

TOWN OF HAMPTON  
BOARD OF SELECTMEN  
November 29, 2010 Minutes

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

7:00 PM

SALUTE TO THE FLAG

I. Acceptance of Grant Funds under RSA 31:95-b.

Fire Department

Delsar Life Detector \$1,500

Search Camera \$1,500

Confined Space Entry Kit \$1,500

Mr. Bateman MOTIONED to accept the Grant Funds under RSA 31:95-b. Mr. Znoj  
SECONDED.

VOTE: 5-0-0

II. Public Comment Period

John Gebhart, 4 Bailey Ave, made comments on petitioned warrant articles that were put in by him and discussed last week in regards to martial art weapons. He also discussed another article about the sale of Town Property.

III. Announcements and Community Calendar

Mr. Bateman provided a timeline for the Wreaths Across America next Monday morning.

Mr. Znoj reminded everyone of the Holiday Parade this Saturday which starts at 1. There is also a Chowder Feast at Hobbs House from 5 to 7. The tree lighting will be on Friday night.

Chairman Nichols would like to let everyone know that the Highway Safety Committee is looking for a member.

IV. Appointments

1. Michael Pierce – Trust Fund

Michael Pierce, 16 Hedman Avenue. Mr. Pierce provided the Board with an article from the paper and informed everyone that he has attended both the October and November meetings of the Trustees. He expressed that he is very concerned, particularly with Mr. Mackensen role as a Trustee of the Trust Fund, his influence on the Trustees, he as the owner of the management firm and his interest in the custodial firm, from a conflict of interest point of view. He is concerned with the custodial risk. He is asking the Board to request that the Town's Auditors be requested to do an audit of these companies.

Discussion

Mr. Welch expressed that the Board has the right by statute to investigate any agency in the Town, and to take any action to protect the fiduciary interests of the Town.

Chairman Nichols discussed custodial risk further for everyone. The custodial risk is the risk that is associated with the company who has the funds.

Chairman Nichols MOTIONED to authorize the Trustees to seek the opinion of the auditors Plodzik and Sanderson through the Finance Director Mr. Schwotzer as to the custodial risk associated with the transference of \$15M or \$16M from TD Bank Wealth Management to National Advisers Trust. Mr. Griffin SECONDED.

VOTE: 5-0-0

Discussion

Mr. Griffin commented that he has heard there are a lot of people who are not happy with this.

Mr. Znoj had Chairman Nichols explain the custodial risk in further detail. Mr. Pierce added a few examples to help explain the custodial risk. Mr. Znoj clarified that the Trustees will have control over where the money is invested.

Mr. Bateman would like to add an amendment to the vote to include that the State Security's Office be asked to review the risk free of charge. They should be able to look at this and tell quickly if everything is in place and this should be done at no charge to the Town.

Chairman Nichols clarified with Mr. Welch that this is the proper State entity to do this. Chairman Nichols asked Mr. Welch to pass this information onto Mr. Schwotzer.

Mr. Silberdick provided some information with the Board with some of the information that they receive each week. He also expressed that the Trustees are open to all of this.

Mr. Bateman amended the motion to include a request that a quick review of the custodial risk also be done by the State Security's Office of the Attorney General's Office. Chairman Nichols SECONDED.

VOTE: 5-0-0

V. Minutes of November 22, 2010

Page 3, 5<sup>th</sup> paragraph, after the sentence that begins with Mr. Bateman add the following sentence. Mr. Welch indicated that he will look into the cost of stocking and replacing the pumps.

Mr. Lally MOTIONED to approve the minutes of November 22, 2010 as amended. Mr. Znoj SECONDED.

VOTE: 5-0-0

## VI. Town Manager's Report

The Board should be aware that the Town will be required to change most if not all of the Town's handicapped parking signs effective January 1 to comply with current State standards and Federal requirements. All sign must be in the front of each parking space either on a pole or attached to a building and be not more than 5 to 8 feet off of the ground. Fines are imposed for non-compliance. This will require that the parking layout of the Ashworth Parking Lot will have to be changed before it opens to parking use.

