

TOWN OF HAMPTON  
BOARD OF SELECTMEN  
Draft March 29, 2010 Minutes

PRESENT: Richard Nichols, Chairman  
Richard Bateman, Vice Chairman  
Richard Griffin  
Gerald Znoj  
Frederick Welch, Town Manager  
Attorney Mark Gearreald

ABSENT: William Lally

7:00 PM

I. SALUTE TO THE FLAG

II. Public Hearing – Emergency Lane “Mary Avenue”

No objection from the public. Public Hearing Closed.

Mr. Bateman Motioned to move that the that the Board declare Mary Avenue, a 12 feet wide, unpaved private road off of Island Path to be an emergency lane under RSA 231:59-a for the limited purpose only of enabling the Town of Hampton to continue to plow snow from said Street during snow season, effective after April 1, 2010 and until rescinded by the Board, and to make the written findings submitted herewith in support of this Motion, which is accompanied by memos supporting the designation of Mary Avenue as an Emergency Lane from the Public Works Director, Fire Chief, and Police Chief. And, to declare Mary Avenue to be a Fire Lane on both sides as described in the written findings, based on the recommendation of Fire Chief Silver, such that vehicles may be towed as necessary to enable effective plowing of snow to occur. Mr. Znoj SECONDED.

VOTE: 4-0-0

III. Public Comment Period

Chairman Nichols explained that last week the Board discussed the Public Comment Period and agreed that they would be flexible as to the topics discussed during this period but would like to limit individuals to 3 minutes.

Ms. Candice Stelmach would like to discuss the area around the Grist Mill and the up keeping that herself and neighbors do to this area. They would like some feedback from the Board as to what their position is on what is going on at the mill, what they think the volunteers should be doing, safety issues if any and some direction. They would also like some input on what the State has decided on the dam and the spill way.

Mr. Welch commented that they are still waiting to hear from the State on this. Mr. Griffin added that this is a beautiful area and the mill is owned by the Town.

Mr. Grondin shared some pictures with the Board and history about the area and how he used to stock the pond himself with trout. He also spoke about the spill way and the need for some kind of spill way. He spoke about how at one time when there was some flooding the Public Works Department came and ripped up the whole area and left behind an area of muck instead of a pond.

Mr. Griffin explained that they are basically here tonight to see about making an appointment to come before the Board and who else should be invited to attend this same meeting. Mr. Welch reiterated that he is still waiting to hear from the State before anything can be done on this. He also shared some additional information about what will need to be done in this area including that according to the State the dam is not solid.

Chairman Nichols summed up that at the current time we are still waiting to hear from the State. Chairman Nichols would suggest that once Mr. Welch has received the information back from the State that this be put on the agenda. Mr. Griffin commented that these individuals just want to work and maybe could meet with Public Works.

#### IV. Announcements and Community Calendar

Mr. Bateman commented that on Friday night there will be a fundraiser at Wally's Pub starting at 8 with a band at 9. The cost is \$10 at the door and all profits will go to the Police Memorial in Washington DC which has never had a tax dollar spent on it.

Chairman Nichols asked if either Mr. Welch or the Chief would like to give an update on the storm. Chief Sullivan commented on the expected rainfall totals and that as of today the Town was doing pretty good. There have been some requests for sand bags and flooding from high tide. This is definitely something that they will need to keep their eyes on and if you have had flooding with the past few storms you should expect it again and take any necessary precautions.

#### V. Appointments

1. Ralph Fatello, Commander American Legion "GWOT Memorial Fundraiser" – Ashworth Avenue Parking Lot

Mr. Fatello introduced other members of the committee for this fundraiser. He explained that they have a situation with their Global War on Terrorism Monument. When the monument was first unveiled 6 years ago they did not anticipate where they would be at today. What they do is each September 11<sup>th</sup> they add the names of the fallen soldiers from one September 11<sup>th</sup> to the next. They are currently at 43 names with 3 more that will need to be added this September. They are in need of adding panels to the monument since they only have room for 5 more names. They have come up with 2 fundraisers. One is a concert at the High School on Memorial Day Weekend May 29<sup>th</sup> and they are also looking into the idea of doing a car show. For the car show they have picked June 19<sup>th</sup> but are open to June 5<sup>th</sup> or 12<sup>th</sup>. The proposed site for the car show is the 120 spots in front of the Police Station. They are here tonight to ask the Board for permission to have the car show and use the spots in the Ashworth Avenue Parking Lot and the date can be set by the Board.

