

August 25, 2014

PRESENT: Philip Bean, Chairman
Mary-Louise Woolsey, Vice-Chairman
Rick Griffin, Selectman
Rusty Bridle, Selectman
Jim Waddell, Selectman
Frederick Welch, Town Manager

7:00 PM Public Meeting

SALUTE TO THE FLAG

I. Recognition of Service (04:34)

1. Ellen Goethel

Chairman Bean stated: on the 31st of July, Town Manager Welch sent a letter cordially inviting Mrs. Goethel to the August 25th Selectmen's Meeting where she is honored and recognized for her service to Hampton; asked Mrs. Goethel to come forward for Selectman Bridle to present her resolution and recognition of service.

Selectman Bridle presented Mrs. Goethel on behalf of the Selectmen and the Town of Hampton recognition for her above and beyond service for the town.

Mrs. Goethel accepted the recognition and thanked everyone.

Mr. Mark Gearreald, Town Attorney, spoke eloquently in memory of Wanda Robertson, Assistant Town Attorney and Human Resources Coordinator, after her sudden passing.

II. Public Hearing RSA 674:40-a Delegation of Authority to Accept Dedicated Streets (17:04)

1. Bradstreet Road, Elliott Street, Jenness Street, Janvrin Road, Hedman Avenue, and Randall Street

There was no public comment.

Town Attorney Gearreald stated: a question was asked prior regarding the Boards authority to accept these roads under RSA 674:40-a; believes it is okay but recommends that the reaming street, Park Avenue, be through town vote at a Town Meeting.

Chairman Bean stated: note that the public meeting commenced at 19:14.

Selectman Woolsey commented: believes that was Fred Schaake's development.

Town Manager Welch answered yes.

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Town Attorney Gearreald stated that the six roads were all in that development.

Selectman Bridle MOVED to approve the acceptance of the following dedicated streets: Bradstreet Road, Elliott Street, Jenness Street, Janvrin Road, Hedman Avenue, and Randall Street SECONDED by Selectman Waddell.

VOTE: 5-0-0

Chairman Bean closed the public hearing at 19:15.

III. Public Comment Period (19:20)

Norman Silberdick, 70 Tide Mill Road, believes we are headed back to bad business practices with approving a bid on the lights at Eaton Park ball field lights; it was approved five months ago for \$80,000 with only one bidder; went online to research ball field light contractors; there are quite a few in New England; not sure if we approach them or how the process works; feels like we are rushing it; it's not a critical item; very important we have a fair practice for purchasing; the second item at a prior meeting about the New Hampshire Municipal Association legislative policy recommendations, there were supposed to be emails sent to the Town Manager; there has been no further word on it; there was a time limit on it; there were a couple items that were affecting the tax payers; final item, looked at the proposed warrant articles that haven't been reviewed by the board yet that are coming out on spending; hoping that there is significant due diligence and financial justification.

Chairman Bean stated: there was a revised agenda; there was a telephone call to Mr. McGuire who is here to speak.

Mr. McGuire, 30 Towle Farm Road, started with a verbal confrontation with a driver on Towle Farm Road; there is a problem there with speeding by the "s" curve; all 14 people in the units have signed the complaint; foresee a bigger problem happening with the opening of Smuttynose Brewery opening; hoping the town will look into blinking lights or something to slow people down.

IV. Announcements and Community Calendar (26:16)

Selectman Bridle stated: school is open tomorrow; please drive carefully.

Selectman Waddell stated: agree with Selectman Bridle; summer is coming to an end; the lifeguards have done a super job; condolences to the family of journalist James Foley of Rochester, NH.

Chairman Bean stated: at 15:55 Deputy Chief Sawyer emailed that long-time resident and former Police Officer William Keene passed away last evening at age 80; served from 1960-1991 as a Special Officer and a fulltime Officer from 1965-1966; prayers and thoughts to the Keene Family.

Selectman Woolsey asked: could we send a letter to the Keene Family from the Board.

Chairman Bean stated: yes.

