

December 02, 2013

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

SALUTE TO THE FLAG

I. Public Comment Period (6:00)

Charlie Preston made comments as follows: parking at the beach; pay for time is the best route and will increase revenue; taxpayers should get a return on investment from infrastructure; article in local paper did not quite understand what he was talking about; provided some information on the type of system he was discussing; tide issues the next four days.

Arlon Chaffee of Loco Sports in Newmarket asked if some members of the public could comment on the agenda item in regards to road races. Board agreed that residents and business owners are allowed to comment.

John Nyhan made comments as follows: shared information about the upcoming Christmas Parade on Saturday; represents Experience Hampton speaking in favor of sports; two road races in 2014; looks at Loco Sports as a financial partner of the Town; spoke about the amount of money that has come back into Hampton over the past 5 years; a lot of money is donated from Loco Sports; shown an exceptional level of organization and politeness; have races in Town and give back to Hampton.

Tom McGuirk, 95 Ocean Blvd, made comments as follows: runs a business on the beach; experience he has with Loco Sports going back to 5 years ago; how he extended his season of his restaurant; how these types of events extend the season; type of clientele these events bring to Hampton.

Matt Parker, 28 Academy Ave, made comments as follows: major fundraising for school track and cross country; teams volunteer for these events; money they receive from Loco Sports; he and his children have participated as volunteers; length of time people may have to wait for large groups to go through; his experience as Course Marshal; how cross country and track teams would have to find other ways to raise money.

Peter Egelston, owner of Smuttynose, made comments as follows: spoke on new facility; proud to support road racing and cycling events for their 20 year history; good clean fun; build community in locations where they are held; strong supporters of these events.

Bev Hollingsworth made comments as follows: spoke as a past business owner and member of the Chamber; these types of events increasing the season; amount of people these events bring to Hampton; spoke on national sport goods revenues from 2012; charity running and cycling events; how she has participated in races and now cheers for racers; spoke on her political background; asked that the Board not take any actions to prevent these events.

John Kane, 115 Ocean Blvd, made comments as follows: does good job of extending the season; kind of people they are attracting; hears comments daily on how Hampton Beach has changed; spoke about the bike tragedy and how it would have happened whether there was an event or not; spoke on the inconvenience and how they are all inconvenienced a lot of the time; sees benefits of what they are doing in the post season.

Bob Preston made comments as follows: a meeting he had a month or so ago with these guys; discussion on the number of people they bring to Town; talks he has had with business owners and impact these events have on these businesses; talked about the number of people who actually complained to the Selectmen.

Tim Poole, 20 Harris Ave, made comments as follows: number of events he has participated in; has run over 30 marathons; slight inconvenience is not offset by the positive impact these events have on the community; hate to see it go away; discussions he had with other participants from other States and their positive feedback; never used to see no-vacancy signs in October.

Brice Parker, 28 Academy Ave, made comments as follows: been part of community and running for 4 years; senior and this helps pay for things such as chem-free night.

II. Announcements and Community Calendar (44:21)

Selectman Woolsey made a comment on the coastal byway study and participating in the survey.

III. Appointments

1. Dyana Martin, Director Parks and Recreation Dept. (45:20)
 - a. Departmental Update

Mrs. Martin made comments as follows: Parks Department have been lining sports fields, inspecting playgrounds, setup for Art Walk, painting they have done, picked up nets from basketball and tennis courts, equipment ready for Christmas lights; Parking Lots had a great crew, season has come to a close, made \$526,696, working on new design for signs; Recreation Department activities included scheduling for sports, summer camps, Senior activities, weekly bingo, After School sports, annual NYC day trip, upcoming trips they are hosting, Halloween activities, upcoming shopping trips, ski and ride program, other registrations taking place, programs they are currently taking registration for, upcoming Holiday activities, great Flag Football season; spoke about grants and donations and sticker program scholarships.

Selectman Pierce commented that he did not receive her report until today and wonders why not. He asked if there is a consensus amongst the Board to require they receive paperwork by Friday.

Selectman Bean thanked her for her outstanding work.

Selectman Woolsey asked about Mrs. Martin's communications with mosquito control and extra spraying.

Chairman Nichols commented as follows: bringing barrels in; past have left barrels out in a few locations; would like barrels to be left out at Joe Billy Brown Park and Sun Valley.

b. Timed Parking at Ashworth and or Island Path (58:23)

Chairman Nichols asked Mrs. Martin to share her opinion on timed parking as brought up by Charlie Preston a few weeks ago.

Mrs. Martin made comments as follows: all for doing things that help public; or what Board wants; thought about how this can be done and only way sees it will work is with meters; does not see how this will bring in more revenue; talked about pricing; how having people in lots maximizes spaces that can be used; cannot figure out how to maintain this.

