

January 06, 2014

PRESENT: Richard Nichols, Chairman  
Michael Pierce, Vice-Chairman  
Philip Bean, Selectman  
Mary-Louise Woolsey, Selectman  
Michael Plouffe, Selectman  
Frederick Welch, Town Manager  
Mark Gearreald, Town Attorney

#### SALUTE TO THE FLAG

Chairman Nichols read a notice to the public from Director of DPW Keith Noyes in regards to trash pick-up and they are working hard to get caught up after last week's storm and holiday. Mr. Welch provided details on number of crews they have had out and hours they have put in trying to get caught up. There does not appear to be a change in the Christmas tree pick-up schedule.

#### I. Public Comment Period (6:05)

Arthur Moody, 3 Thomsen Road, made comments on: comments made by Selectman Bean in regards to the State last week; spoke about when the toll plazas and Liquor Stores went in; Town responding to accidents on I-95; how he was on the Board when the Liquor Stores were built; cost to respond to calls and how the State refuses to pay for this coverage; cost of Police to respond to problems at Liquor Stores and I-95.

Candice Stellmach, 488 High Street, commented on: delays in repairs to Grist Mill related to concerns with what will happen to the dam; asking that the Board of Selectmen sponsor a warrant article which she has typed up; hopes Board will use this as a Selectmen sponsored article as opposed to her going out and getting signatures for it to be a petitioned warrant article; this article shows the Board support for fixing the mill; rolls over the money that was voted by the citizens to restore the mill; see that the money gets rolled over and held for another 5 years; not sure how long it will take to take care of the dam but wants to ensure the money is still available to repair the Grist Mill; has provided all members of the Board with a copy of the proposed article. Chairman Nichols commented that they will be discussing warrant articles later tonight and he has made a note of this. Selectman Pierce commented that there is a deadline of Wednesday at 5 pm so he is not willing to discuss this tonight since it is just being brought up.

#### II. Announcements and Community Calendar (15:32)

Selectman Pierce heard a lot of complaints about the trash not being picked up in a timely manner and thinks DPW did a wonderful job of getting the roads cleared up from the storm, and he thinks public safety is number one.

Selectman Bean echoes Selectman Pierce's remarks and the excellent job done by Public Works, Fire, Headquarters (Mr. Welch) and Police during the storm. The taxpayers of Hampton appreciate this and transportation, safety, and protection of public property are the foremost.

Selectman Woolsey stated that it was an unfortunate occurrence of events with the holiday and storm. She reminded everyone to sign up to receive notifications from the Public Works Department.

Chairman Nichols pointed out the links on the website to sign up for the notifications that Selectman Woolsey mentioned. There is also a form that you can fill out at the Town Office to receive phone notifications if you do not have computer access.

### III. Approval of Minutes (18:54)

#### 1. December 23, 2013

Page 4; 9<sup>th</sup> paragraph, 1<sup>st</sup> line replace the word "surrendered" with "added"

Chairman Nichols MOTIONED to approve the December 23, 2013 minutes as amended SECONDED by Selectman Pierce.

VOTE: 5-0-0

Selectman Woolsey asked about the group photo of the Board and Mr. Welch stated that the scheduling of the photo is in the works.

### IV. Town Manager's Report (21:01)

1. Before the end of January, I will be appointing a Committee composed of Department Heads or their designees to review all insurance claims of any nature filed with the Town. The objective of this committee is to determine if additional work or training is necessary to decrease costs to the community due to claim filings.
2. The DPW has placed on their Website the new trash and recycling pickup schedule, please double check to see when your street is scheduled for pickup. The routes have changed as of today, January 6<sup>th</sup>.
3. I have instructed DPW to place on their website the Boards adopted rules on cart maintenance and replacement for trash and recycling carts.
4. The last day to submit petitioned warrant articles is January 14<sup>th</sup> at 5 PM in the Selectmen's Office.
5. The Deliberative Session of Town Meeting is February 1<sup>st</sup> and the Town election is March 11<sup>th</sup> at Winnacunnet High School.

Mr. Welch provided the following additional items to his report: have received the funds from the State of NH for Rooms & Meals in the amount of \$662,593.82; this money came in on the next to the last day of the year; State uses this to increase their surplus balance; has spoken to a proprietor of a business in Town who contributes more than half this sum each year; that's only one business and there is at least two others who disburse funds that almost

equal that amount; Town Trustees have done a terrific job this year they have a budget of \$600,000 of revenues due to the Town and actually contributed \$648,752.86 to the Town; update on the Church Street Station; Board received a petition from Seacoast Family Promise and it has the required number of signatures and is a valid petition; Board voted on November 18<sup>th</sup> to authorize withdrawal from the Regional Refuse Disposal District and he has the documents for the Board to sign.