V. Consent Agenda (28:39)

1. Use of Town Property: HAN Art Walk "Marelli Square" 09/25/14
2. Committee Appointment: Conservation Commission Alternate – Dan O'Connor

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3. Island Path Road Closure and 6 Ballard Road Sewer Permit Extension Request
4. Seafood Festival Sidewalk Vendor Licenses: Coffee Cann Café 169 Ocean Blvd; The Cow's Ass 169 Ocean Blvd; Wasabi Express Inc. 169 Ocean Blvd; Wicked Willy's 169 Ocean Blvd; Big Steve's Italian Sausage 193 Ocean Blvd; Airbrush Underground 205 Ocean Blvd; La Spiaggia Pizza 215 Ocean Blvd; Beach Bums 215 ½ Ocean Blvd; Memakmy 225 Ocean Blvd; Maya's Pizza 235 Ocean Blvd; Mohab's Jewelry 237 Ocean Blvd; 2nd Amendment Gifts 247 Ocean Blvd
5. Hampton Cemetery Deed: John Callanan

Selectman Griffin MOVED the Consent Agenda SECONDED by Selectman Waddell.

VOTE: 5-0-0

VI. Appointments (29:46)

1. Ed Tinker, Chief Assessor
 - a. 2014 MS1

Mr. Tinker stated: presented this year's MS1 for review and approval; the 2014 taxable value is \$2,781,983,500 which is \$30,049,600 or 1.1% above the 2013 value.

Selectman Woolsey commented: thank you for the information; nice job.

Chairman Bean asked: if it needed a motion or just signatures?

Mr. Tinker answered just the signatures.

2. Kristi Pulliam, Finance Director (31:18)
 - a. Monthly Report – July 2014

Mrs. Pulliam stated: this is the seventh month so the target is 58.3%; the month's total income was \$720.9k; of that total, motor vehicles came in at \$254.5k; this puts motor vehicles \$199k (7.47%) above the monthly budget; other major contributors to the months total were Building Permits at \$47.6k, Parking Lots at \$180.5k, Highway Subsidy at \$80.3k, Rye Sewer billing at \$21.2k, Departmental Income at \$64.5k and Real Estate Trust at \$72.3k; the expense summary at the end of July, the operating departments were 60.73% of the budget which is higher by \$555.9k than the month's 58.3% target; the annual payment for Liability/General Insurance was made in July along with the second of the semi-annual payments for Workers Comp and Hydrants; these combined together account for \$533.8k of the \$555.9k overage; the remainder can be found in the water and electric accounts across the budget; the majority of the departments are below the target level; please note that we are now reporting on the summer months which are the busiest time for the three large departments; in Finance, the postage account continues to run ahead of the budget at 88.9% spend; also the Registry of Deeds continues to run ahead of budget at 83.55%; in Management Information Services, the four equipment related accounts are easiest to report as a whole; these four accounts have a combined budget of \$81.8k; 55.2% of these four accounts have been spent; Personnel Administration is now within budget at 58.29%; Worker's Comp and Property Liability yearly payments were made and is putting this group of accounts over target at 67.3%; Police Department is at 54.59% overall when open POs are included; Support Services, Part-time Special Officers and Summer Coverage Fulltime have a combined budget of \$395k with only \$181.7k being expended to date accounts for \$48.8k of the department's favorable variance; Fire Department is at 55.88% overall when open POs

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are included; the four Fire Suppression OT accounts are at 50.6% of the annual budget; this is shrinking as we go through summer season; Highways and Streets are now within target at 56.78%; Municipal Sanitation is now running slightly above target when the open portion (\$93.1k of the annual PO for chemicals is used in the calculation; Maintenance and Parks is over target at 66% which is to be expected as we are closing in on the end of the summer season; the cost for the fourth of the nine month relating to CBAs were booked; the accounting of the 2013 encumbrances showing that 68% have been expended to date; the majority of the remaining \$120.6k consists of the following: I&I Study at \$12k, Codification Project at \$20k, and Engineering relating to Exeter or High Street/Lafayette Road at \$64k; the Beach Sticker donations year-to-date equal \$11.8k with \$26.8k of those dollars being granted as scholarships; the balance is just under \$15k; the current fund balance for the Cable Committee has dropped to just under last year's ending total; the Private Detail activity level has started to increase due to the time of year and better weather.

Selectman Woolsey asked: did you get a chance to look at the sewer buy-ins?

Mrs. Pulliam answered: it has not gone up since the last time; it's at \$31, 122.

Selectman Waddell asked: in regards to the liability and general insurance, that's because the payment was paid?

Mrs. Pulliam answered: we make an annual payment and it should balance; never know with insurances; at the end of the year, it should all balance out.

3. Henry Boyd, Millennium Engineering (38:17)

a. Proposed Street Name for 376 Winnacunnet Rd Subdivision & new Fire Hydrant

Mr. Boyd stated: Susan Scott has an application into the Planning Board for a 10 lot subdivision; have been through the PRC; the Fire Chief and Fire Prevention Officer have reviewed the plans; there is an existing fire hydrant on the frontage; proposing a new hydrant half way down the street; favorable review from the Fire Department; leaving the street name up to the Board.

