodsum, to prepare and to file in the Board's behalf under RSA 677:2 with the Hampton Zoning Board of Adjustment, a Motion for Rehearing from the Board of Adjustment's granting of variances on March 21, 2013 as to Petition 09-13, a proposed development at 339 & 345 Ocean Boulevard, on all grounds that counsel deems appropriate in consultation with the Board SECONDED by Selectman Moore.

5-0-0

There was a discussion amongst Selectmen Woolsey and Nichols in regards to what is needed by the Chief and others to get the work started on the noise ordinance.

The Board continues to discuss the scheduling of future actions; staff planning and staff execution.

- B. Analysis of 2012 Overtime to 2011 Overtime
- April 22, 2013

Selectman Nichols does not want just an analytical analysis wants more of a management justification of why overtime has increased so dramatically, what and why the money is spent on.

- C. DPW
- April 29, 2013

- (1) Commercial Trash - Casino and Ashworth Rubbish Exemption

Selectmen Pierce and Nichols, made comments as follows: not aware this was being done; problem with giving something to one entity and not another; need to know what we are looking at in regards to tonnage before discussing this.

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(2) Residential Trash - Frequency of pickup

Selectman Pierce commented the Town should be picked up once a week and maybe need to look at the beach a little closer about frequency.

(3) 2013 Overtime Overrun Plan

Selectman Pierce commented that we need to look at this to see why overtime is being overrun.

(4) Sidewalk Issues

Selectman Pierce commented things that can be done without spending a large amount of money.

(5) Winter Maintenance Plan

There was a discussion amongst the Board that this should be discussed on the 29<sup>th</sup> of April with very little else being placed on the agenda for that week.

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| D. SAU 90 – Request for Cable Channel Funding                | May 13, 2013   |
| E. Town Manager’s Corrective Action Plan – Purchasing Policy | May 06, 2013   |
| F. Keefe Avenue Development - RSA 674:41,I,(d),(1)           | April 29, 2013 |

- (1) Agreement document
- (2) Issuance of Building Permits on Private Road
- (3) Trash pickup and snow plowing on Private Road

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| G. Update of Noise Ordinance | July 2013 |
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- (1) Entertainment License Requirements

First step is to solicit comment from the Public sometime in July.

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| H. Communication with the Public | May 6, 2013 |
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- (1) Mass Email distribution – Selectman Nichols made the following comments on this: originally had this set up; pulled for security reasons a few months ago; suggested Paul Paquette be available for this discussion.
- (2) DPW Non-emergency Reverse 911

VII. New Business – Item #1 was discussed under Old Business.

- 1. Authorization for Motion for Re-hearing
  - a. Zoning Board of Adjustment Variance Decision on 339-345 Ocean Blvd
- 2. Scheduling for Future Action; Staff Planning and Staff Execution

<u>Subject</u>	<u>Agenda Date</u>
A. Griffin Family – Memorial Day Weekend Request	April 29, 2013
B. 2013 Selectmen’s Goals	April 22, 2013
C. Direction of 2013 Budget and CIP to Town Manager	May 06, 2013
D. Code of Ordinances Update Plan	May 13, 2013
E. LGC – Return of Insurance Premiums	April 22, 2013

Selectman Woolsey commented: North Hampton has already demanded their money; ashamed at the Selectmen’s lack of participation on this. Selectman Pierce disagrees with the

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comments made about the Board of Selectmen not participating actively in regards to LGC Insurance Holiday.

F. Mayberry Report

May 13, 2013

(1) Impact Fee Ordinance Update Transfer \$5k Planning Board

Selectman Woolsey made comments as follows: Planning Board will be sending a letter to this Board asking for the \$5k transfer; value of the report to the Town and the Planning Board.

Selectman Moore questioned whether the Planning Board has already authorized the upgrade without the \$5k transfer and if Selectman Woolsey authorized this transfer; Selectman Woolsey explained that she would ask the Board to have the Town contribute the amount needed since the information is valuable to the Town; Selectman Nichols explained how he has watched this and served as a representative, how Planning Board has not shown interest in municipal impact fees, need to wait and see what letter from Planning Board request from this Board. There was an additional discussion amongst the Board on whether or not there is support amongst this Board to supply the \$5k transfer.

G. Updating of Assessing Database

May 20, 2013

(1) Properties in the Wetlands / Wetlands Buffer

Selectman Woolsey provided an update from the Conservation Commission that was given at the Planning Board meeting.

The Board agreed to have someone present from the Conservation Commission.

H. 2014 Warrant Articles

June 03, 2013

(1) Sewer Discharge Fee

Selectman Woolsey explained how she brought this up at the Deliberative and the need for a warrant article on sewer discharge fees.

Other New Business

Selectman Moore brought up Cable Committee Listing of Expenditures sent to the Board to cover cost of make-up of the van and copier. The Cable Committee needs clarification on what they can spend without getting the Boards approval. Selectman Nichols reminded everyone that they have gone over this and the Board agreed on a policy in November and this policy needs to be given to the Cable Committee.

Selectman Woolsey spoke about the parking at North Beach and the continued problem with non-residents parking in the wrong area; violation of handicap parking; needs to be enforced; like to take a second look at parking at North Beach. Selectman Nichols expressed that they have looked at this; spoke about work done by Kristina and Keith; signage that will be going up on May 1<sup>st</sup>. Kristina informed the Board that the signage Selectman Nichols mentioned relates to the residential parking lots of High Street and Kings Hwy and High Street and Cusack Road and not Plaice Cove.

VIII. Consent Agenda

1. Boards, Commissions, Committees, and Councils Appointments:

- a. Heritage Commission: Susan Erwin, Roger Syphers
- b. Energy Committee: Richard Desrosiers

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- c. Library Trustees - Alternates: Diane Crow, Susan Hughes
  - d. Mosquito Control Commission: Richard Reniere
  - ~~e. Recycling Committee: Tammy Deland, Norm Silberdick, Eileen Latimer~~
  - f. Rockingham Planning Commission: James Steffen
2. 2013 Credit & Exemption
- a. New Veteran: Coleman, Robert
  - b. New Disability & Re-qualify Veteran: Fournier, Joann
  - c. Re-Qualifications: Elderly & Veteran: Thom, Evelyn; George, Bessie; Simon, John; Homan, Genevieve; Elderly: Nielsen, Joan; Fossum, Eunice; Slattery, Sara

Selectman Moore requested Item “e” to be removed from the Consent Agenda for Discussion.

- e. Recycling Committee: Tammy Deland, Norm Silberdick, and Eileen Latimer for discussion.

Selectman Nichols MOTIONED to MOVE the Consent Agenda with the exception of Item “e” SECONDED by Selectman Woolsey.

VOTE: 5-0-0

Selectman Moore spoke about his position on the sun-setting of this committee and this is why he will vote the way he does.

Selectman Moore MOTIONED to modify that the two 3-yr appointments [Tammy Deland, Norm Silberdick] for the Recycling Committee to be for 1 year ending March 1, 2014.

Selectman Pierce commented about having continuity in some of these positions; having positions for 2 or 3 years is a good idea; incorrect to have them dump every year. Selectman Woolsey thinks it should be up to the sitting Boards so it should be reviewed each year.

VOTE: 4-1(Pierce)-0

#### IX. Closing Comment

Selectman Nichols stated that they have a need to set a timeframe to complete the employee reviews. The Board agreed to discuss this in a non-public on Thursday.

#### X. Adjournment

Selectman Nichols MOTIONED to adjourn the public meeting at 8:44 PM SECONDED by Selectman Pierce.

VOTE: 5-0-0

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Chairman