

Minutes of the Board of Selectmen
February 11, 2013

PRESENT: Rick Griffin, Chairman
Richard Nichols, Vice Chairman
Michael Pierce, Selectmen
Ben Moore, Selectmen
Philip Bean, Selectmen
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

7:00 PM

SALUTE TO THE FLAG

I. Public Hearing RSA 35:95-d Hampton Cable TV Origination Fund

Incorrectly Noticed – Rescheduled to February 25, 2013.

II. Public Comment Period

Gerry Znoj, 16 Presidential Circle, made comments as follows: Wally's Pub being on Consent Agenda, sun setting the Recycling Committee, year-end spending and encumbrances, supports Sea Spray Condo application and Channel 22 origination fund.

III. Announcements and Community Calendar

Mr. Bean congratulated the young ladies of Winnacunnet track on a job well done and their success.

IV. Appointments

1. Wanda Robertson
 - a. Personnel Policy

The Board met with Wanda on the following amendment and Mr. Welch explained the amendment and that a motion is required to amend the personnel policy.

Mr. Nichols MOTIONED to add to the Personnel Policy the following language under Section E. Hiring sub item number '4. Advertising' [after the first sentence] "All open employment positions shall be posted on the Town web site for a minimum of one week prior to closing the acceptance of applications." Mr. Pierce SECONDED.

VOTE: 5-0-0

2. Keith Noyes, Director and Dyana Martin, Parks and Recreation Director
 - a. Church Street Residential Parking Lot Closure

Mr. Noyes explained that with the construction for the Church Street Pump Station under way they are asking permission of the Board to close this parking lot and open the fence for the Leased Lot to allow the contractors a short cut to the project. This would require the loss of 2 spaces in this lot. Mrs. Martin added the following information: she has spoken with the Mon Senior about the gate and he does not have a problem with this, asking for 2 spaces for parking in either the day use lot or the leased lot and what happens to the residents who use this Resident Lot. Her suggestion for the residents right now would be to allow them to use the Island Path Lot from now until when the lots open in May.

Discussion

The following members of the Board asked questions and made comments which were addressed by either Mr. Noyes or Mrs. Martin.

Chairman Griffin asked questions and made comments as follows: questioned if the lot will not be open to the public at all, number of people who usually use this lot, can Leased Lot be used for the residents and it is his opinion that there needs to be a place for the residents to park.

Mr. Nichols asked questions and made comments as follows: length of project, confirmed with Mrs. Martin the location of this lot, suggestion of residents using the Leased Lot and if Leased Lot is full can they park in the daily lot and does not like the idea of residents not being able to park.

Mr. Bean agrees that residents should have parking and let's make it happen.

Mr. Pierce made comments and asked questions as follows: tends to agree that residents should be a high priority, when does the State start to come down and want their spots, accommodate residents first and whatever is best he will agree with that.

Mr. Moore asked questions and made comments as follows: has the Island Path Lot been plowed, how many spots were leased last year, are spots assigned in that lot, makes the most sense to make the Leased Lot available to residents and thinks they need to do what they need to so that residents have parking.

Mr. Pierce asked for the geographic location between the two lots.

Mrs. Martin asked the Board for permission for the following: allow contractors to use 2 spaces in either lot and confirmed that residents can either park in the Leased Lot or Island Path Lot. There was a consensus amongst the Board that the contractors could use 2 spaces in the lot and there needs to be a place for residents to park.

There was an additional discussion on the gate that would be put in by the contractor.

3. Keith Noyes, Director
 - a. DPW Departmental Update

Mr. Noyes, Mr. Jacobs and Mr. Dube all present tonight. Mr. Noyes provided an update on the snow storm first including the following: started plowing around 4 pm on Friday, plowed all the way through to Saturday night, no relief drivers, checked different roads and saw what the guys are up against especially on some of the narrow roads, complimented his crew on what they do, Police were great in assisting that cars were off the road, everyone worked together, came back in Sunday morning to address some areas, one road did not get to until

today, few complaints, calls complimenting the guys, continue to work on the snow and push back the sides, height of embankments at intersection and work on snow removal from High Street Lot.

Discussion from Board on Snow Storm

Chairman Griffin asked about a call he received from a resident on Harris Ave.