Selectman Woolsey stated: the street name is premature; has serious concerns about some of that land being wet; not happy about every piece of land being developed.

Mr. Boyd stated: encouraging the developer to stay entirely out of the buffer zone and beyond the 50 foot buffer; the only intrusion into the buffer is to replace an already existing sewer manhole; Chris Jacobs has asked for that to be replaced; Mr. Scott actually donated that land for that easement to the Town.

Selectman Griffin asked: is there a time that you need the street name for any reason?

Mr. Boyd stated: no, thought it was premature as well; no objection to the Board of Selectman choosing; would like it before it goes to the registry in about a month or so; sometime in October would be fine.

Selectman Bridle stated: think it's a great plan; it's a nice lot; new it would be developed at some point in time; seems she is trying to protect the wetlands as well; an extra hydrant in there is a good idea for the length of the road.

VII. Approval of Minutes (43:45)

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1. August 11, 2014

Selectman Woolsey MOVED to approve the August 11, 2014 minutes SECONDED by Selectman Bridle.

VOTE: 5-0-0

2. August 18, 2014 Public Session

Selectman Woolsey MOVED to approve the August 18, 2014 Public Session minutes SECONDED by Selectman Waddell.

VOTE: 5-0-0

3. August 18, 2014 Nonpublic Meeting Sealed per RSA 91-A:3 III

Selectmen Woolsey mention the correction she gave Kristina, Town Manager Welch stated that the correction was made.

Selectman Waddell MOVED to approve the August 18, 2014 Nonpublic Meeting minutes Sealed per RSA 91-A:3,III SECONDED by Selectman Woolsey.

VOTE: 5-0-0

VIII. Town Manager's Report (44:34)

1. The American Legion has extended an invitation to the Board and the community to participate in the dedication of the Global War on Terrorism Memorial Monument at 6 PM on Thursday, September 11, 2014 at the American Legion Hall, 69 High Street, Hampton.
2. The next Household Hazardous Waste Collection day will be Saturday, September 13, 2014 from 9 AM to 12 Noon at the Highway Garage, Route 11A in Brentwood. Please consult the on-line flyer at the Town's website for information on what can be brought to the collection.
3. The Town has received information from the Federal Emergency Management Agency concerning the appeal process for the new federally designated flood insurance areas; please consult the Town's website for the federal flyer and information on the appeal process.
4. The Board has received the latest version of the Joint Operations Plan 2014 from the Department of Resources and Economic Development for your review and approval.
5. The Board has also received the most up to date list of Special Use Permits from DRED for the use of the State Beach and Parks areas.
6. I have forwarded to the Board a memorandum concerning the beginning of the next perambulation cycle in 2015. In order to schedule each perambulation I would like to know if the Board wishes to perform the walking of the Town bounds themselves or would like to assign it as the Board did for the pervious perambulation in 2008.

Town Manager Welch added: the 401 Tavern a one-day entertainment license for a fundraiser for the Wounded Warriors Project; approved by the Chief of Police; also

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additional Seafood Festival Vendor's License, Sanborn's Casino Candies at 153 Ocean Boulevard; anybody after tonight won't be able to receive them unless the Board holds a special meeting; in the past the Board has allowed the office to go ahead and approve them as long as they have been approved by all the safety departments and followed the same regulations as long as they are within the containment area; ask the board to approve the them tonight.

Selectman Bridle MOVED to approve that the Town Manager approve any Seafood Festival License that may come in after tonight, per the requirements of the Board and the 401 Tavern One Day License and Sanborn Casino Candies Seafood Festival Vendors License Selectman Waddell.

VOTE: 5-0-0

Town Manager Welch stated: there is a firearms training August 27-29, 2014; it's going to be from 6-9pm manning the range down behind the Public Works Facility; has been advertised in the newspaper; prepare something for the Keene Family; provided a draft of the I&I Study; have the full study upstairs; received the proposed operating budget for 2015; haven't received the insurance and retirement figures; those due in September.

Selectman Woolsey stated: after the American Legion dedicating the monument can come to the budget meeting after; are they permanently shooed out of town?

Town Manager Welch answered: they always hold it there at this time of year; informed they we do not wish to host anymore.

Selectman Woolsey stated: there was a FEMA representative there at the last precinct meeting.

