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July 22, 2013

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

### SALUTE TO THE FLAG

#### I. Public Comment Period (3:54)

Jane Marzinzik, Town Clerk, provided the following update on what has been going on in the Town Clerks Office: recently attended New England Municipal Clerks Institute which she explained the training in detail; applied to State of NH to become a boat agent again; applied to NH Fish & Game to be able to do snowmobile registrations and hunting and fishing licenses; will be closed this Thursday and Friday for renovations which she explained in detail for the Board. Selectman Woolsey commented on how these additional licenses services will provide revenue for the Town.

Arthur Moody, 4 Thomsen Road, here on behalf of the 375<sup>th</sup> Commission and went through all the merchandise available and how someone can go about purchasing these items; discussed some of the activities that will be taking place on August 9, 10 and 11<sup>th</sup>; discussed what proceeds from the sale of memorabilia would be used for.

#### II. Announcements and Community Calendar (17:14)

Selectman Pierce mentioned a comment in the media that they would be holding a non-public meeting in regards to the High Street/Lafayette Road Intersection and believes this is a misquote since they do not do anything in non-public except to discuss personnel matters or to meet with Legal Counsel.

#### III. Appointments

1. Michael Schwotzer, Finance Director
  - a. Monthly Financials (18:09)

Mr. Schwotzer discussed the following: report can be found on the Town website; discussed the following under income motor vehicles, total income, interest on taxes, building permits, departmental income, parking lots, court fines and Real Estate Trust; discussed the following under expense too early to forecast year end, postage expense, personnel in regards to NHRS, municipal insurance, Police, Fire, DPW, seasonal aspect of these 3 large departments, Recreation Department beach sticker sales and scholarships, Private Details, EMS replacement ambulance; financials still running very well.

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Board Members Pierce, Woolsey and Nichols discussed the following topics with Mr. Schwotzer: overtime wages in Parks and Recreation having to do with getting ready for Road Race; MIS repairs and maintenance; Cemeteries repairs and maintenance; Transfer Station part-time wages way under and overtime wages way over; Health Agencies still owed money; State is paying no percentage of retirement; fuel cost going up; encumbrances; forecasting year-end total starting with the August report; Planning Board grant expense in relation to the Rte. 1 corridor study; outside legal cost continues to get better every year; \$21k in scholarships all being applied over the past 2 months; Board would like to receive some documentation on how the scholarships work something similar to a policy statement.

b. Return of LGC Health Trust Funds (36:50)

Mr. Schwotzer discussed the following: memo went out to Board; goes back to last year credit amount of \$106,432 for the employees and Town; separate check for retirees; dealing with first half of 2011; explained the calculation that he used to distribute to employees which is equal to 10% of return; meeting with unions in December; procedure for calculation has been excepted by the unions; in process of distributing money to retirees and employees; distribution for employees maxes out at \$100 for a family plan; retirees pay 100% of premiums so money ranges from \$225 to \$950; in August will receive additional funds and it will be distributed in the same way; amounts are similar; return of 2010 and court case involved; requested from LGC for retiree pay in amount for 2010; unions have agreed to the same calculation distribution.

Board Members Pierce, Woolsey and Nichols discussed the following with Mr. Schwotzer: asked about money that has still not been cashed; distribution process has been agreed upon by the unions; BSR is Bureau of Security Regulation out of the Secretary of State's Office; are they expecting return from 2012 and that does not appear to be the case; returns were dealing with reserves not premiums; confirmation that the unions have agreed on the calculation for 2010; get something confirmed in writing from all the unions; in 2012 distribution posted to revenue which was approximately \$94,000 to \$95,000 and because of timing did not have an impact on the tax rate; discussion on additional money that will be coming in some time in August; choices and options available for incoming money; consider taking the \$94,000 or \$95,000 from the undesignated fund and use it to offset taxes.

Mr. Schwotzer explained in detail what he did with the money that came in December of 2012 and options for what can be done with future money coming in; he would recommend booking the money to revenue and explained why.

Selectman Woolsey complimented the Secretary of State's Office for the great job they have done on this.

2. Jamie Steffen, Town Planner and Jack Mettee, Consultant (51:27)

a. Downtown Charrette Final Summary

Mr. Steffen touched on the following: update on Downtown Charrette; grant funds they received from NH Housing Authority; study and plan for the Rte. 1 corridor through downtown; new zoning and land use regulations; secondary project area; advisory committee that was formed and who the members of the committee are; meeting regularly since the Fall; vision for this area; major step was to do a Charrette and explained what this is and what they did; from input from Charrette came up with this design/plan by Mr. Mettee.