Mr. Noyes explained a plan in place for the next storm which includes: staffing the office on the weekend for normal business hours during storms, he will come in for initial storm and Mr. Jacobs will cover the second half of clean-up process.

Mr. Nichols commented that they might want to have Paul set up an email just for storm related complaints that they all have access to.

Mr. Bean commented that he went to Newburyport on Saturday evening and compared there municipal efforts to ours and DPW really did a great job as well as Police and Fire.

Mr. Pierce asked about the EOC on Friday and maybe if EOC is set up that is when the phones should be manned as opposed to manning the phones every time there is a storm.

Mr. Moore commented that his wife gave them shining remarks when comparing Hampton to Exeter today. He complimented them on a great job.

Departmental Report

Mr. Noyes discussed the following items in his report: been working on getting ready for Town Meeting, putting projects together, where they are headed with solid waste and recycling, goal for this year to look at all there internal policies and procedures and get them into a written format.

Mr. Dube discussed the following items with the Board in regards to the Dewatering Project and Church Street Pump Station: had first preconstruction meeting on both projects Dewatering and Church Street Pump Station, will be having monthly meetings, Dewatering Project will not begin for a while but pump is on order, Church Street has begun some work, permit renewal discussed with DES and draft permit coming in couple of months. Mr. Noyes added that it does not look like we are going to be hit with any real major parameters like some of the other Seacoast Towns have been.

Discussion

The following members of the Board asked questions and made comments which were addressed by Mr. Noyes or Mr. Dube.

Mr. Nichols asked about current nitrogen requirements and they are not included in the plan.

Mr. Pierce asked about dewatering the area for the Church Street Pump Station and how the process works.

Mr. Moore asked if they have solved their issue going forward regarding 106 and it is still in the works.

Mr. Jacobs discussed the following projects he has been working on: westside sewer project, plans submitted and approved by the State, wetlands permit submitted last week, EPA approval can take some time, schedule for bidding the project, work will begin in the Fall, beach lighting project has been started and went through what has been done so far, lighting

project should be completed prior to Memorial Day, trash routes are currently collecting metrics and went through all the things they are looking at right now and landfill monitoring. Mr. Noyes shared some additional information on the trash/recycle routes and an individual they would like to get on board for about 2 weeks to do a study of the routes.

Discussion

The following members of the Board asked questions and made comments which were addressed by the DPW staff.

Mr. Nichols made comments and asked questions as follows: thanked him for bringing in the consultant to look at the trash/recycling routes, recycling pickup being deferred during a snowstorm and what has transpired as a result of these changes and drafting of policy for carts. Mr. Noyes discussed some comments he has received in regards to the changes made in the trash/recycling schedule and that they will be coming back to the Board with some additional options at a later date.

Mr. Moore asked questions and made comments as follows: very pleased with their report tonight, any concerns that EPA will not be back to them in time for bidding process, how much FST has billed for their work/efforts so far and quarterly report for sewer/drains prioritized sewer line project list.

Mr. Pierce made comments and asked questions as follows: glad we are having someone come in and look at trash/recycling routes, concerns he receives in regards to pushing off recycling for a week if there is a storm and complimented them on their great job with the storm.

b. Authorization of DPW Director to sign the EPA Discharge Monitoring Report (DMR)

Mr. Noyes discussed the following in regards to the DMR: monthly discharge testing results in the pass done on paper, EPA wants to do these on the computer and need authorization for him to sign these reports.

Discussion

Mr. Moore confirmed with Mr. Welch that these are currently being signed by Mr. Welch.

Mr. Moore MOTIONED to authorize the DPW Director to sign the EPA Discharge Monitoring Report. Mr. Pierce SECONDED.

VOTE: 5-0-0

4. Casella

a. Recycling Services Presentation

Mark Evans from Casella present tonight to discuss recycling. Mr. Noyes made comments as follows: working with Casella since before he started, have not had a contract, reason for not having a contract was because we were going to the Co-Op which did not happen, need to have a contract with someone, looking to have this contract until 2015 when trash contract expires, Casella in tonight and in a few weeks will have someone in from Ecomaine to discuss what they can do, very difficult to compare apples to apples and oranges to oranges and trying to narrow it down for the Board.