The Board agreed that Charlie should talk to Mrs. Martin on this and will give Mrs. Martin the paperwork provided by Charlie tonight.

Chairman Nichols asked about range of what we charge in the lots and Mrs. Martin answered it is minimum \$5 and maximum \$20 which was driven by this Board years ago.

Chairman Nichols also shared some revenue history going back to 2007.

c. Warrant Article for Recreation Infrastructure Fund (1:02:33)

Chairman Nichols made comments as follows: started out with a warrant article that was roughly \$70,000; language listed signs for 6 locations; seemed pretty heavy of an expense; last year there was an encumbrance for signs and it was around \$5,000 or \$6,000; no problem if we need new signs; not in favor of spending \$11,000 or more per sign; when proposal comes back would like to know financial status of fund that this money is coming out of; purpose of fund related to Recreation Infrastructure; would like to have understanding of the other projects to come from this fund.

Mrs. Martin made comments as follows: explained when put article in that number was high; cannot get price until give design to sign maker; types of signs she is looking to put in.

Charlie Preston clarified that the system he is referring to is one where you come in and get a ticket and pay when you leave for the amount of time you were there.

2. Mike St. Laurent (1:07:22)

a. Half at the Hamptons Half Marathon – February 23rd 2014

Mike St. Laurent made comments as follows: looking for approval for two events; half marathon on February 23, which has no closed roads; 1,200 runners; very few issues in past; new course proposal; no road closure.

b. Smuttynose Rockfest Event – October 05, 2014 (1:08:11)

Mike St. Laurent made comments as follows: putting hiatus on marathon for a year; proposing a half marathon; little impact on residents; thanked all the groups in Hampton that they work with; number of youth they work with in Town; kudos to Town for raising some wonderful individuals; positive impact on Town; regional impact; safety of runners; study done on marathons in regards to accidents; do everything they can to make sure it is safe; discussed route; cut length in half; comparison from 2013 to what is being proposed for

2014; number of people being impacted; reviewed it with Police; 3 miles of neighborhood roads compared to the 13 miles previously.

Arlon Chaffee made comments as follows: assessment they did on regional impact; money brought in from these races; good chunk of money may be related to the marathon length of the race.

Selectman Woolsey made comments and asked questions as follows: never have a problem with races until was happened in October; love seeing the money coming in; beach and 1A pretty much deserted at that time; postcard sent before the race and timeframe; how she planned her day around this; great job done by race marshals, police and fire; Little River was tied up all morning; ridiculous how this tied things up; she had a lot of complaints in the area after the race; 5,000 people is really pushing it; keep off side streets.

Selectman Pierce made comments and asked questions as follows: does not think this Board has decided to cut race from marathon to half marathon; Mr. St. Laurent discussed how he has looked at the route and cannot see a way to have a marathon and not use secondary roadways; would like to see whole marathon run again; problems with cutting over major roads; come up with a route that keeps them off of Selectman Woolsey's street; traffic concerns were legitimate; closing of roads for parade.

Both Mr. St. Laurent and Mr. Chaffee expressed that they were under the impression after talking to the Police Chief and reviewing Boards meeting that they need to cut down the size of the race.

Selectman Bean made comments as follows: no one is in favor of terminating races or stepping on hospitality revenue; always put on class acts; talked about other large races in other communities such as the Boston Marathon; commented on the 23rd being a Sunday; request was for better route planning; has to be approved by Police and Fire prior to coming to this Board.

Selectman Plouffe made comments as follows: importance of working with the Chief; Chief's concern with the marathon length; if can work something out with the Chief and come back to the Board; this new route much better.

Mr. St. Laurent commented that they will go back and look at a marathon route for 2015. He did also comment on how they are happy to work with the public and even do things such as providing free breakfast for residents who are being inconvenienced by the race.

Chairman Nichols made comments and asked questions as follows: really pleased with the approach they have taken; discussed the February race and number of complaints; October 6th race entrants and there were 4,100 in half and 900 marathon; cap for half marathon in October and it is 5,500; February race no road closures; possibility of spreading the marathon across some other communities.

Selectman Woolsey commented on the number of years, she has lived on Little River Road and that the problem was with the race was with the slower runners, and made a suggestion on wording for a future postcard.

Chairman Nichols commented on the negative comments he received along with positive feedback. He suggested the possibility of an advisory petitioned warrant article to find out how the community feels about the races might be beneficial or not.

IV. Approval of Minutes (1:41:03)

1. November 18, 2013

Page 4, 2nd paragraph, rewrite to read as follows:

“Mr. Noyes explained that item C was added by Atty. Gearreald in regards to a limit of carts should not be included and expressed why; this needs to be written into the planning documents.

Selectman Woolsey made the comment that no condominium associations shall receive Town trash pick-up

Atty. Gearreald discussed in detail the range of types of condominium developments; commercial or residential condominium developments that would will not receive Town solid waste collection.

