

Note: Draft minutes are subject to corrections, additions and deletions.

Board of Selectmen

April 29, 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

I. Public Comment Period

Norm Silberdick, 70 Tide Mill road; on behalf of the Rational Tax Payers of Hampton commented on the following three items; Town employee overtime, overtime is in part paid by grants; their published views on Trash, once a week free and pay for any additional pickup; request for waivers to the bidding procedure.

Appointment Item # 3 will be discussed as Appointment Item #2.

II. Announcements and Community Calendar

Selectman Moore announced the following events that will be taking place in Hampton: Lilac Sunday on May 5th; Art in Bloom on May 8 to 10th; Hampton Garden Club Plant Sale on May 18th and Rain Barrels painted by the Hampton Academy Students will be auctioned on the same day.

Selectman Nichols spoke about Elderly exemptions in Hampton and the comparison to Town of Exeter's elderly exemptions.

Chairman Bean spoke about the Hampton Historical Society's great event on Saturday.

III. Appointments

1. Legal and Finance Review

- a. Revolving Fund – Articles 16, 17, 18
- b. Channel 22 – Box Van
- c. Encumbrances

Atty. Gearreald explained to the Board the following in regards to the above Articles. Finance Director Schwotzer sent a comprehensive letter to DRA dated April 8, 2013, setting forth the facts as to the above articles and the options we were looking at, as well as seeking

Note: Draft minutes are subject to corrections, additions and deletions.

DRA's input on 4 detailed questions. DRA replied by letter dated April 11, 2013, which we received on April 17, 2013. Article 16 as passed overwhelmingly by the voters that would honor the contract provisions with Comcast that generated the funds, can be implemented and still honor the terms of RSA 31:95-d, IV (b). DRA's direction is to first lapse the balance of \$74,839.45 that was in the special revenue fund as of December 31, 2012 into the general fund on January 1, 2013 and then immediately to expend the appropriation of \$74,839.45 in Article 16 through the deposit of that sum into the new Cable TV Local Revolving Fund. Article 17 & 18 are thus void, just as their language says, from the implementation of Article 16 in this fashion. No validating legislation would need to be filed with the New Hampshire Legislature as we are following the direction of DRA. DRA's directions renders moot the question of whether to deduct the box van cost before terminating the special revenue fund so as not to jeopardize the balance available for cable operations, because no amount of monies is permanently lost to the general fund.

DRA's directions also frees up the Board to consider how much, if any, of the funds in the revolving fund can be used to fund educational endeavors without fear of leaving insufficient funds for our Cable Committee's regular operations.

Atty. Gearreald further explained that the Board can in the future consider whether and how much to commit of these funds to any given educational purpose. There is a legal question to answer as to whether one taxing entity can fund the operations of another taxing entity.

Mr. Schwotzer explained the process of the transfers of the monies, how these transactions will be reflected in the general ledger and there is no money lost or gained.

Board Members Pierce, Moore, Nichols, Chairman Bean and Woolsey discussed the following topics with Atty. Gearreald and Finance Director Schwotzer: accounting for the box van; is an Inter-Governmental agreement necessary to address the schools request; this has not been researched yet until there is a commitment from the Board; discussion on SAU90 request on May 13th and requested having the information about whether the Inter-Governmental agreement is necessary; different places that residents of Hampton are educated other than SAU90; cap on the revolver.

Selectman Woolsey MOTIONED to hereby move that the Board implement Article 16 of the 2013 Town Meeting as directed by the Department of Revenue Administration in its letter dated April 11, 2013, by lapsing into the general fund the sum of \$74,839.45 that was in the Hampton Cable TV Local Origination special revenue fund as of January 1, 2013 and then by immediately authorizing the expenditure from general fund, per the appropriation contained in Article 16, of that same amount into the new Hampton Cable TV Local Revolving Fund as of January 1, 2013; Warrant articles 17 & 18 are void as a result SECONDED by Selectman Pierce.

VOTE: 5-0-0

In preparation of the May 13 meeting with the School Board, Selectman Moore suggested an ad-hoc committee be formed with two Selectman, two members of the Cable Committee and possibly member of SAU90 to discuss the issues.

Selectman Moore MOTIONED to appoint an ad-hoc committee to discuss with the SAU 90 the funding of the educational endeavors; consisting of 2 cable committee members, 2 selectmen, 2 school members SECONDED by Selectman Woolsey.

VOTE: 5-0-0

Selectmen Woolsey and Moore will be the two Selectmen on the ad-hoc committee discussed above. Selectman Nichols suggested that Paul Paquette be a member of this committee.