Selectman Pierce commented on: getting \$600,000+ back from the State in Rooms & Meals Tax and how this puts a big dent in \$1M or \$2M the Town is paying for services provided on State property; thinks we are still holding the empty bag.

Mr. Welch commented: that Town receives \$600,000 every year; that doesn't include the \$52M they took away from disbursements and another \$52M they took away from disbursements we received each year; something in the manner of \$100,000 they stopped paying us last year; this does not even reflect what they stopped paying for the Retirement System.

Selectman Bean clarified on the Rooms & Meals that formula provides relief as some would call it and it is a universal calculation across all municipalities. Mr. Welch confirmed this to be true and stated it is based on population.

Chairman Nichols made comments as follows: Rooms & Meals calculation does not take into consideration what goes on in the summer; looked into the total State wide Rooms & Meals last year being 2012 was roughly about \$250M; \$79M of that was Rockingham County; DRA will provide a breakdown by county but not to the level of Town's.

## V. Old Business (28:17)

### 1. 2014 Warrant Articles (28:20)

Chairman Nichols commented: has looked at the list and believes there are 7 articles they need to touch on tonight; pointed out that next Monday's meeting is the last one they have prior to the cutoff date of January 14<sup>th</sup>; concerns with weather that may affect them having a meeting; feels they should finalize everything that they can tonight; went through the articles that he thinks they should touch on and suggested if other Selectmen would like to bring up another article do so as they go along.

#### Article #21 Recreation Infrastructure

Mr. Welch updated the Board that Ms. Martin has asked the questions of the vendor that the Board asked but has not received the answers back yet.

Chairman Nichols commented: not really in favor of going forward with an article that has \$80,000 or \$85,000 for lighting down there; does not want to remove or kill this warrant article because there might need to be things done to the lights.

#### Article 17 DPW Equipment Replacement

Selectman Pierce pointed out that it does not have a completion date but believes the Board is all set.

Atty. Gearreald commented that this is the article he promised Selectman Woolsey that he would talk to DRA about language in regards to the trade-in value. He is still waiting to hear back from DRA.

## Article 22 Cemetery Burial Trust

Chairman Nichols wonders when they expect to have the confirmed number for this article.

Mr. Welch stated the number from Finance is \$10,500. This article is done.

## Article 26 Wastewater System Connection Fee

Chairman Nichols commented about email sent from Atty. Gearreald to the Board in regards to what direction they want to go.

Atty. Gearreald made comments as follows: already have on the warrant under Article 25 the adoption of RSA 149-I; and the part of Article 26 that dealt with the system use can be dealt with under RSA 149-I. Recommends to confine Article 26 to the first portion the issue of the connection fee; this repeals last year's vote to apply the connection fee only to residential; and cleans up something that was existing and wasn't taken off (the \$125 charge); imposes the sewer connection fee of \$300 for each residential and non-residential connection; becomes a much simpler proposition.

Chairman Nichols MOTIONED to change the language to that contained in Atty. Gearreald's email recommendation as follows; Shall the Town of Hampton vote to repeal its vote under Article 21 of the 2013 Town Meeting that enacted a sewer entrance fee, and instead to amend Section 406-5 A of the Code of the Town of Hampton, NH that now reads "A sewer permit fee of \$125 per dwelling unit shall be charged" and by substituting therefor the following provision: (1) Sewer Connection Fee. A fee of \$300 per sewer connection shall be charged for each residential and non-residential property connected to the Town's wastewater system to offset the cost of connection inspection and the production of connection location data and plans SECONDED by Selectman Woolsey.

VOTE: 5-0-0

## Article 32 Entertainment Ordinance

Chairman Nichols commented: that he meet with Fred and Mark and discussed this article last Tuesday; discussions revolved around definitions of buildings, some technicalities and most importantly what is outside entertainment activity; concerns business owners expressed at the public hearing in regards to never having a complaint and have had outside entertainment until midnight; the approach he came up with in response and read the definition of outside entertainment; last sentence of his definition allows them at 11 pm to shift to a less obtrusive form of entertainment such as a television set, radio or perhaps an unamplified singer.

There was a discussion on how this definition will help businesses such as the Sea Ketch.

Selectman Pierce is all for it as long as the Police are fine with it and being able to enforce this.

Atty. Gearreald explained other changes to the ordinance: the change to definition of entertainment; noise waiver for Town sponsored activities along with activities sponsored by State of NH or Hampton Beach Village District.

There was a consensus amongst the Board to go along with the changes recommended by Chairman Nichols and Atty. Gearreald.