Does the Board wish to establish a schedule under which they can meet with our Senator and Representatives during the coming legislative year?

It appears that all of the various sludge levels by unit are moving the correct direction. It is recommended that the Board consider purchasing at least two sludge presses that are capable of pressing both primary and secondary sludge either together or separately.

The sidewalk on Mill Road from Winnacunnet to High is in need of replacement as soon as possible. It is currently concrete and it is recommended that it be replaced with asphalt.

### Discussion

The Board discussed the changes in handicapped parking signs and street signs.

Chairman Nichols suggested that the Board follow along with Chris Muns suggestion in regards to having the more public type meetings with the State legislators scheduled in advance. Chairman Nichols would suggest that they get together with the Cable Committee and schedule dates one in January, April and September. The Board will still have the ability to have the legislators present at Selectmen's meetings.

Chairman Nichols brought up past discussions the Board has had between asphalt and concrete sidewalks. Mr. Welch commented on the maintenance differences between concrete and asphalt. The Board had an additional discussion on the need for this sidewalk to be repaired and the cost for asphalt versus concrete. The Board agreed to go with the asphalt and have it done as quickly as possible.

Chairman Nichols read a proclamation for Wreaths Across America.

Mr. Bateman MOTIONED to approve the proclamation for Wreaths Across America. Mr. Lally SECONDED.

VOTE: 5-0-0

Mr. Znoj asked about the bridge evaluation report from last year and verified that a copy went to Hampton Falls. Mr. Welch expressed concern since half the bridge is in Hampton Falls. The Board received a more recent copy of the bridge report. They discussed some of the issues in the new report.

Atty. Gearreald suggested that the Board take a vote on the use of asphalt for the sidewalk on Mill Road between High Street and Winnacunnet Road. Chairman Nichols does not believe that this is something that the Board needs to vote on although it was nice that Mr. Welch

discussed it with the Board. There was a discussion on why it was necessary for the Board to vote on this and the reason was due to the fact that it will be changed from concrete to asphalt.

Mr. Bateman MOTIONED to approve the replacement of the sidewalk on Mill Road between Winnacunnet and High Street with an asphalt sidewalk. Mr. Znoj SECONDED.

VOTE: 5-0-0

## VII. Old Business

### 1. WWTF

Mr. Welch explained that he and Mr. Znoj met to discuss this earlier today. Mr. Znoj provided the Board with an update on the plant and summed up that the plant is in good shape at the current time. He discussed the report that is being put together to address the necessary repairs/replacements that need to be done. They also discussed the cleaning process that needs to be done and some of the consequences. Within the next week or so they should know if there is any structural damage.

#### Discussion

Mr. Bateman questioned how often the plant should be cleaned and Mr. Welch expressed that the manufacturer recommendation is every 4500 hours. This has not been the past practice of the Town.

Chairman Nichols summed up some of the problems we are facing with the WWTF and the Church Street Pump Station. It appears that we should know in about a week or so exactly where we stand with the Plant and he wonders if it is decided that there needs to be a new press what type of an expense are we looking at. Mr. Welch commented that this is something they are looking at now. Mr. Znoj believes that we need the big bully press and it will cost an easy \$300,000 to \$400,000. Chairman Nichols is asking about the cost since we have some flexibility with the YE savings and encumbering funds from 2010 for this item.

The Board hopes that the moratorium can be removed shortly.

Mr. Znoj shared some additional items that they have been looking at in regards to the WWTF. They also discussed \$25,000 available in the Trust Fund that can be used for the software. They also discussed the work that is being done at the Plant to take a complete inventory of what is down at the Plant.

The Board agreed that over the next week or so they need to have a good idea of a financial impact involved with the Plant.

Mr. Lally expressed how this moratorium was a blessing in disguise.

