

September 23, 2013

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

SALUTE TO THE FLAG

Chairman Nichols responded to the many comments that have been made after the result of the tragedies over the weekend. He would hope that people would use this time to grieve and allow the Police to do their job.

I. Recognition of Service “Richard Desrosiers” (5:16)

Chairman Nichols asked Dick Desrosiers to come forward as he read the resolution of the Recognition of Service. Mr. Desrosiers made comments about the teams he worked with and the Town employees. He wants to publicly thank Dyana Martin for the work she did in regards to the 375th Celebration.

II. Public Comment Period (8:01)

Victor Demarco, Milbern Ave, made comments as follows: agenda item for Church Street Lot restroom; would like to see a facility as opposed to port a potty; explained why a port a potty is not the best solution; discussion he had with DPW in regards to the cost to have this work done; addressed the increase in pay for parking lot attendants; explained why they suggested \$10 and then \$12.50 after 2 years; never put in raise for himself; exceptional work done by these employees.

Arthur Moody, 3 Thomsen Road, made comments as follows: all employees who work in lots are not residents; discussed the request for naming of the street under Old Business; how streets in the past have been named through warrant articles; something changed in the 90's that began to involve the Board of Selectman; streets being named after people after Veterans killed while serving; extension of Juniper Lane; made some suggestions on names that could be used for this street; important that Veterans be taken care of prior to us getting involved with using members from public service.

III. Announcements and Community Calendar (18:05)

Selectman Bean made comments as follows: great job done by the Hampton Buccaneers; great game against Exeter this past weekend.

IV. Appointments (18:47)

1. Ed Tinker, Chief Assessor (18:51)

a. Land Use Change Tax Penalty – 105 Towle Farm Rd

Mr. Tinker explained the land use change tax penalty on Towle Farm Road; 4 acre primary property for Smuttynose; in the amount of \$132,560; discussed how he came up with this amount.

Selectman Bean made comments as follows: confirmed that Mr. Tinker has discussed this with the property owner; Mr. Tinker discussed the meetings that he has had with property owner; date of discovery was August 1, 2012; discussed how he came about his date of discovery; landowner was notified when discovered; suggested that their department have some process where land owners with current use changes are made aware in a very overt way that they will be subject to that.

Selectman Pierce MOTIONED to approve the Land Use Change Tax Penalty assessed to Sustainable Ales LLC for property located at 105 Towle Farm Road in the amount of \$132,560 SECONDED by Selectman Woolsey.

VOTE: 5-0-0

2. Michael Schwotzer (25:13)

a. August Financials

Mr. Schwotzer discussed the August Financials: 8th month of 2013 with target of 66.67%; total income \$820,000, motor vehicles at \$255k, interest on taxes at \$37k, building permits at \$18k, water pollution control grant at \$72k, departmental income at \$65k, parking lots at \$130k, cable franchise fees at \$58k, LGC refund of medical/dental insurance at \$104k and real estate trust at \$64k; expense summary departments were 65.3% of the budget which is 1.4% below the month's target of 66.7%; projected YE "Savings" being under expended by \$182k; expects level of under expenditure to increase during the last third of the year; Town Manager department is now at 67% explained contributing factors; Personnel Administration the group of accounts related to NH Retirement System is still running between 5% and 8% below target, July rate increase will continue to lower these differentials; Health Insurance is just slightly over the budgeted level; Police Department continues to run below budget with all of the Regular Wage accounts at or below the month's target; Part time and summer coverage accounts are both running below expected levels; Fire Department continues to run significantly below budget but as with the PD many of these costs have a seasonality factor to them including Holiday Pay which won't be paid until later in the year; FD OT expenses continue to run below their YTD target; both sections of DPW are within their respective budgets; Parks and Recreation is once again running below budget at the season end; Library has had a change in staffing; revolvers Recreation the beach sticker donations that were held over from 2012 totaled \$37.5k and the scholarships granted account now shows \$24.7k of those donations being awarded; Cable Committee franchise fees have been received and posted; Private Detail activity level slowed in August; reports are posted on the web.