IX. Old Business (53:00)

1. Hampton – DRED Joint Operations Plan

Town Manager Welch stated: appointed a small committee to review this; prepared to implement it if the Board proposes to pass and sign it.

Selectman Woolsey stated: refuse to sign it; want nothing to do with it.

Selectman Griffin stated: think they listened to the concerns and acted on them.

Selectman Bridle requested a correction be made under the section for the lobster traps, to state it needs to be deposited in a dumpster provided by them.

Town Manager Welch stated: believe that said that Fish & Game would put a dumpster in; not sure if they are going to do that; in the past have a dumpster in Seabrook to haul them to.

Selectman Bridle stated: if DRED hauls them to Seabrook.

Selectman Griffin stated: there is room for a dumpster.

Selectman Bridle stated: don't leave it either or; take the word or out.

Selectman Waddell asked: was this discussion earlier in the year?

Selectman Bridle stated: it was up in April; discussed having it earlier in the year; meeting went well.

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Selectman Woolsey stated: why don't they put the dumpster on the state's property?

Selectman Bridle stated: they don't have a place for it.

Selectman Woolsey stated: don't see why it needs to be on our property.

Chairman Bean stated: thank you for those that have participated with the state.

Selectman Bridle stated: this is only good until April of next year; we can address anything we don't like next year.

Selectman Waddle MOVED to approve the Hampton – DRED Joint Operations Plan as corrected SECONDED by Selectman Griffin.

VOTE: 4-1(Woolsey)-0

2. (8) parking passes for the Seafood Festival at Church Street to be used by DRED

Town Manager Welch stated: the Board was under the impression that the eight parking spaces were for the Chamber of Commerce; not the case, they are for DRED employees; need permission; cost us about \$1,000.

Selectman Griffin asked: this isn't what we've always approved?

Town Manager stated: when the information was presented by the Chamber, the impression that they left was that it was parking for the Chamber of Commerce; new there was a reservation before; wanted you to know what is going on.

Selectman Bridle stated: DRED has own state park at the end of the beach to park.

Chairman Bean stated: these are not for the Chamber these are for state employees.

Selectman Griffin stated: we've done this in the past with no complaints.

Selectman Waddell asked: do we give DRED the parking so the Chamber can park closer?

Town Manager Welch stated: no, they cannot park at the main complex; DRED has required the Chamber to provide 8 parking spaces for their employees.

Selectman Griffin stated: offer them spots that aren't top spots; sure there is some type of trade off; why make it more difficult.

Chairman Bean stated: there doesn't need to be motion; they have been granted already.

Selectman Woolsey stated: it's rather deceptive.

Selectman Griffin stated: need to work together.

Chairman Bean stated: consensus is for the Chamber to still receive the eight spots.

3. 2013 Town Audit

Selectman Woolsey would like to see this up on the internet.

Town Manager Welch stated that it has been given to IT to put it up.

Chairman Bean stated: it is the snapshot; primarily we speak to our Department Heads and try to manage and lead with Mr. Welch; tremendous commitment of the taxpayer; reflects the extraordinary job of the taxpayers and voters in this town; there were a lot of people bailed out in the country; proud to be a member of that community; vital and important document;

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financial statements focus on current expenditures; read certain numbers of the audit that are important to understand and be heard.

Selectman Woolsey spoke about the lack of the State contributing to the retirement, rooms and meals tax.

Selectman Waddell spoke about the New Hampshire Municipal Association Legislative policies, asked if it's not too late, that we could have someone go up and vote?

Town Manager Welch responded yes.

Selectman Woolsey felt the Board should not, unless we discuss it here first in public and have a consensus.

Chairman Bean stated that this is the New Hampshire Municipal Association's timeframe. That we bring our legislatures in and have a discussion about laws; interested in what our deadline is for our legislators to submit legislation for the Town.

Selectman Woolsey spoke about how we are paying dues to the NHMA; that they lobby on behalf of the community; not fair to come to some consensus without us discussing the policies; either ignore it totally, or have a relevant discussion on hot topics; and send a memo or a representative with our hot topic list.

Selectman Bridle spoke about our State representative and the need to build some allies up there, and they do; don't see a necessity for the NHMA; like to see work with our own Reps; spend time and effort there.

Selectman Woolsey stated that we have so few representatives, compared to the statewide, that they are banging their heads on the wall.

Selectman Bridle stated that we should work together, but we should spend time with our local representatives.

Chairman Bean stated: I agree with you.

Selectman Griffin stated: I agree, that we need to work with the system and remember that old adage "you can't fight city hall" well this is state hall.