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Mr. Mettee commented on the following: steps advisory committee is planning to take in the next few months; primary element is the civic engagement and the meetings they have had; get as much information or sense of what people are looking for in the downtown area; primary goals to achieve in this process; separate areas within the corridor; design is one piece; audit of current zoning regulations; where we are today and where we want to be tomorrow; next step is to have advisory committee to come up with ways to change regulations and making recommendations on changes that can be made in the downtown to achieve this vision; read the summary from the Charrette; discussed the Master Plan, and how this is based on it; suggestions of what people would like to see in the downtown; went through the number of recommendations; what will buildings look like; listed out the next steps.

Board Members Pierce, Woolsey and Bean discussed the following with Mr. Steffen and Mr. Mettee: possibility of railroad tracks becoming bike paths and additional parking options; possibility of sidewalk cafes; railroad track area needed for drainage; parking area behind buildings is private property and risk with insurance; money came from NH Housing Authority and comments on this organization; proud of the business owners and use of the area referred to as the corridor; concern with seeing people come up with ideas for this area when these people are outside consultants and not from around here; Rte. 1 corridor is a gem; hearing about land use regulation; zoning; the vision and Charrette; shared what happened when they changed Rte. 16 and how that area died as a result of the change.

Mr. Mettee wants to make sure that their job as consultants is to first take the business owners requests into consideration.

Selectman Pierce wants to make sure everyone knows that Experience Hampton played a very large part in this whole plan.

#### IV. Town Manager's Report (1:15:58)

1. The State Department of Resources and Economic Development have issued its updated list of Special Use Permits for Hampton Beach activities on State Property. It contains 18 major activities from July 20<sup>th</sup> to November 23<sup>rd</sup>. Included in those activities are the following multi-day activities: Seafood Festival, Miss Hampton Beach Beauty Pageant, Children's Festival; Hampton Beach Talent Competition. I have requested that the listing be posted on the Town Website.
2. The Department of Public Works will be installing granite curbing at the Galley Hatch, the Winnacunnet Road Fire Station, the Library parking area and 5 tip down locations on High Street for handicap accessibility requirements for cross walks on High Street in the month of September. Bids are about to be issued for the work required with the award of bids scheduled for September 5<sup>th</sup> the work to follow shortly thereafter. Any questions should be directed to the Department of Public Works
3. The Department of Public Works is also preparing to issue bids for winter snowplowing by private contractors. Bids are scheduled to be awarded on September 5<sup>th</sup>. Any questions should be directed to the Department of Public Works.
4. The Planning Board at their meeting of July 17, 2013 recommended that Ann Carnaby be appointed as the Town's Representative to Project Advisory Committee for the NH Coastal Scenic Byway 1996 Corridor Management Plan Update.

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5. I have advised the Selectmen by memorandum that I will be meeting with FEMA and State Officials with some Department Heads to be given a preliminary review of changes to the Flood Insurance Program. We have been advised that public hearing will be scheduled by the State in effected communities later on a schedule yet to be announced. We will keep the Board informed of those proposed hearings. The State will also be reviewing our Flood Ordinance as a part of our Zoning Ordinance and making recommendations on revisions for us to remain in the flood Insurance Program.

I have also forwarded a memorandum to the Board regarding the proposed Intermodal Transportation Facility. While this is still in the study phase I would encourage the Board to carefully review the proposal. The construction of a major bus and parking facility that will expand in the future, the major reconstruction of Town roads and State Highways in Hampton village is not something that is in keeping with the character of a New England Village.

Mr. Welch reviewed the following items on the Selectmen's To-Do-List: met with Wanda to discuss Health Insurance for part-time employees; repairs to Kids Kingdom; meeting with Public Works Director to discuss sidewalk maintenance plan. Chairman Nichols shared some additional information on the part-time health insurance being deferred to 2015.

Board Members Pierce, Woolsey and Nichols asked about and discussed with Mr. Welch: curbing at Galley Hatch and problems with other entrance; Superintendent of Seacoast Parks still has not been named; charging the Children's Festival for cost incurred by the Town and whether the Town wants to charge for these services; FEMA flood insurance program; changing to an actuarially rate basis; eliminated the Federal subsidiary; more flood insurance policies in Hampton than other areas of State; compounded studies.

Selectman Woolsey MOTIONED to recommend Ann Carnaby be appointed for the one year term as the Town's Representative to the NH Coastal Scenic Byway 1996 Corridor Management Plan Update SECONDED by Selectman Pierce.