Board Members Pierce and Nichols made comments and asked questions which were addressed by Mr. Schwotzer: Board of Selectmen supplies and expenses running over; Fire Suppression career incentives negative numbers; Mr. Schwotzer explained the transfer of incentives to the EMS fund in November; hydrants running a little ahead and the two

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payments have already been made; solid waste collection overtime wages significant increase; Parks and Rec overtime in administration; warrant article \$300,000 for DPW capital reserve fund went down to zero in this report; hydrants being under budget and factor this into YE "Savings"; control with YE spending in 2011 but not 2012; when Mr. Schwotzer comes in November for monthly presentation would like him to bring expected expenditures from Department Heads; this will bring visibility for the Board; amount of money related to Secretary of State BSR LGC refund roughly \$350,000 and two pending court cases related to this refund; any chance this refund can be reversed and went through some possibilities; discussed tax rate and impact; does Board want to put this as revenue for 2013 tax rate setting or put some in undesignated fund balance; would like to at least see a dialogue between Mike and Mark; Mr. Schwotzer feels we should be conservative and leave money sitting on the balance sheet like it is right now and explained in detail why he feels this way; discussion on tax rate being set and DRA has all the Town's forms and setting should be in October or November; Selectman Pierce thought the money was sitting in an account and Mr. Schwotzer explained that is exactly what has happened so far; Selectman Woolsey does not feel that the Town should sit on large amounts of money and explained why.

Chairman Nichols MOTIONED that the \$351,000 from LGC refund not be posted to revenues as the Town has done with the contribution holiday and that it be retained in the undesignated fund balance until such time that the Board wishes to change the motion and get some sort of disposition on the court cases SECONDED by Selectman Pierce.

VOTE: 5-0-0

V. Budget Reviews (49:23)

1. Church Street Parking Lot Facilities (49:33)

Chairman Nichols made comments as follows: making an increase of \$1,000 to this budget; if Board agrees Mr. Schwotzer can put it on a line item; add the cost of installing sewer for toilet facilities; breakeven point if toilet facilities are not installed compared to renting a port a potty; would like to see a proposal from the Town Manager for toilet facilities.

Chairman Nichols MOTIONED to add \$1,000 to a line item in the Parking Lot Budget to cover the annual cost of a port a potty SECONDED by Selectman Woolsey.

Discussion

Chairman Nichols suggested that Mr. Schwotzer begin a dialogue and bring Mr. Welch up to date next week on this. Selectman Pierce reminded everyone that this is Church property.

VOTE: 5-0-0

2. Transfer Station Wage Budget Line Items (52:33)

Chairman Nichols made comments as follows: vote last week 2-2-1; Selectman Bean abstained pending receiving additional information; Board has received a memo from the Town Manager confirming that this can be done essentially converting OT wages to Part Time wages; he read memo for the Board and public.

Chairman Nichols MOTIONED to reduce the Transfer Station overtime line by \$31,000 and increase part time wage line by \$15,000 resulting in a savings of \$16,000 SECONDED by Selectman Pierce.

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Selectman Bean has received the email from the Director and it does not appear there are any safety concerns.

Selectman Pierce has reviewed the documents from the past and overtime in DPW is really escalating. This is not the same for some of the other departments. He supports this motion.

VOTE: 5-0-0

3. Review of Budget Adjustments

Chairman Nichols went over the updated list of adjustments from Mr. Schwotzer and everything appears to be accurate. Selectman Pierce would like to look at the Legal budget again and make a reduction in outside legal. The Board agreed that this should be addressed at the final budget review.

4. Police Department (58:06)

Selectman Woolsey presented the Board with past information about budgets passing and Default Budgets; the higher budget was approved 9 out of 14 years; so don't lose faith in the public. Selectman Pierce appreciates Selectman Woolsey's work and explained why he believes the public voted the way that they did on those past budgets.

Chief Sullivan and Deputy Chief Sawyer made comments as follows: adjustments are for wages; moving some employees from patrol to detectives; vehicles.