Chairman Nichols commented that he would not go along with Selectman Woolsey’s suggestion to remove pick-up for all new condominium associations; would not support limiting commercial buildings; inequitable to not allow pick-up for new commercial and condominiums; how formula for cart placement will help with who is allowed to place carts curbside.

Mr. Bean would like to disassociate himself from this whole trash issue and explained why; he would also like to see the Town Manager and Chairman copied on any emails between a Selectman and the DPW Director in regards to this issue; does not understand how this can be discussed when he still has not received a cost involved with trash pick-up; this is an agenda, feeling and have no numbers on this; picking on the business class and wants to move away from this; no one has any cost; problem with placing these burdens on the business owners; safety and public health issues.”

Page 5; under sub-section “d” 2nd paragraph, 3rd line, change the word “what” to “how”

Page 6; 1st paragraph, 2nd line, change “seizing” to “ceasing”

Page 5; under sub-section “b” 2nd paragraph, add as the last sentence “Atty. Gearreald indicated any of the \$60,000 not spent would be deposited in the Cable Fund.”

Selectman MOTIONED to approve the November 18, 2013 minutes as amended SECONDED by Selectman.

VOTE: 4(Bean, Pierce, Plouffe, Nichols)-1(Woolsey)-0

V. Town Manager’s Report (1:46:15)

1. Work on the Church Street Pump Station is proceeding. The exterior brick veneer is by-in-large completed, construction is proceeding on the loading dock, and electrical equipment and fixtures are being installed in rough in form.
2. Residents with portable basketball nets that are located on the streets are requested to remove them for the winter so that snowplowing operations will not be impeded. Damage caused by the failure to remove them will not be reimbursed by the Town.
3. Please inspect your mailboxes and mounting posts at roadside to insure that they are in proper condition to withstand winter plowing operations.
4. Residents are reminded that it is not permissible to plow or push snow across the street, or place it in the street, or place it on sidewalks while removing snow from

their property. Snow left in those situations can freeze making future plowing operations and removal difficult and dangerous for the vehicles and the vehicle's operator.

5. The last day to file petitions to amend the Zoning Ordinance is December 11 at 5 PM in the Selectmen's Office.

Mr. Welch added the following to his report: letter Board asked him to send to NH DOT in regards to 10 minute parking zone on the Westside of Ocean Blvd from 19th to 1st street and State has no record of approving these signs; questioned if Board would like him to send the request to the State to continue to have the 10 minute parking zone; information from DOT in regards to the seawall for DRED and they want to close the Town lot when work is being done.

Chairman Nichols made comments as follows: thinks the issue with the 10-minute parking zone goes further than 1st to 19th street; need to know when and how long State wants to close the lot to work on the seawall.

Selectman Pierce MOTIONED to make a request with the State to have the 10-minute parking signs on the Westside of Ocean Blvd SECONDED by Chairman Nichols.

VOTE: 5-0-0

Selectman Woolsey made comments and asked questions as follows: ask DOT to clean Rte. 1A prior to May 1st; portable basketball nets should be removed at all times not just winter; reflectors that can be put near mailboxes.

VI. Old Business (1:54:49)

1. 2014 Warrant Articles
 - a. DPW Wash Down facility / S&D Garage

Selectman Woolsey made comments as follows: misunderstanding between her and Kristina; read the article that should have been given to the Board; Mr. Noyes plans if this is approved; request would be for around \$300,000; how Police and Fire go through the local carwash and how that cost adds up; this will save money.

Selectman Woolsey MOTIONED to DPW Wash Down facility / S&D Garage as a warrant SECONDED by Selectman Plouffe.

Selectman Pierce made comments as follows: does not see where we are going to save money; questioned the factuality of Selectman Woolsey's comments; how long do DPW vehicles/equipment last; show him documentation in proof that any of this is actually true; economically unfeasible.

Chairman Nichols made comments as follows: picture this as being a self-serve type of facility; not sure it is practical to have police officers spending 20 or 30 minutes in the middle of February standing out there washing a cruiser; commented how the article was not removed but instead moved from 2014 to 2015; in CIP forecast for 2015; not as pessimistic as Selectman Pierce in regards to the value of this but instead the impact on the bottom line for the taxpayer; work he has done on the tax rate 2013 rate of \$7.04, proposed items for 2014 and not including this warrant article result in a rate of \$7.86 with this article proposed municipal rate of \$7.97 or 13.2% increase; opposed based on what it does to the bottom line.

Selectman Woolsey made additional comments as follows: took Mr. Silberdick through the DPW facility; rust on these vehicles/equipment is shameful; how Exeter has enclosed sheds/garages for all their vehicles; commented on discussion with Mr. Welch's experience in other communities had their vehicles enclosed; tremendously neglecting their equipment.