VOTE: 5-0-0

## V. Old Business

1. State of NH Inequities (1:29:20)
  - a. \$6.9 million Annual Support Costs

Mr. Welch made the following comments: solicited information from the Department Heads; came up with a model; model will need to be refined; nothing is absolute when doing this sort of thing; will probably end up being between \$4M and \$5M, as opposed to \$6.9M; justify some form of remuneration from the State to assist the Town for what we are doing.

Selectman Bean made comments as follows: this is still a work in progress; clearly phases; known issue, there is an imbalance; timeline going forward that we can entertain dialogue with the State with real numbers of unreimbursed numbers.

Mr. Welch thinks that they need to refine Police, Fire and Public Works numbers first probably within the next 30 days.

Selectman Bean added the following: listed out all the costs that are involved in detail for the Board: Workers' Comp. health care cost, institutional costs, training costs, depreciation

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on the Police Station, Fire Stations; has taken a lot of time; hopes it can be done by year end; what is Mr. Welch's game plan and the parties that should be involved at the State level.

Board Members Woolsey, Nichols, Pierce, Plouffe and Bean made comments as follows: Senator Stiles offered that Commissioner Bryce would come down and attend a public meeting; would like to have this meeting set up immediately; deserve an opportunity to sit down and talk with the people from the State; cost related to the beach; there are two distinct issues one being with litter on the beach and the other being the issue brought up tonight in regards to cost; discussion on numbers and importance of how they must be accurate prior to sitting down with the State; need definition of what data we are trying to capture; strategy and tactics for addressing this issue; are there other avenue that are legislative; inconsistencies of information in memo between departments from Mr. Welch; importance of having accurate information in order to maintain credibility; define scope and need for it to be more narrow of a scope; went through some of the numbers in report and expressed real concerns with the number of \$6.9M; sensible to provide information to Mr. Welch and Department Heads in regards to exact numbers the Board is looking for costs of the State; narrow numbers down to cost of the State not necessarily tourist; money from parking meters; look at the big picture first; numbers need to be more realistic; some is the responsibility of the Town; there are costs that do not belong to the State; the burden of trash on the Town; difficulty of narrowing the scope and focus; there is some responsibility by the Town to the State property; provide exclusive first responder services to State property and those are expensive; difficulty of narrowing the scope; invest in the Mayberry Report to provide 3<sup>rd</sup> party leadership to get the data for presentation.

Chairman Nichols asked if Mr. Welch understands the narrower scope as discussed tonight. Mr. Welch does since this is the first time he has received any direction and went through some of the items he would now go back and get data for. He will be able to extract the Fire and Police costs to the State beach. There was an additional discussion on the sewage impact on the WWTP and who is responsible for covering this cost.

Selectman Bean shared information on the Government Incident Reporting Systems and how they work.

Chairman Nichols suggested that Selectman Bean has been a champion of this since the start, he would like to see Selectman Bean, himself and Mr. Welch get together to define the scope of the expenses they are trying to capture. Chairman Nichols discussed the Rooms & Meals Tax and possibilities available there.

2. Approval of and Authorization of Letter "Abutters to Town Property for Seawall Repair" (2:00:28)

Chairman Nichols reiterated the area that would be included in receiving this letter: North Hampton Line to Beach Plum Way.

Selectman Woolsey MOTIONED to Approve and Authorization of Letter "Abutters to Town Property for Seawall Repair" SECONDED by Selectman Pierce.

VOTE: 5-0-0

Additional Items under Old Business (2:01:54)

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Selectman Pierce shared a letter in his box in reference to the purchasing policy and vehicle purchased by DPW including the following: State bid and amount paid was over by \$2,500; in order to follow purchasing policy have to follow State bid; documentation proves Town paid more than they should have; violated the purchasing policy and this is time number 5.

Chairman Nichols added the following to Selectman Pierce's comments: Selectman goal having to do with purchasing policy; went through the bidding process according to the policy; this item did not come to the Board; part of policy in regards to State of NH bid; this purchase was definitely not made off of a State of NH bid; this purchase should have come before the Board for approval; read an article from Town & City which is applicable to what is going on today; reasons why a purchasing policy is put into place; purchase not included in a monthly report; policies must be strictly followed and Town is not doing that; memo sent out to Department Heads in April in regards to complying with purchasing policy; need to move on and focus on the positive; starting now have to get this right.

Chairman Nichols MOTIONED that starting with next month's financial report all purchases in excess of \$15,000 be included in the summary report.