Mr. Evans provided the Board with the following information: great working relationship with the Town, served the Town's recycling needs, Casella is not just about recycling, provided the Board with an outline of what they do and summarized it for them, understand the need for a facility in NH, currently bringing material to Charlestown, looking for some kind of security which would result in a better rate, introduced his crew on the Solid Waste side of things, pricing that goes along with agreements, how they come up with their pricing, with an agreement the Town would never have to pay, zero floor and what this means, looking at a down market, last 6 months very soft market price, compared pricing last year to this year and it is down, transportation incentive for the Town, rebate for February would be \$15.15 and provided the Board with the last few month's ACR's for their company which are beginning to climb.

Discussion

The following members of the Board asked questions and made comments as follows.

Mr. Moore asked questions and made comments as follows: confirmed with Mr. Evans that the ACR comes from everything that comes in not just what Hampton brings in, transportation incentive, how much problem do we have getting 14.5 tons in the truck and how many loads do we transport per week in the winter time.

Mr. Pierce asked questions and made comments as follows: why the larger tons makes a difference for incentive, commodities they push out, how does their pricing smooth out the bumps in the market and hard for him to deal with this in budgeting since it is not a set price. There was an additional discussion on pricing and how it is calculated.

Mr. Bean made comments and asked questions as follows: thanked them all for coming out in this weather, things they are doing for Westport, talked about zero sort, provide msw and recycling curbside collection, recycling drop offs, would request them to email just what they are doing for Westport to compare and contrast to Hampton and would like to come down and see their facility.

Mr. Nichols asked questions and made comments as follows: ACR calculation they do based on the revenues they take in and is operating cost fixed.

Mr. Pierce asked if they could schedule a time for the Board to visit the facility.

V. Approval of Minutes

1. January 28, 2013

Page 5; 4th paragraph, change the figure amount of 285,070.84 to 385,070.84.

Page 10; 1st paragraph under Old Business, first sentence remove the words "comparable to".

Page 11; Under Item 3 Discussion for "Old Court House Bid" after the word confirm add the following "with Mr. Welch".

Mr. Pierce MOTIONED to APPROVE the Minutes of January 28, 2013 as amended. Mr. Moore SECONDED.

VOTE: 5-0-0

2. February 02, 2013

Mr. Pierce MOTIONED to APPROVE the Minutes of February 02, 2013. Mr. Moore SECONDED.

VOTE: 5-0-0

VI. Town Manager's Report

1. The Town received numbers of complaints on last Wednesday regarding the sounding of the emergency siren at the Seabrook Station Power Plant. None of our emergency services (Police, Fire or Emergency Management) were notified in advance of the alert that this was a test. Our Emergency Management Director called the plant and received information that the Plant had placed a newspaper ad, in what paper we do not know. They acknowledged the error and apologized for the disruption.
2. The Public Works Department has completed a check of Mary Batchelder Road and reports that all speed limit signs are in place and in order according to the statutes.
3. The roadway is posted for 25 MPH, the lowest speed permitted by law. We will receive a Police Report later on the question of No Through Trucking on the roadway.
4. Work has started on the Church Street Sewer Pumping Station. Preliminary test borings are in progress.
5. Work continues on the construction of both Fire Stations. According to the Fire Chief the construction is progressing on schedule for both.
6. On March 4, the BOS will hold a progress public hearing on the CDBG projects of Foss and SleepNet. The CDBG project for Foss will be closed out. The BOS under the regulations of CDBG are required to adopt "504 Elevation Plan for Handicap Accessibility" for both projects.

Additional items added to report

Mr. Welch has a note from Finance Director that they will have BAN documents to sign this evening.

Discussion

The following members of the Board asked questions and made comments which were addressed by Mr. Welch.

Mr. Nichols asked questions and made comments as follows: checked to make sure they are working on the reverse 911 and mass email system and asked about the scope on Keefe Ave in regards to trash, snow removal and new development. Mr. Welch discussed Keefe Ave in detail for the Board.

Mr. Pierce asked why they are not putting a cul-de-sac on Keefe Ave, it was explained that a cul-de-sac would remove some of the proposed buildings.

Chairman Griffin brought up the improvements that have been made in the project on Keefe Ave already.

Mr. Moore asked questions and made comments as follows: private road has to come before the Board for a vote, spoke about a bill in the House that would change the approval process and asked Mr. Welch to thank all the Department Heads for their work during the storm.