Mrs. Martin explained that the lots open for Memorial Day Weekend and then close and do not usually open for the season until the 2<sup>nd</sup> or 3<sup>rd</sup> weekend in June. Mr. Fatello shared some

information on the monument including that this is the only monument of this type in the country.

Discussion

Mr. Znoj wonders if there is a rain date and Mr. Fatello stated that it would probably be on Sunday of the same weekend.

Mr. Griffin would suggest June 5<sup>th</sup> since the season has not started. Chairman Nichols agreed that June 5<sup>th</sup> would be better. Mrs. Martin stated that the lot can be open and earn money by charging the cars coming in to see the show.

Mr. Bateman pointed out that in addition to these fundraisers that they do accept donations.

After a discussion on the date the Board agreed with Mr. Fatello that June 12<sup>th</sup> would be the best date for this event.

Mr. Bateman MOTIONED to approve the use of the Ashworth Avenue Parking Lot for the “GWOT Memorial Fundraiser” for the car show on June 12<sup>th</sup> with a rain date of June 13<sup>th</sup>. Mr. Znoj SECONDED.

VOTE: 4-0-0

2. Edward Tinker, Assessor – 21 & 25 Epping Avenue – Settlement

Mr. Tinker stated that he has had a discussion with the property owners. It would be beneficial to both the Town and the property owner to agree on the settlement.

Discussion

Mr. Znoj has reviewed the settlement and does not have a problem with it.

Mr. Znoj MOTIONED to approve the application for 21 & 25 Epping Avenue – Settlement. Mr. Bateman SECONDED.

VOTE: 4-0-0

3. Jamie Steffen, Town Planner “Congestion, Mitigation & Air Quality – US 1/ Winnacunnet Road Intersection Improvement & Signal Coordination”

Mr. Steffen explained that he has been putting together this grant application which will go to the State but the funds are Federal Funds. He explained that the program is for projects that will improve air quality and eliminate car emissions. It is a very competitive program with \$21M available statewide and there is somewhere between 30 and 40 applicants. The purpose of the application is to look for funding for a signal at the intersection at Winnacunnet and Route 1. This project scored well with the RPC but did not get selected by the State for the 10 year plan update. It will help with congestion since the signals would be able to be coordinated on this stretch of Route 1. Mr. Steffen explained how the signal coordination works. The grant is an 80/20 split so 20% of the cost would have to be from local funds and it is a reimbursement program. The total project estimate is \$240,000. He needs as part of the application process a letter from the Town allocating these funds.

Discussion

Chairman Nichols clarified that this project is so far down on the States 10 year plan that is why this other option is being explored. Chairman Nichols asked Mr. Welch what the benefit of this is to public safety.

Mr. Welch explained more of how the signals would be coordinated and how traffic would flow much better and eliminate some of the backup. Mr. Welch also stated that in 2011 and 2012 the cost would be roughly \$24,000.

Mr. Znoj clarified that the funds would be fronted by the Town and later reimbursed. Mr. Schwotzer stated that the whole amount would be budgeted but the income would also be recorded. Mr. Znoj wonders how the air quality is measured now.

Mr. Steffen stated that the Rockingham Planning Commission has developed a model for this. Mr. Znoj would also like to bring up some of the controversy behind the "T" of this intersection and if there is any data composed on the dangers of this intersection. Mr. Znoj does like the idea but would like to hear what Chief Sullivan thinks of this. Chief Sullivan thinks that this would be a much safer intersection if this was done.

Chairman Nichols wonders if the \$240,000 estimate becomes \$350,000 what happens then. Mr. Steffen stated that the application only requires estimated costs so he does not see that this would be a problem. Mr. Welch stated that the numbers being used are numbers provided by the Regional Planning Commission. Once the engineer phase has been completed is usually when the agreement would be signed and at that time the cost estimate should be close to accurate. Mr. Griffin clarified that today the Board is only being asked for approval to submit the grant application.

Mr. Griffin MOTIONED to approve the application for the Congestion, Mitigation & Air Quality – US 1/ Winnacunnet Road Intersection Improvement & Signal Coordination. Mr. Bateman SECONDED.