Selectman Waddell stated: have a negative aspect about this from before; things have changed; either we work with them, or get out of it; if we pay \$1500 we should work with them otherwise get out of it.

Chairman Bean stated: room to address both of those.

Selectman Woolsey agrees with Mr. McGuire about Towle Farm Road; put some of the signboards up; neighborhood does not deserve what is happening. In addition, are we going to go over the I&I Report with Mr. Noyes and Mr. Jacobs the next time they are in here?

Town Manager Welch responded yes, at his next visit to the Board.

Selectman Griffin asked: is it true there is a state law that the lowest speed limit is 30mph?

Town Manager Welch responded that the law states that you can post 25mph if there is an engineering study of the road; otherwise nothing under 30mph can be posted; there hasn't been a study of any of the roads.

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Selectman Bridle stated: there are 20mph signs there that are yellow which are advisory signs.

Town Manager Welch we do put caution signs up; not enforceable unless the person is operating in a reckless manner.

Selectman Griffin asked about the prior discussion on the gas station; has a letter been sent.

Town Manager Welch responded that we have had no response; will be having Town Counsel ask them to clean the area up.

Selectman Griffin asked if there could be some type of warrant article we could do. To make property owners clean up their property.

Town Manager Welch responded no, we can't, that is something we can't legislate in NH.

Selectman Griffin stated then we need to send the letter out immediately.

Selectman Bridle stated: ask the Chief to look at Towle Farm Road; are some issues there; ask the Highway Safety Committee to look at it.

Town Manager Welch stated: want to see if ribbing could be put on the road so they will have to slow down; do rumble strips.

Selectman Waddell asked about the building on High Street, which is an absolute mess, we should also send a letter there as well.

Selectman Griffin responded that someone did buy it; a woman bought it from foreclosure; who has appeared before ZBA for certain uses and is trying to sell it.

Chairman Bean read the memo that will be sent to BOS from Mr. Welch regarding the memo that was sent Mr. Welch from the Trustee of the Trust Funds regarding RSA changes in 2014.

X. New Business (1:33:22)

1. Town Manager's Contract

Chairman Bean spoke about the unanimous consent and vote on the Town Manager's contract; document consists of Board of Selectman evaluation; objective; accomplishments; powers and duties; employment agreement that was offered and accepted 2015-2018; signature page and response; immediate objectives read, some of which were already discussed tonight; effective and signed August 18, 2014; read Town Manager accomplishments; read certain aspects of the contract aloud; Mr. Welch has accepted the offer.

2. Waiver Request – Bid 2014-010 Eaton Park Ball Field Lights

a. Purchasing Policy Section 718-4 B (2) Award of Bid or Professional Proposals - Less than 3 Bidders

Town Manager Welch explained the request for the bid waiver, did prepare the bid documents; mailed to four vendors; bid specified a specific type of light; only one returned the bid; did the best to get it done this calendar year; be happy to put back out and rebid if the Board wishes.

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Selectman Woolsey MOVED to approve the Waiver Request of the Purchasing Policy Section 718-4 B (2) Award of Bid or Professional Proposals - Less than 3 Bidders for – Bid 2014-010 Eaton Park Ball Field Lights SECONDED by Selectman Bridle.

Discussion

Selectman Bridle responded that we tried to find people that were qualified; four businesses that were pre-qualified; just because three business decided not to do it; shouldn't handcuff us if they don't respond; done our due diligence.

Selectman Waddell asked if Mr. Welch is satisfied.

Town Manager Welch responded that they had talked to the four companies before Town meeting because we needed a cost; decided on a system, decided on the system because nobody was offering us a guarantee; decided to only bid that particular product because of the 25 year warranty, can't tell you why the other three bidders did not respond.

Chairman Bean read the Utility Services and Assistance Inc. President's letter; there is a bid bond attached to this, which is important, speaks to the capability of this company; it's a completed bid; looks strong.

Selectman Woolsey stated that this bid award does not impact the tax rate, come out of the recreation fund.

VOTE: 5-0-0

XI. Closing Comments (1:44:55)

Selectman Bridle asked about the letter in a packet for a bench on town property.

Town Manager Welch responded that this piece of property is not listed a piece of town property but it is town property.

Chairman Bean announced that they will be entering into a non-public session for a personnel matter under RSA 91-A:3,(b).

XII. Adjournment of Public Meeting

Selectman Woolsey MOVED to ADJOURN the Public Meeting at 8:43PM SECONDED by Selectman Bridle.

VOTE: 5-0-0

Chairman