Selectman Woolsey asked the Finance Director to clear encumbrances from the prior year by the end of March of each year. Mr. Schwotzer stated that they will do all that they can to see that this happens and shared some examples of why all encumbrances cannot be cleared.

2. Keefe Avenue Development - RSA 674:41,I,(d),(1)

- a. Agreement Document Review - Planning Board
- b. Issuance of Building Permits on Private Road
- c. Trash pickup and snow plowing on Private Road

Atty. Gearreald explained: implementation of Boards vote on March 25, 2013; agreement in regards to trash/recycling pickup and snow plowing; Developer responsible for paving road and putting in and maintaining a new culvert; discussion on type of paving the Developer plans to do along with Mr. Noyes opinion; maintenance of catch basin and storm water.

The re-paving of Keefe Avenue that the developer is proposing to do would only involve a one inch wear course. Mr. Noyes discussed the issue of re-paving of Keefe Avenue, the road is in poor condition and 1 inch of paving will not hold up; if they are paving they should do it right. Representative of Donik Corp. also commented on paving and what the plan is.

Board Members Moore, Pierce, Woolsey and Nichols discussed their concerns in regards to paving as follows: no conditions on the paving of the road, as offered by the developer, no technical description of what paving obligation is; can DPW dictate paving on other private roads in Town answer was no; should paving be re-negotiated; Selectman Moore believes an agreement was met and paving should not be re-negotiated; abutters and other residents on this road; road surface effects how the catch basin works; importance of storm water working.

Board Member Woolsey discussed the following additional items in regards to Keefe Ave: big problem with trash in this community; no private road should be getting trash/recycling pickup or snow plowing; having the Town being legally committed to pick up the trash on the road, the Board position with respect to this development and the condominium documents; nobody said that the Town would pick up the trash/recycling; issue can be solved through the condominium documents.

There was a consensus amongst the Board that the Town should not be legally committed to picking up trash/recycling on Keefe Ave.

3. Keith Noyes, DPW Director

- a. Commercial Trash - Casino and Ashworth Rubbish Exemption

Mr. Noyes explained the history of the exemptions and the Town's policy on Solid Waste.

Board Members Pierce, Moore, Nichols and Woolsey discussed the following issues within the Solid Waste Ordinance with Mr. Noyes and the Town Manager: other businesses that bring commercial trash to the Transfer Station; whether these two businesses recycle; other businesses do not receive an exemption; past agreement based on handshakes and verbal agreements; amount of revenue that Town could be receiving; agreement made by past DPW

Note: Draft minutes are subject to corrections, additions and deletions.

Director and Town Manager; need to abide by solid waste ordinance; businesses should not receive any amounts for free according to the ordinance; additional discussion on ordinance, enforcement and clarification that might be made to the ordinance; question of whether businesses or residents are getting 1,000 pounds for free each day; amendments that Selectman Woolsey is working on for this ordinance; businesses that pay to transport their own trash; fairness issue of cost.

Mr. Welch agreed that this is a violation of the ordinance and possibility of making changes to the ordinance at Town Meeting, we should follow the ordinance.

Selectman Woolsey MOTIONED to discontinue the practice of exemptions given to the Casino and Ashworth SECONDED by Selectman Pierce.

Mr. Noyes pointed out that this is separate from DRED.

Mr. Moore wishes they knew whether any businesses are receiving 1,000 lbs. for free. Mr. Noyes will research and get back to the Board.

Motion withdrawn until next week to allow Mr. Noyes to answer to the question.

b. Residential Trash & Recycling

- i. Proposed changes to collection schedule and procedures
- ii. Beach Residential Trash and Recycling Frequency of Pickup

Mr. Noyes gave an overview of his memos on the proposed changes to two items listed above. The proposed changes were explained in detail and include the following: change weekly residential pickup to Monday through Thursday; change number of collection trucks to 3; change work hours to 4 ten hour days; Friday pickup will be limited to commercial pickup only; transfer 4th collection driver to Highway Department; changes to holiday and weather related event schedule; initiate change for May 27th to last for a three week period.

Board Members Pierce, Moore, Nichols and Woolsey asked Mr. Noyes questions as follows: does schedule change concur with the SEA contract; schedule change only effects 2 employees who drive side arm trucks; reducing the number of trucks; concerns with starting this on May 27th; would like to discuss item 3 in the non-public meeting later this week; one truck on Friday will double up with trash and recycling; benefit of leaving Friday open from residential pick up; this schedule does not affect summertime schedule; not only savings in man hours along with equipment cost savings; positive reaction; number of properties in Town that we pick up; study was very helpful; confusion factor with the residents; residential pick up at Beach in the summer and possibility of picking up on Monday and Friday; this could be a good work around for the Beach for now; safety equipment for the operators to protect their hands; appreciate the work that went into this; this proposal is strictly residential; what does the Board wish to do with commercial; Board will confirm this change at next weeks meeting.