VOTE: 4-0-0

#### 4. Michael Schwotzer, Police Chief, Fire Chief & DPW Director – Budget Discussion

Mr. Schwotzer started the discussion by making sure that all the members of the Board had a copy of the revised budget. He has done a preliminary revised budget for the Board and would like to go over this along with some other thoughts he has on the budget. The objective that he was trying to achieve was to realign the default budget to the budget that was put forward by the Selectmen. This also gave him the opportunity to look for savings and to find what could potentially be a shortfall in motor vehicle income that would have an impact on the tax rate next year. He did a mathematical comparison of the Board of Selectmen's budget and the 2009 actual amounts. From this comparison there are opportunities totaling \$720,000. Not all of these opportunities were possible but he did come up with \$470,000. He also did an analysis of the EMS fund and believes that we can comfortably charge \$200,000 from the Fire Department budget to the EMS fund. His suggestions: add \$47,000 to Police budget to cover retro pay owed, \$27,000 to fund the additional NHRS costs for Fire & Police and put aside \$595,000 in "Other Cost Offset" account used last year. After looking at motor vehicle revenue he believes that there will be somewhere between \$250,000 and \$475,000 in loss of revenue from motor vehicles. He has also adjusted the pay outs for retirements.

Chairman Nichols added that he has gone over these numbers and thinks this would be a good time to let the Selectmen ask any questions they might have.

Mr. Znoj received some clarification from Mr. Schwotzer about his comparison. Mr. Schwotzer added that the sum total of what he is suggesting the budget to be is \$24,374,000 which is what the public voted on.

Chairman Nichols brought everyone up to date on HB1664 which is the finance bill to find the \$140M at the State level was tabled by the House of Representatives on Wednesday. This means that it would require a 2/3 vote to even get it over to the Senate. Therefore leaving the money in the "Other Cost Offset" account is a good idea since we still do not know what is going to happen at the State level.

Mr. Bateman and Mr. Griffin both agree with Mr. Schwotzer's suggestions.

Chairman Nichols would now like to turn to the department heads for their opinions before the Board makes any decisions as to where they would like to go with the budget.

### Police Department

Chairman Nichols would like to ask Chief Sullivan about the Mounted Patrol. Chief Sullivan explained that with the cuts that are being made prioritization has to put this money elsewhere. He added that they have to make the decision that no one wants to make and eliminate the Mounted Patrol. They will need to make arrangements to find a home for the horses and the equipment will stay status quo. There was an additional discussion about the horse's age and the lack of training and use of the horses on a fulltime basis. They also discussed the amount that has already been expended on the horses thus far this year and Mr. Schwotzer and Chief Sullivan will work out where the money will be spent from.

Chief Sullivan believes that there are some concerns with the cuts that are being made to his budget. Mr. Znoj and Mr. Schwotzer discussed whether or not Mr. Znoj's suggestions on the police budget were taken into consideration. Mr. Znoj questioned the amount budgeted for Specials and wonders if it will be spent. It was discussed that this line item had money left last year due to the excessive rain in June.

### Public Works

Chairman Nichols has one item to discuss in the Public Works budget and that is tipping fees. In the Selectmen proposed budget the total for tipping fees was \$736,000 and Mr. Schwotzer came up with \$644,000. Chairman Nichols has gone over some information with Mr. Price from January and February comparing solid waste tonnage and recycling from 2009 to 2010. After looking at these figures Mr. Price and Chairman Nichols agree that a 10% decrease from 2009 is a pretty conservative number to use therefore this item can be reduced to around \$560,000.

Mr. Price did mention that the contract with Waste Management runs out in June so those fees could increase at that time. There was a discussion about changing the contracted service line item and it was decided that this line item will remain the same and some additional funds would be put back into tipping fees.

### Fire Department

Chairman Nichols commented that Chief Silver provided the Board with a very good proposed budget. Chairman Nichols mentioned that the Selectmen's budget for Fire was \$2,987,000. What the Chief has requested is \$3,069,000 which is roughly about \$81,971 more than the Board of Selectmen's proposed budget. He has spent a lot of time with the Chief over the past few weeks and understands better how the department runs.

The Chief has requested \$401,000 in Fire Suppression overtime and Chairman Nichols would suggest that they go with \$365,000 for this line item. The \$365,000 is the amount of the 2009 revised budget. The impact of this would add about \$40,000 to the overall budget.

Chief Silver explained how he came up with his proposal including looking at the 2009 actuals. He adjusted line items to more accurately reflect how they need to expend funds in 2010.

Mr. Znoj asked about the building maintenance and if the \$20,000 that he is asking for is sufficient and it is. Mr. Znoj is fine with the proposed budget from the Chief with the adjustment that Chairman Nichols suggested in Fire Suppression overtime.