Selectman Pierce asked questions and made comments as follows which were addressed by Chief Sullivan and Deputy Chief Sawyer: increase in detective line item compared to decrease in traffic and patrol line item;

Chairman Nichols shared a comparison he did throughout all the regular wage accounts; overtime training wages went up considerably and it is related to additional training sessions for police specials; Chairman Nichols asked about: three lines part time wages, summer coverage fulltime and part time training wages; part time training wages money for fulltime wages to train along with training for part time officers; Chief Sullivan explained the big jump and how he is looking to pay part time officers for training; compared the \$116,000 requested to this year's actuals; Deputy Chief Sawyer went into greater detail on how the hours work that run through the part time training account; summer coverage fulltime dropped from 2012 to 2013; net of the three lines between 2012 and 2013.

Selectman Woolsey made comments and asked questions as follows which were addressed by Chief Sullivan and Deputy Chief Sawyer: SERT training reimbursement from State; Chief Sullivan explained that is not necessarily the case there are some grant opportunities; motorcycle leases; number of specials they hope to start the season with next year; building maintenance and money spent on this building so far.

Selectman Plouffe thinks this is a great budget.

Selectman Bean asked them the amount of their budget compared to the amount of the Town Manager's budget. Chief Sullivan commented that their budget was \$3,893,960 and the Town Manager recommended the same amount.

Chief Sullivan was asked to cover the Animal Control section and the changes are for wages and a new vehicle. There was a discussion on the type of vehicle and how this vehicle is

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used for plowing. Selectman Woolsey commented on the great job that Peter does for the Department.

Selectman Woolsey made comments as follows in regards to their rolling stock: thanked them for putting new vehicles last; animal control vehicle showing poor; trailers showing fair and Chief Sullivan and Deputy Chief Sawyer commented on the status of these trailers; great job maintaining and rotating their vehicles. Chief Sullivan discussed the condition of some of their other vehicles.

VI. Approval of Minutes (1:26:19)

1. September 9, 2013

Page 3; 6th paragraph, 8th line add “of the” before the word “increase”

Page 6; 7th paragraph, 1st line add “budget is up over \$25, 300 over the default” after the word “suppression”

Page 7; 4th paragraph, 1st line add “of \$2,850” after the word “amount”

Page 8; add an apostrophe in the word “Boards” in the last paragraph, last line

Page 9; 1st line add “case expense” after the word “this”

Page 10; 9th paragraph change the word “Chairman” to “Selectman”

Chairman Nichols MOTIONED to approve the minutes of September 09, 2013 as amended
SECONDED by Selectman Pierce.

VOTE: 5-0-0

2. September 12, 2013

Page 3; 1st paragraph, 3rd line, change the word “were” to “where”

10th paragraph, last line add “associated with the process” after the word “principle”

Page 5; 7th paragraph, 2nd line add “of November for a January 1st implementation” before the word “for”

Chairman Nichols MOTIONED to approve the minutes of September 12, 2013 as amended
SECONDED by Selectman Pierce.

VOTE: 5-0-0

VII. Old Business (1:32:37)

1. 2014 Warrant Articles (1:32:39)

Chairman Nichols asked if anyone would like to discuss any warrant articles.

Selectman Pierce brought up article 29 in regards to trash and Chairman Nichols pointed out to the Board that they agreed to have the discussion on this when Mr. Noyes attends the meeting on October 7th. Selectman Woolsey pointed out that item #3 should read amending the Solid Waste Ordinance

2. Subdivision off of Juniper Lane & Huckleberry Lane (1:36:14)

a. Request for Naming of a Street as “Litchfield Drive”

Chairman Nichols made comments as follows: request from contractor; information they received from Kristina; concerns that were raised by Mike and addressed by Mr. Schwotzer and Atty. Gearreald; this name is in compliance with the warrant article for street naming.

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Selectman Woolsey MOTIONED to name the street developed from the subdivision off of Juniper Lane & Huckleberry Lane as “Litchfield Drive” and that the approval of the name of the street does not constitute, nor infer, approval or acceptance of the road by the Board of Selectmen SECONDED by Selectman Pierce.

Discussion on Motion

Selectman Pierce made comments as follows: did a little research himself; how Mr. Litchfield was hurt on the job; died shortly after that; family lived in Town until just recently; in favor for naming this street after this employee.