Selectman Woolsey MOTIONED to have the DPW Director conduct a study over the next 6 months a better solution to commercial trash pickup and bring his thoughts back to the Board in the fall.

Chairman Bean asked if Selectman Woolsey would like to put this on as New Business, and Selectman Woolsey agreed. Motion withdrawn.

Selectman Moore expressed concerns with the number of work items that Mr. Noyes has.

Note: Draft minutes are subject to corrections, additions and deletions.

iii. 2013 Overtime Overrun Plan

Mr. Noyes read his memo on the overtime overrun plan, and his suggested changes to correct the overages. He discussed each of the 5 accounts affected and suggestions for each account.

Board Members Pierce, Moore, Nichols, Woolsey and Chairman Bean discussed the following with Mr. Noyes: not sure it is a good idea to change the Transfer Station hours; overtime is getting a little frisky; all kinds of ways to look at this to cut down on overtime; agree with recommendations in regards to winter overtime; need to read union contracts in regards to changing members schedules; not staffing the office between 11 and 7 during a snowstorm; other items should have been cut in the budget process so that OT could be increased; revenue vs. expenses; history on what went on in regards to Transfer Station weekend schedule; less painful ways to reduce budget which were shared; if hours are changed it should be from 10 to 3 but opposed to this change; money from Lafayette/Winnacunnet Road intersection; worked with each particular budget and cover OT cost within that budget; The Board commented on each of the recommendations for each department within DPW to eliminate the overtime overages; how money is usually left over in DPW budget; sidewalk repairs; elimination of the Spring collection; possibility of moving Fall leaf collection back into October. Additional discussion on what ideas were rejected and what were not in the proposed changes and whether there are metrics available for the Transfer Station and how they affect the change in hours.

Selectman Nichols MOTIONED not to change the Transfer Hours SECONDED by Selectman Woolsey.

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

c. Waivers to Bidding Procedure for Engineering Services

i. Grist Mill

Mr. Noyes explained this is a specialized field and why he is requesting the waiver.

Selectman Woolsey MOTIONED to APPROVE to Waiver the Purchasing Policy and Procedures for the Gristmill Dam Study SECONDED by Selectman Moore.

Selectmen Pierce, Moore, Nichols and Woolsey commented on: bidding process in place for a reason and it should be followed; policy in place for transparency purposes; number of firms who do this in the State; prefer take the same approach on this one as the I/I Study and Exeter Road; explain the need to have someone who specializes in this; why this project is different than I/I Study and Exeter Road; State trying to get rid of Dams because of cost involved.

VOTE: 4-1(Pierce)-0

ii. I/I Study

iii. Exeter Road

Mr. Noyes read his memo on why he is recommending the waivers on the Purchasing Policy and Procedures for both the I/I Study and Exeter Road by using a five stage process of the RFQ.

Selectman Woolsey MOTIONED to Waive the Purchasing Policy and Procedures for the Infiltration an Inflow Study Project and Exeter Road Survey and Preliminary Design Project SECONDED by Selectman Moore.

Note: Draft minutes are subject to corrections, additions and deletions.

Selectmen Nichols, Woolsey and Pierce discussed with Mr. Noyes proposal for both items: fully expect to have 3 firms bidding; anticipating a fixed price bid; implying stuck with low bid and that is not the case; good system; should stick with the bidding process;

VOTE: 4-1(Pierce)-0

Chairman Bean commented on Mr. Noyes tenure as an employee with the Town, the many challenges he has faced and the great reports he has provided.

IV. Approval of Minutes

1. April 15, 2013

Selectman Woolsey MOTIONED to MOVE the Minutes of April 15, 2013 SECONDED by Selectman Pierce.

Page 2: Approval of Minutes the change should be “voice over protocol”

VOTE: 5-0-0

V. Town Manager’s Report

1. Work continues on the dewatering work at the Wastewater Treatment Plant in preparation for the installation of the new sludge press and piping systems to bring the Town in compliance with the Administrative Orders issued by State DES. So far no problems or issues have arisen. The expected date for completion is this June.
2. Work also continues on the dewatering of the site at the Church Street Pumping Station. While there are difficulties in removing the groundwater the contractor continues to move forward in accomplishing the required work.
3. I would like to thank the Gebhart’s in working to place beautiful flower arrangements in the lobby of the Town Offices. The work has been greatly appreciated by all who have observed the finished product.
4. I have checked with the Fire Chief and the construction of both the Fire Stations is on schedule.
5. I have filed a request with the EPA to postpone the effective date of the Stormwater Rules until August 2013, so that we might study the effects of the new rules together with other communities and the State.
6. Please remember to register your dogs by April 30th.