Chairman Nichols brought up the possibility of two additional warrant articles one dealing with the Tree Warden brought up by Atty. Gearreald.

Atty. Gearreald explained the following: agenda item in regards to Public Tree Preservation and Protection; draft of rules and regulations; whole stack of statutes that go with this; have to do something at Town meeting before the regulations come forward; discussed article that passed in 2010; that article asked the State to give Town's the authority to appoint Tree Wardens; 2012 State did enact something so that a City or Town can appoint a Tree Warden; this means that we have to put an article forward to the voters; read the article for the Board.

Chairman Nichols pointed out that this is a house keeping activity.

Selectman Pierce asked if this fixes the problems they recently had with chopping down a particular tree.

This will be a Selectmen sponsored warrant article.

Chairman Nichols MOTIONED that they discuss the request of Candice Stellmach in regards to a Selectmen sponsored warrant article to carry forward funds for repairs to the Grist Mill SECONDED by Selectman Woolsey.

Selectman Pierce has a problem with this being a Selectmen sponsored article and suggested that they bring this forward as a petitioned article if that is what they choose to do.

VOTE: 4(Bean, Plouffe, Nichols, Woolsey)-1(Pierce)-0

Chairman Nichols read the request from Candice Stellmach to protect the funds for the Grist Mill restoration. Chairman Nichols is fine with this being a Selectmen sponsored article.

Selectman Woolsey MOTIONED to move this article, subject to the overview of Legal Counsel SECONDED by Selectman Plouffe.

VOTE: 4(Bean, Plouffe, Nichols, Woolsey)-1(Pierce)-0

Chairman Nichols commented that they have reviewed all articles and still waiting for information on the solid waste article from Atty. Gearreald. Atty. Gearreald provided some updates for the Board on this article. They discussed what happens if they are unable to hold a meeting next week and Atty. Gearreald addressed there concerns.

Selectmen Bean and Pierce shared problems they were having with Town email and asked Mr. Welch to pass the message along to Mr. Paquette.

## 2. Ratification Teamster CBA Tentative Agreement (54:02)

Chairman Nichols read the agreement made between the Town and the Teamster Union including the following highlights: two year agreement; estimated cost is about \$15,000 for 2014 and \$32,000 for 2015; across the wage schedule there is a 1.25% increases effective April 1, 2014 and April 1, 2015; adjusted starting rates for two positions; decreases in percentage newly hired employees pay for health insurance this was done so there would be consistency amongst all the bargaining units; part time employee at the Transfer Station will not be Teamster position; recommends the Board ratifies this contract.

Selectman Woolsey MOTIONED to approve the Ratification Teamster CBA Tentative Agreement SECONDED by Selectman Plouffe.

VOTE: 5-0-0

3. Fact Finder's Recommendations for Fire Department Unions Local 2664 and Local 3017 (56:16)

Chairman Nichols provided the following update: engaged in negotiations starting in June; both sides unable to come to an agreement resulting in going to mediation session that took place on October 17<sup>th</sup>; no overall agreement was reached through mediation and both parties agreed to submit the unresolved issues to Fact Finding. Fact Finding is a continuation of collective bargaining process and is not meant to supplant direct negotiations between the parties never the less if parties cannot reach an agreement it is necessary for a neutral to offer recommendations; hopefully to settle the unresolved issues and bring a measure of finality to the present impasse.

Fact Finders recommendations and conclusions: the parties should agree to a one-year agreement for both bargaining units; those employees eligible for step increases should receive step; salary schedule should be increased by 1.25%; no other changes except one tentative agreement with regards to EMT testing; read the conclusion.

Chairman Nichols additional information: Finance Director has estimated the cost at \$92,415; his understanding that the Fire Unions will recommend that their members accept the Fact Finder's recommendations; he thinks it is in the best interest of the Town for the Board to accept the Fact Finder's recommendations.

Selectman Woolsey MOTIONED to accept the Fact Finder's Recommendations for Fire Department Unions Local 2664 and Local 3017 SECONDED by Chairman Nichols.

Selectman Pierce commented: a little disappointed that they got to this point; thinks negotiations are the way to come to solutions; does not care much for the way they went to get to this point.

VOTE: 5-0-0

There was an additional discussion on at what point the Fact Finder's report becomes public record after ten days of issuance, and when the membership will be ratifying the contract.

4. 29 Church Street (1:01:14)

i. Parking Lot Lease with the Diocese of Manchester, NH

Chairman Nichols commented: that this item did not appear on the agenda until today; explained that it was just forgotten last week.

Selectman Pierce MOTIONED that they postpone this item until next week since the public was not properly notified.