#### Other

Chairman Nichols has a little different take than Mr. Schwotzer on motor vehicle revenue. He is a little more pessimistic than Mr. Schwotzer and thinks that \$475,000 is a better number to keep in the "Other Cost Offset" account.

Chairman Nichols has a couple of additional request for information: like to have an understanding of the Undesignated Fund Balance and an idea of what needs to be in the Overlay account according to Mr. Tinker and Mr. Schwotzer.

Chairman Nichols would also like to thank Mr. Schwotzer and the Department Heads for the hard work they have done.

There was an additional discussion about the Undesignated Fund Balance. Mr. Schwotzer provided some additional information on the direct impact on the tax rate. Mr. Schwotzer commented that they are doing preplanning by looking at all this right now.

#### VI. Minutes of March 15, 2010 and March 22, 2010

##### Minutes of March 15, 2010

Mr. Znoj MOTIONED to approve the minutes of March 15, 2010 as submitted. Mr. Bateman SECONDED.

VOTE: 4-0-0

##### Minutes of March 22, 2010

Page 6: second paragraph change the wording "and in 2009 it was set at" to be "the actual expense was".

Page 7: add the word "control" after the word traffic in the 4 line from the bottom.

Mr. Bateman MOTIONED to approve the minutes of March 22, 2010 as corrected. Mr. Znoj SECONDED.

VOTE: 4-0-0

#### VII. Town Manager's Report

The Town Clerk has requested that I remind dog owners that it is time to relicense your dogs. Dogs must be licensed by May 1, 2010. Please see the relicensing section on the Town Website. Fees are \$9 for unsprayed/unneutered, \$6.50 for spayed or neutered and \$2 to senior citizens for the first dog registered. Please notify the Town Clerk's Office if your dog has passed away during the past year so that notices will not be sent for registration.

The State Senate has voted to extend the start of Donor Towns for education funding to July 1, 2012. The bill will now go to the House of Representatives for concurrence. Please contact your local House members and express your concerns.

Please remember to mark your calendars for May 22, 2010 for the Household Hazardous Waste Collection Day from 9AM to 12 Noon behind the Old Town Hall, Winnacunnet Road. Items that will not be accepted are Latex Paint, Ammunition, Fireworks, Explosives, radioactive materials, gas grills and tanks, infectious & biological wastes, smoke detectors, auto and other wet cell batteries, tires and white goods. Items that will be charged a fee for disposal are fluorescent tubes, televisions, computer monitors. Desktop PC's, Notebook PC.s, Printers, Scanners, Copiers and keyboards.

I believe that the Town should develop an assistance program to help citizens who have had their properties flooded and would ask the Board whether they feel that this is a worthwhile program to develop.

As of today the fire scene at the beach has been approved for demolition permits by the Fire Inspector. The investigation has been complete.

#### Discussion

Mr. Znoj asked for some further information about assisting the residents with flooded basements. Mr. Welch stated that there would be restrictions such as helping those who do not have sump pumps or any other means to do these themselves.

Chairman Nichols clarified that this would be done by Public Works and not the Fire Department and that this would only be done for the residents with exceptions not everyone. Mr. Welch commented that this would be done over the next couple of days and that in the future it would be a good idea to get some kind of assistance program in place. Mr. Welch suggested that anyone in need of help should contact the Public Works Department.

Mr. Griffin wonders what the cause of the fire was and that has not been made public yet. Mr. Bateman wonders if there is any talk of rebuilding yet and Mr. Welch believes that one of the property owners is looking into rebuilding.

### VIII. Old Business

Mr. Welch commented that there are abatements that are ready to be signed.

Chairman Nichols wonders if the process has been started in regards to the database for residents not on Town sewer. Mr. Welch has contacted Public Works on this.

### IX. New Business

1. Review of Action Items 2010 Warrant Articles – Mr. Welch provided the Board with a list of the Warrant Articles

#### Discussion

Article 14 – Beach Lighting – Chairman Nichols shared a letter from the Precinct lawyer stating that they do not plan to do anything soon. Mr. Welch commented that the funds will be expended by the Town and the Precinct will be consulted on the type of lighting. There was a discussion on the type of lights that will be going in down at the beach including the type of bulb, height of pole and decorative style. Mr. Welch reiterated that the Precinct will be

consulted on the project and will be contacted within the next 30 days or so. They also discussed possible vandalism.