Mr. Welch added the Hazard Waste collection will be on May 18, 2013 from 8 am to 12 noon.

Selectman Woolsey brought up North Hampton dragging its feet on the MS-4.

VI. Old Business

1. 2013 Selectmen’s Goals/Objectives

Selectman Nichols suggested that the goals discussed at the April 22 Meeting be itemized and given to the Board.

2. JOP – DRED

Note: Draft minutes are subject to corrections, additions and deletions.

Board Members Pierce, Moore, Nichols, Woolsey and Chairman Bean discussed the following: discuss what they are going to ask of the State; add to the discussions DRED takes responsibility for the maintenance of the eastside sidewalks; meeting scheduled for May 2nd; street sweeping; charging for sewer use; DRED responsibilities; different colored bags; beach raking; parking for DRED and Police; Town's responsibilities; notify Town of large events; level of support Town will pay for in regards to upcoming fair; sit down and work out all these issues; need help from Brian Warburton; discussion on current agreement in place; discussion on waste at the Beach; future agreements; dissatisfaction with agreement.

Selectman Woolsey expressed concerns with the State Fair. Selectman Woolsey MOTIONED to have the State be responsible for removal of waste from the Fair. Motioned failed for lack of a second

Other items added

Selectman Nichols discussed three issues: Residential Parking for Church Street after Memorial Day; the cost of the minute taking and the purchasing policy.

Selectman Nichols MOTIONED for the summer timeframe Memorial Day through Seafood Festival Church Street Leased Lot would be available for Resident Parking along with 25 spaces in the Church Street Paid Lot to be used by residents SECONDED by Selectman Woolsey.

Selectman Moore commented this item is not on the agenda.

VOTE: 4-0-1(Moore)

Selectman Nichols brought up the taking of minutes and the cost involved. Ms. Ostman went into detail of the time involved in preparing minutes. Selectman Woolsey likes having Kristina at the meetings and if not have a flat rate secretary here to take the minutes.

Selectman Woolsey MOTIONED to have a secretary present to take the minutes for a flat fee SECONDED by Selectman Nichols.

VOTE: 2(Nichols, Woolsey)-2(Moore, Pierce)-1(Bean)

Selectman Pierce MOTIONED to revert to the previous method for the taking of minutes with the understanding that they be briefer SECONDED by Selectman Nichols.

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

The Purchasing policy will be discussed next week. Selectman Nichols reiterated that the Board is specifically waiting for the changes that they made to the Cable Committee.

VII. New Business

1. Executive Communication – Not be relevant at this point.

VIII. Entertainment Licenses Under Review

1. North Beach Bar and Grill - 931 Ocean Blvd

Selectman Moore clarified that this is on the agenda as an announcement that this will be on the Consent Agenda in the near future.

IX. Consent Agenda

Note: Draft minutes are subject to corrections, additions and deletions.

1. Parade License “NH Towing Association Tow & Trade Show” 05/19
2. Parade License “I’m Trying 5K” Hampton Rec & Parks 06/22
3. Raffle Permit – Hampton Professional Firefighters, Local 2664 “IAFF Born Foundation”
4. RSA 178:22 Seasonal Restaurant On-Premise Cocktail Lounge Salvatore Lupoli Pres. DBA Summer Winds “Whales Tale 2” 169 Ocean Blvd
5. Griffin Family – Memorial Day Weekend Request
6. ~~Planning Board Alternate Appointment – Maury Friedman~~

Item #6 is not under the jurisdiction of the Board.

Selectman Nichols requested that Item 3 be removed for discussion.

Selectman Nichols MOTIONED to MOVE the Consent Agenda 1, 2, 4, and 5 and the removal of Item 6 SECONDED by Selectman Woolsey.

VOTE: 5-0-0

Selectman Nichols explained why he pulled item 3 since it appears to be asking for 3 or 4 events but only describes one event.

Selectman Nichols MOTIONED to grant the Raffle Permit for only the event on May 30th Chowder Fest SECONDED by Selectman Moore.

VOTE: 5-0-0

X. Closing Comments

Selectman Nichols asked for an update on the appointment for Brian Warburton on May 6th. Chairman Bean shared that he has an email from Mr. Warburton stating that he is not interested in speaking.

Selectman Nichols mentioned that the Selectmen should receive digital copies but would like to see hard copies of agenda items.

Selectman Pierce asked if he could be absent next Monday to attend the North Hampton meeting which LGC will be attending.

XI. Adjournment

Selectman Moore MOTIONED to adjourn the public meeting at 09:57PM SECONDED by Chairman Bean.

VOTE: 5-0-0

Chairman