Mr. Bateman brought up the fact that down at Public Works they are constantly running from flare up to flare up but never getting to the bottom of the problem. He wonders if under the new structure Mr. Welch sees columns of responsible people and columns of responsible acts so that this type of thing is not repeated. Mr. Welch expressed that under the reorganization each division will have a manager and not a foreman so this should not be a problem. There should be regular reports given to the Board and the Manager.

### 2. Warrant Articles

The Board discussed a request from Ben Moore to budget \$20,000 to be used for the 375<sup>th</sup> Anniversary. Mr. Griffin will ask Ben to get in contact with Kristina to be put on the agenda to discuss this.

Mr. Znoj pointed out that the warrant article for the Fire Stations has been lowered to \$7.5M.

There was a discussion about the Church Street Pump Station and some of the SRF funds that are available for this and other issues involved with the WWTF. Chairman Nichols reminded the Board that this warrant article will encompass any necessary repairs to the WWTF along with the Pump Station. Mr. Znoj is not sure if he believes the Church Street Pump Station is in need of immediate replacement.

The Board agreed that the Town Wash Down Facility should be removed from the 2011 warrant.

Chairman Nichols asked Mr. Welch to give an update on some work that has been done to the Administrative Enforcement Ordinance. Mr. Welch explained that he removed the enhanced penalty portion and changed the appeal process. There was further discussion about additional areas of the ordinance amongst the Board.

Mr. Lally shared some complaints he has received in regards to the Entertainment Ordinance passed last year. There may be some changes coming in from business owners.

Mr. Znoj asked for specifics on the drainage warrant article. Mr. Welch has this information coming to him and will share it with the Board once it is received.

#### Other Old Business

Mr. Griffin asked about the Charitable Gambling passing at the beach. Mr. Welch provided the Board with some information on this and how charitable organizations must comply. There are probably over 100 charitable organizations in Hampton that qualify. They listed out some of the possible businesses. Chairman Nichols referenced the website [nhracing.org](http://nhracing.org) for a list of the 13 organizations in NH. There was a discussion on the track in Seabrook. They also discussed how the money is distributed. Mr. Griffin shared some concerns he has heard about these businesses.

### VIII. New Business

#### 1. Town Insurance Coverage's

Mr. Welch explained that the Board has received a spreadsheet from Mr. Schwotzer summarizing the insurance coverage cost related to the bids received. This item was put on the agenda since the Board will need to make a decision shortly to ensure that the Town has insurance coverage next year. He asked for at least a weeks' notice if they would like to renew current coverage or take on something new.

#### Discussion

Chairman Nichols commented that according to the spreadsheet LGC was the lowest on all three types' workers comp, liability and health.

They discussed the bids that were received and the companies they were from.

Mr. Lally MOTIONED to renew the insurance contract with LGC. Mr. Griffin SECONDED.

VOTE: 4-1-0 (Bateman)

Other New Business

Chairman Nichols discussed the formula in regards to the Rooms & Meals Tax and shared an article with the Board. Chairman Nichols shared that Nancy Stiles will be working on this formula in Concord and some assistance she needs from the Town to do this. Chairman Nichols is requesting that the Police Chief, Fire Chief and DPW Director provide the expenses involved with tourism and Mr. Schwotzer provide the revenues involved with tourism so Ms. Stiles can have this information.

IX. Consent Agenda

1. Appointment to Highway Safety Committee – Paul Ayer
2. Signatures for prior approval for release of AED Funds from the Trustees of the Trust Fund

Mr. Griffin MOTIONED to move the Consent Agenda. Mr. Znoj SECONDED.

VOTE: 5-0-0

X. Closing Comments – None

XI. Adjournment

On motion made by Chairman Nichols and seconded by Mr. Znoj to enter into a Nonpublic session RSA 91- A:3.,II.,(a).

By roll call vote, the Board voted unanimously to enter into a Nonpublic session RSA 91- A:3.,II.,(a)

VOTE: 5-0-0

And;

Mr. Znoj MOTIONED to adjourn the public meeting. Mr. Lally SECONDED.

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Chairman