VOTE: 5-0-0

3. Selectmen Woolsey Recycling Warrant Proposal (1:38:24)

Chairman Nichols mentioned the following: a couple of weeks ago Selectman Woolsey brought this subject up of the need to increase recycling rate and have to do recycling enforcement; brief discussion at time; deferred discussion until tonight.

Selectman Woolsey made comments as follows: would have liked to see this item read as “Solid Waste Ordinance Amendment”; recycling enforcement being piggy backed with the Administrative Enforcement Ordinance; need a mechanism to enforce recycling and that is where they would need the administrative ordinance.

Chairman Nichols made comments as follows: does not feel they should be in a rush to appeal the administrative ordinance and the work that went into getting this ordinance passed; Board agreed to eliminate article 32 which was the article to repeal the administrative ordinance.

Selectman Woolsey also brought up article 24 in regards to martial arts weapons and the need to have a mechanism to enforce this article also.

Chairman Nichols made the following comments in regards to recycling: like to see recycling percentage increase; history on recycling including it becoming mandatory; how and when the recycling rate increased in the past; zero dollars for recycling since went to Ecomaine; cost to dump solid waste; increasing recycling can save \$60,000; historical opinions from the Town Atty.; things you cannot do in regards to enforcement such as opening bags and shaking of bags; fundamental problem that needs to be addressed is how are you going to enforce based on what the Attorney has said.

Selectman Woolsey made comments as follows: the money taxpayers are throwing away by not recycling; possible to recycle a huge amount of material that comes into your home; once you get used to doing it you can recycle a large amount of what you bring into your home; as a community we have to do better than 30% recycling; take a look at your own pocket book and do everything we can as a community to increase recycling.

Chairman Nichols shared the different categories of residents in regards to recycling; thinks the Town has put a lot of effort into the education part of recycling, he does not see a practical option for enforcement based on what the Town Attorney has said.

Selectman Pierce commented on how the driver may be able to see what’s being dumped in the trash based on whether or not a bag is used and if the bag is clear.

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Selectman Bean made comments as follows: very interesting; communities learn based on education; seasonality factor; political party; concentrated effort on recycling; not interested in turning DPW employees into trash police.

Other Old Business (1:54:53)

Selectman Woolsey made comments as follows: HB672 on pollution control; effect on Hampton because of Seabrook Station; possibility of sending a letter on behalf of the Board to State Representatives. Chairman Nichols made comments as follows: email he has already sent; valuation will drop if they are successful; effect on the tax base; response he received back from Senator Stiles; has not heard back from Rep. Cushing after sending a few emails. The Board agreed to invite the State Legislators in to discuss this topic. Selectman Woolsey would also like to have something in writing to send with them.

Selectman Woolsey wonders if the Board can ask to move the leaf pick up back from November until October. The Board will discuss this with Mr. Noyes on October 7th.

VIII. New Business - None

IX. Consent Agenda (2:00:22)

1. Smuttynose Half and Full Marathon – Sunday October 6th
 - a. Permission to use the Ashworth Avenue and Island Path Parking Lots
2. Entertainment License
 - a. Savory Square Bistro – 32 Depot Square

Selectman Woolsey MOTIONED to MOVE item #2 of the Consent Agenda SECONDED by Selectman Pierce.

Chairman Nichols asked that they add “no outside entertainment requested or approved.”

VOTE: 5-0-0

Chairman Nichols MOTIONED to MOVE item #1 of the Consent Agenda SECONDED by Selectman Pierce.

Selectman Woolsey made comments as follows: signs that will go up about location and time; channel 22 slides and how it should read Brad Street; not in favor of all these big events especially after the events of the past weekend.

VOTE: 5-0-0

X. Closing Comments (2:03:32)

A motion was made by Chairman Nichols to go into a non-public session under RSA 91-A:3,II, (a), this motion was seconded by Selectman Woolsey. A roll call vote was taken, and all 5 Selectmen were in favor.

XI. Adjournment (2:04:06)

Selectman Pierce MOTIONED to adjourn at 9:08 PM SECONDED by Selectman Woolsey.

VOTE: 5-0-0

Chairman