VII. Old Business

1. Sea Spray Condominium Development Tax Relief Application RSA 79-E

Atty. Gearreald provided the Board with the following information in regards to this application: provided the Board with the blank portion of the application that addresses the Boards processing of the application, blank of the covenant that is to be executed and filed if application is granted by the Board, summarized the public hearings that have been held on this application and 45 days to render a decision.

Discussion

The following members of the Board asked questions and made comments as follows which were addressed by Atty. Gearreald.

Mr. Moore made comments and asked questions as follows: after hearing from the public he would be of the opinion that it satisfies the requirements of 79-E, qualifying structure, article was approved overwhelming by the voters and would like to hear from the other members of the Board on how many years it should be granted.

Mr. Nichols made comments and asked questions as follows: in agreement with everything Mr. Moore said, in favor of application, value it will be taxed at, that this played a role in developer's decision and leaning more towards the 5-year timeframe.

Mr. Bean made comments and asked questions as follows: done extensive research, great project, thinks these laws are both subjective laws, project related to the Master Plan and still needs to look at this piece, attended Seacoast Realtors in Rockingham County meeting last week, has a request to the Planning Board for information on how this application had an impact on Green & Company's decision, not ready to make a decision on the length of this yet and still doing the research and due-diligence so not ready to make a decision just yet on this.

Mr. Pierce made comments as follows: agrees with what Mr. Nichols and Mr. Moore said, appreciates the information that Mr. Bean has brought to the table and hold off on making any decisions on this tonight needs more time to digest this information some more.

The Board agreed to wait until the 25th to make a decision on this application.

2. Fire Station Bond Anticipation Note (BAN)

a. Signing of Documents

Mr. Welch has the documents and the Board has previously voted on this so there is no need for a vote. It just needs to be signed by the members of the Board.

Discussion

The following members of the Board asked questions and made comments as follows.

Mr. Nichols asked questions and made comments as follows: asked if they approved the concept of having the bond anticipation notes as well as the particular institution that we are placing the bonds with, were competitive rates obtained from several institutions. Mr. Welch believes that rates were compared but this is something that is done by the Treasurer and Finance Department. Mr. Nichols asked if they approved a particular agreement, he does not recall approving an agreement with a particular institution and he will be happy to sign

tonight but would like an email following up tomorrow with the rates obtained from several different institutions.

There was a discussion on holding off on this until further information is obtained. The Treasurer would be the one that would have the information the Board is looking for in regards to rates. Mr. Moore read from the documents that they are talking about; the interest of 0.67% and asked if Mr. Nichols wanted this quoted. The BAN is from TD Bank and it is for a 5-month bond. Mr. Nichols had not heard prior to this what the interest rate was but hearing this rate he does not have a problem with the rate.

Mr. Moore MOTIONED that they sign tonight a \$4.1M BAN dated February the 5, 2013 calling for principal and interest to be repaid July 22, 2013 at an interest rate on an annual basis of 0.67%. Mr. Pierce SECONDED.

VOTE: 5-0-0

Other Old Business

Mr. Moore mentioned the sidewalk and parking area on Whites Island and does not think that they ever finished that conversation. Mr. Welch reminded the Board that over a year ago they did close off the discussion on extending the sidewalk and provided an update on the request made to the Board to extend the sidewalk. Mr. Moore thinks this item should be put on the agenda so they could discuss this so that the Manager can reply back to the property owners. Mr. Welch provided some additional history on the sidewalk in this area. Chairman Griffin also provided some history on this. Mr. Pierce asked about anything legally binding the Town to do this. This will be put on the agenda for the 25th.

VIII. New Business

1. Hampton Democratic Committee

a. Request for video services by Channel 22 on February 16, 2013

Mr. Nichols commented that this has been done in the past and if the Cable Committee feels they can do this than it is fine.

Mr. Pierce made comments as follows: they have never sent the Channel 22 crew out to a location like this before, have been sent to the schools of course, does not think that they should be spending any funds on such a political event and if the Democratic Committee wants to pay for the guys to come out and do this then he has no problem with it.

Mr. Moore made comments as follows: saddens him to say this but he supports what Mr. Pierce has said, questions possible issues with the location and although the information may be good he is not in favor of this being done.