Article 26 – Extend Tide Mill Road – Mr. Welch and Atty. Gearreald are working on this and trying to contact all the owners.

Article 29 – Entertainment Ordinance – Chairman Nichols thinks that it is important to get letters out to these business owners. Mr. Welch stated that the entertainment ordinance and litter ordinance letters will go out together.

Mr. Griffin asked about the Galley Hatch. Mr. Welch stated that Atty. Gearreald is working on this. Mr. Griffin thinks that the owner should be spoken to before a lot of work goes into this since he has heard that they are very upset about this. Chairman Nichols pointed out that they will be contacted before anything is done.

Article 39 – Commercial Waste – this article was reworded at the Deliberative Session. Chairman Nichols thinks that the first thing to be done here is to get a legal opinion on the verbiage. Mr. Bateman and Mr. Znoj both agreed that this article did not end up being what anybody wanted. Chairman Nichols would like to see the legal opinion within the next couple of weeks.

#### Other New Business

Chairman Nichols brought up a letter from John Price in regards to 2010 roadway construction maintenance. Chairman Nichols pointed out that with the budget discussed tonight the \$300,000 that was removed by the Budget Committee has been put back into the Public Works budget for this line item. Chairman Nichols wonders if the combination of what's in the budget and the warrant article will cover more than just the 7 streets in the warrant article and Mr. Welch believes this to be true.

Mr. Welch has asked Mr. Price to look at this and get back to the Board. Chairman Nichols would like to see how this compares to the Beta Group scoring of the roads and the condition. Mr. Welch believes that the streets that appeared on the warrant article were on the Beta Group list.

Mr. Znoj brought up the drainage issue on some of these streets and Mr. Welch provided the Board with some information on the drainage in Town and the cost to put drains in on a street. Mr. Welch also shared some information on why they want to update the Master Drain Plan which has not been done since 1980. He would suggest looking at the worst areas first such as the end of High Street. Mr. Welch also stated that the drains need to be cleaned on a regular basis.

Mr. Griffin wonders if installing a flood gate would help with High Street flooding and Mr. Welch does not believe that this would help but shared some ideas that might work. Chairman Nichols would like to see some kind of overview on drainage from Mr. Price and Mr. Welch.

#### X. Consent Agenda

1. Entertainment Activities License “Wally’s Pub” – 144 Ashworth Avenue
2. Recycling Education Committee request to use a Town message board for Earth Awareness Fair

#### Discussion

Mr. Bateman pointed out the new requirements for the entertainment license.

Mr. Bateman MOTIONED to Move the Consent Agenda. Mr. Znoj SECONDED.

VOTE: 4-0-0

#### XI. Closing Comments

Mr. Nichols MOTIONED to enter into a nonpublic session under RSA 91-A:3., II., (a), (b), (c), (d), (e) Mr. Bateman SECONDED.

On roll call, all BOS members present and voting; voted yes to enter into the nonpublic session.

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Chairman

During the meeting and in accordance with the vote taken on March 01, 2010 the BOS signed the property tax credits/exemptions for the following:

#### Disability

Duprey, Jane T.

#### Veterans – New 2010

Baker, Peter

Burns, William & Eleanor

Ghirardi, John K & Marcy C

Hafey, Charles & Susan C.

Wojcik, Stanley R. & Brenda J.

Hobbs, David K. Jr.

Eriesan, Edward & Glenn R.

Hoffman- Farrah Family Revoc, Tr –  
Farrah, Sheridan James, Hoffman,  
Barbara M.

Freitas, John D.

Klotz, John E. & Patricia J.

Maxfield, Grace

Nadeau, Pauline M.

Paquir, Richard M. & Colette

St. George, Joseph

Edgar, Michael A. & Kathleen

Cyr, Nichols P. & Hannah M.

Corriveau Family Trust – Corriveau,  
Ernest R. & Margaret

White Fox Realty Tr. – Fox, Janet H.

St. Martin, Clarie A. Rev. Tr – 1997 –  
St. Martin, Leo I. Rev. Tr

Brock, Priscilla J. Trust

#### Elderly

Nownes, Francis & Allaire

Zahdrnt, Kenneth

Sullivan, Karen M.

Sicard, Eleanor

Provencal, Henery E. Revoc. Trust

Jameson, Beverly Joyce

Holman, John M.

Bleczinski, Patricia & Robert