#### Discussion on Motion

Selectman Bean added following comments: understand the frustration level; to alleviate the burden, that all purchases over \$15,000 be emailed to Mr. Welch, Mr. Schwotzer and the Board; statement that this purchase complies with the Purchasing Policy; if it does not include a statement that it does not and requires a waiver from the Board for the following reasons. Chairman Nichols withdrew his motion based on the comments made by Selectman Bean and seconded Selectman Bean's comment as a motion.

Selectman Bean MOTIONED that all purchases in excess of \$15,000 be emailed to Mr. Welch, Mr. Schwotzer and the Board prior to purchasing item and that a statement be included stating that the purchase complies with the Purchasing Policy and that if it does not, a statement be included that the purchase does not comply with the Purchasing Policy and therefore requires a waiver from the Board SECONDED by Chairman Nichols.

#### Discussion on Motion

Selectman Woolsey provided her prospective: thinks the wording in the Purchasing Policy does not enlighten her in regards to what is being discussed in regards to State bids; State bids go out in Fall prior to model year for vehicles; State bid is from a single dealer; inclined to use State bid price as a point of comparison; problem with State bid and timing of Town Meeting vote, timing lag, poses a problem as the stock of vehicles are less than before Town Meeting authorizes; clarified the cost was only over State bid by \$1,475 with the added options; State bids are only on the base price of the vehicles, and do not include options, and options are needed occasionally; this was confusing; need to have a better understanding of the State bid process; need more clarity from here on out on how we are handling this.

Chairman Nichols three things could have happened: could have been purchased off the State bid; second a waiver could have been granted, which would have been fine; that is provided in this policy, the third could have gone out and gotten 3 bids.

VOTE: 5-0-0

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Chairman Nichols shared a letter from Arthur Moody in regards to inviting other communities to the 375<sup>th</sup> and this has already been done by the Commission.

Chairman Nichols brought up the Lafayette Road/High Street intersection and having a conference call with engineer, Mr. Welch, Selectman Woolsey and Fred Rice.

## VI. New Business

### 1. USS Thresher Memorial (2:22:30)

Selectman Pierce made the following comments: history of USS Thresher, loss of 129 people; Memorial in Kittery, ME; men that perished that day; listed the 4 crew members who were residents of Hampton; significant changes made in safety after this tragedy; ceremony he attended in April; he was at the Ship Yard when this tragedy occurred; the safety program developed as a result of this tragedy has saved many lives, made his life safer on the sub, the John Adams; would like the Town to put some money toward this Memorial Fund and he will match it personally.

Chairman Nichols questioned if they have the authority to do this and Mr. Welch believes the Board does and explained why.

Selectman Woolsey MOTIONED to donate \$250 to the USS Thresher Memorial SECONDED by Selectman Pierce.

#### Discussion on Motion

Selectman Plouffe questioned if there were more than the 4 Hampton residents and that is all that Mr. Pierce has been made aware of but there could be more.

VOTE: 4-0-1(Pierce)

### 2. Appointment to NH Senate “Coastal Risk and Hazards Commission” (2:30:24)

Chairman Nichols read the letter requesting this appointment. Chairman Nichols provided the following background information: members who will make up the committee; first meeting will take place middle of August; use tonight to get the word out; hopefully receive some sort of response and make an appointment next week.

## VII. Entertainment Licenses Under Review (2:33:34)

### 1. McGuirk’s Ocean View Restaurant – 95 Ocean Blvd

## VIII. Consent Agenda (2:33:50)

1. Service of Alcohol Outside “Logan’s Run” fna “O’Leary Grill” 816 Lafayette Road
2. ~~Entertainment License “Sharkey’s Beach Bites” 5 F Street~~
3. Parade and Public Gathering License “Reach the Beach” Lyons Club Service of Alcohol
4. Raffle Permit “The James House Association”

Selectman Woolsey MOTIONED to MOVE the Consent Agenda with the removal of Item #2 SECONDED by Selectman Pierce.

Selectman Pierce asked about Item #1 which Mr. Welch explained in detail about the request.

VOTE: 4-0-1(Bea)

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Chairman Nichols commented that Item #2 was removed because outside entertainment was not addressed in the application process.

Chairman Nichols MOTIONED to Approve Item #2 with the BOS condition “no approval is hereby given for outside entertainment as none was requested in the application” SECONDED by Selectman Woolsey.

VOTE: 5-0-0

IX. Closing Comments (2:36:29)

Chairman Nichols commented on the public hearing in regards to the noise ordinance and will put this topic on next week’s agenda for just the Board to discuss and then hold a meeting including the Town Attorney and Police Chief.

X. Adjournment (2:38:14)

Chairman Nichols MOTIONED to adjourn at 9:34 PM SECONDED by Selectman Woolsey.

VOTE: 5-0-0

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Chairman