Mr. Bean made comments as follows: went through the agenda and does not provide information for him to make a decision on this tonight.

Mr. Nichols has heard what has been said and he thought it had been done before but apparently it has not.

Chairman Griffin commented that things have been done here in the past but it was things covered by both parties.

Mr. Pierce wonders if they might want to compromise and if the Democratic Committee tapes the event themselves it can be run on Channel 22.

The Board agreed that they would leave this alone and not approve this item.

2. Hampton Union

- a. Request for use of Selectmen's Room and service of Channel 22 for Selectmen's Debate on March 1, 2013

Mr. Moore MOTIONED to APPROVE the Request for use of Selectmen's Room and service of Channel 22 for Selectmen's Debate on March 1, 2013 pending the availability of Channel 22 Crew. Mr. Pierce SECONDED.

VOTE: 5-0-0

3. Adoption of "504 Self-Evaluation Plan for Handicap Accessibility"

- a. Foss Manufacturing CDBG Grant
- a. SleepNet CDBG Grant

Mr. Welch made comments as follows: since the Town is the sponsor of these CDBG Grant projects there is a requirement at the time of closure that we do this 504 plan so that they can close out these accounts, the Town does not have one, so Kristina has filled out this standard form, which was given out to the Board, if Board is ok with it they can go ahead and schedule a public hearing, in the future he suggests that the Town looks at CDBG grant program contracts a little more closely to see what the Town is getting into and this was not in the beginning approval process.

Discussion

Mr. Nichols asked about getting some level of compensation for administrative cost associated with these grants. Mr. Welch explained that the Town did receive a small amount of money for administrating this financially including the additional audit cost.

Mr. Pierce is a little concerned and a little confused and wonders how we are supposed to make sure these companies comply. Mr. Welch clarified that this is a federal string and has to do with the Town's buildings/properties, not for Foss and SleepNet properties.

Mr. Moore asked what they are adopting and Mr. Welch explained they would be adopting the report. Mr. Welch shared some information included in the plan and work that has gone into the plan.

Mr. Pierce MOTIONED to APPROVE the Adoption of "504 Self-Evaluation Plan for Handicap Accessibility" for the following Grants:

- a. Foss Manufacturing CDBG Grant
- b. SleepNet CDBG Grant

Mr. Moore SECONDED.

VOTE: 5-0-0

IX. Consent Agenda

- 1. Hampton Investment Policy Fiscal Year 2013

2. Old Salt – Request for 15-day Waiver and Letter of No objection for a “Off-site Caterer’s Liquor License”
3. Entertainment License “Wally’s Pub” 144 Ashworth Avenue

Discussion

Mr. Nichols asked that the Entertainment License for Wally’s Pub be removed for discussion.

Mr. Moore MOTIONED to MOVE items 1 and 2 of the Consent Agenda. Mr. Pierce SECONDED.

VOTE: 5-0-0

Discussion on the Entertainment License for Wally’s Pub

Mr. Nichols requested that they defer Wally’s to New Business at a future meeting. He would request that the Police Chief attend the meeting provide a report with similar information related to complaints, calls for service and all that as he did last year in July. He also would like to follow up on the recommendations made by the Police Chief in July of 2012.

Mr. Pierce would like to have the Building Inspector come in along with the Chief of Police.

Mr. Moore brought up a letter sent out by Kristina to all establishments needing an Entertainment License and how these applications are due by March 1st. He thanked Wally’s for getting their application in early and thinks it is wise going forward that for all entertainment licenses that they mention it one week and then have a week for public comment before it goes on New Business or Consent Agenda.

Chairman Griffin would like to comment on the point made by Mr. Znoj in regards to Wally’s losing their liquor license. He explained that there was a sting that affected every Bar in Town that night and Wally’s actually came out on the good side of things, there were others who lost their licenses for 30+ days.

X. Closing Comments

Mr. Moore would still like to schedule some time in a non-public session for some employee reviews. Also need to review and recap their 2012 goals.

Mr. Nichols suggested that they do not do this on the 19th since he will be testifying in Concord. The Board discussed this further and decided to meet on the 19th at 4 o’clock.

XI. Adjournment

Mr. Pierce MOTIONED to adjourn the public meeting. Mr. Moore SECONDED.

VOTE: 5-0-0

Chairman