Atty. Gearreald explained the 24-hour notice relates to the meeting not particular agenda items.

Selectman Pierce expressed concerns with transparency issue with the public.

Motion failed for lack of a second.

Atty. Gearreald made comments as follows: when issue arose to install bathroom facility at this location; prior to doing the work wanted to make sure it was done in a place where they were going to be for a while; looked into lease and found it was expired; contacted the Diocese to extend the lease; once Diocese saw revenue they increased the amount of rent

from \$11,000 to \$17,000; lease effective for 3 years with rent increasing by \$1,000 per year; possibility of two 3 year extensions; for total of nine years for the lease the cost will be at \$25,000; ramifications for the Default Budget; if Board wants to accept this proposal then there will be a \$6,000 hit to the Default Budget for 2014.

Selectman Woolsey MOTIONED to accept the proposal of the Diocese of Manchester regarding the lease agreement and to raise the rent to \$17,000 for the year beginning April 1, 2014 with \$1,000 in each year thereafter, and to raise the amount of the default budget by \$6,000 SECONDED by Chairman Nichols.

Selectman Pierce commented: very expensive phone call to the State; against putting this bathroom on private property; discussed how they are not picking up trash on private property as well as plowing on private property; why would we build on this private property; can build on Town land right across the street.

Chairman Nichols commented: motion covers three items: approval to enter into the lease agreement; Mr. Welch asking Budget Committee to increase the Parking Lot line item to reflect the \$17,000; also need to have the Default Budget adjusted to reflect this change; he believes they ended up with a fair deal; represents what the CPI has increased by; proposal is 32% less than original amount from Diocese.

Selectman Bean is not unsympathetic to the Selectman Peirce's sentiment.

Selectman Woolsey discussed this with Mr. Tinker today and this improvement will only add minimal value to this property. She also mentioned that at such time that the Town ends the lease with the Church, the Town would remove the facility along with the sewer lines so therefore it is not a permanent improvement.

Mr. Welch pointed out that the Board will need to wave the bidding process, as the amount is over \$15,000. Chairman Nichols added that waving the bidding process by the Board would be the 4<sup>th</sup> item in the motion covers for the lease.

VOTE: 3(Plouffe, Woolsey, Nichols)-1(Pierce)-1(Bea)

Selectman Bean made comments as follows: thanked Nick Reed for his synopsis on comments he made regarding the State last week; should not see remarks as negative; just our executive input; how privileged we are to work with the State and able to work with them. Hampton produces \$150M revenue to the State; discussed other numbers related to the State; can start changing some of the legislative outcome; start getting some more attention with the fine data that Mr. Welch and Department Heads are bringing forward. Commented on how this Board has no article going forward on waste collection; shared data from Mr. Schwotzer in regards to cost of trash collection and going back to 2000 through 2014; spending less money in 2014 compared to other years; would like the Boards permission to provide this information to the newspaper.

Chairman Nichols commented that solid waste tipping fees have gone down by \$100,000 since 2004 and he believes this to be related to increase in recycling.

Selectman Woolsey commented: however we are presently deriving no money from the recyclables; just referenced a storm situation where there was not enough manpower to do the plowing and waste pick-up; spent over \$2M to setup the curbside recycling therefore doubling the work of the DPW; which has not had an increase in personnel; tremendous

strain on department; figures are interesting but she does not think they reflect the true impact on the Public Works Department; continue to strain personnel and need to move in one direction or another; a way to deal with this is to remove the commercial trash pick-up.

Selectman Pierce pointed out that the new trucks with side arms help with the personnel issue brought up by Selectman Woolsey.

Chairman Nichols commented: what happened last week with a holiday followed by two snow days and you will never be manned to be able to keep up with that; to think that you are going to keep up with something when you lose 3 days in a 5 day week is not realistic; responded to comment in regards to doubling work load when took on recycling and went through breakdown of employees working trash trucks prior to recycling pick-up and currently.

VI. New Business (1:25:09)

1. Draft Rules and Regulations Relative to Public Tree Preservation and Protection – Deferred to March.

VII. Consent Agenda (1:25:23)

1. 2014 BOS Meeting and Departmental Schedules

Selectman Pierce MOTIONED to approve the Consent Agenda SECONDED by Selectman Woolsey.

VOTE: 5-0-0

VIII. Closing Comments (1:25:43)

Selectman Pierce thanked everyone for the tremendous amount of support he has received over the last couple of months.

IX. Adjournment of Public Meeting (1:26:11)

Selectman Plouffe MOTIONED to adjourn at 8:26 PM SECONDED by Selectman Pierce.

VOTE: 5-0-0

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Chairman