VOTE: 2(Woolsey, Plouffe)-3(Bean, Pierce, Nichols)-0

Chairman Nichols asked if it should be left on the 2015 as the original proposal or for this lower amount of \$300,000.

Selectman Plouffe pointed out the need for the vehicle/equipment that carry water be housed in a heated garage.

The Board agreed to leave in 2015 for the \$300,000.

Chairman Nichols brought up the following additional items: need to start closing out some of these articles; explained why he feels this way; why is wireless article still there and it should be removed when they get the next version.

Comments on warrant articles

Article 2

Chairman Nichols wonders why beaches have been excluded and Mr. Welch explained it should not have been.

Article 4

Chairman Nichols made comments as follows: wonders if it is incomplete; or poorly thought out plan; does not state the height; how can the height not be included in article; article should list height and location.

Selectman Woolsey asked counsel about the sub district and whether this is allowed. Atty. Gearreald will have to review this.

Article 6

Selectman Pierce made comments as follows: taking the business downtown and having an overlay on this district; what is being proposed for the zoning article; should be close to some sort of final form.

Chairman Nichols asked about some of the Planning/Zoning articles and concerns with how they refer to amendments.

Mr. Welch commented that Planning/Zoning articles have to be submitted by December 11th.

Article 16

Selectman Woolsey made comments as follows: Grist Mill Dam should have the \$600,000 and explained why; how the culvert has to be done; thinks the \$600,000 should show in the article; this has to be done.

Chairman Nichols has a different recollection: believes Keith was going to have to come back to them on this; should be left alone until Keith comes back to the Board; possibility of a second article for this work and explained why.

Article 25 Wastewater System charges

Chairman Nichols made comments as follows: update on meeting he had last week with Selectman Woolsey, Mr. Welch, Town Attorney, Chris Jacobs and DPW Director; number of issues with this article; consensus on how to proceed by the end of the meeting; decided to have a wastewater system development charge article and follow article for RSA 149-I; open issue with Town Attorney will clarify how they will handle if both articles pass; if approved the wastewater system development charge will also rescind the existing ordinance passed in 2013; will incorporate language providing for a sewer connection fee; two pieces in article; title of warrant article needs to be changed to express the broaden scope; one form, one administration process and one payment; does not currently describe how non-residential fees will be calculated and decided language will be added in accordance with table 1008-1 of DES code administrative rules; accounting of funds collected; decided it would be placed in the general fund revenues which will essential reduce taxes in that year; inconsistency between the descriptions of the calculations for the buy in fee in the language of the warrant article and all the examples provided by Chris Jacobs; read the language in the warrant article related to this fee; described all the calculations that Chris had supplied and how they were two totally different concepts; agreed that the present value of the system replacement cost which is what's in the language of the article is a better approach; this would involve contracting with an outside consulting firm such as a CPA firm the cost to have this done is around \$15,000 or \$20,000 and discussed where this money would come from; Chris Jacobs will work with Town Attorney to complete this article.

Selectman Pierce commented that they need a smooth copy of this article and confirmed that nothing would be changing for Article 24 adoption of RSA 149-I.

Article 26 Solid Waste Ordinance Amendments

Selectman Pierce made comments as follows: concerns with the fact that there is an awful lot of stuff; questioned if they think it is going to pass; Mr. Welch does not know but hopes it will; discussion that on the ballot there will just be a synopsis.

Chairman Nichols commented that the Board decided to remove certain language that the Town Attorney would be going through this article and coming back with some new language.

Article 32 Entertainment Activity Ordinance

Chairman Nichols made comments as follows: Board made many changes at their meeting on November 22nd; went through the changes the Board had decided at that meeting; planned on a public hearing on December 16th; would like to see a version of this article by Wednesday that reflects the decisions they have already made.

Selectman Pierce confirmed with Attorney Gearreald that he is still working on the db. level.

2. Approval of Non-union Raises (2:34:33)

Chairman Nichols made comments as follows: placed this on the agenda for transparency; Town Manager had presented proposed increase for 31 non-inion employees; at a level of .85% based on a limited budget amount available; Selectmen voted unanimously in a non-public meeting last Monday to increase the level from .85% to 1%; this results in exceeding this line item by \$3,048; importance of getting this out to the public.

Mr. Welch believes that the Board needs to authorize them to change both the Default Budget and regular Budget to reflect this change.

Chairman Nichols made comments as follows: mentioned that the Default Budget for this line has already been increased by \$25,000 or \$30,000; history of raises given; Mr. Welch expressed concerns with actual wage line items that reflect these increases; Chairman Nichols asked so want to increase the line item of \$14,618 and adding the \$3,048; Mr. Welch confirmed that he is suggesting that the money be distributed to appropriated salary lines.

Selectman Woolsey MOTIONED to approve the Non-union Raises of 1% is distributed to appropriate salary line items SECONDED by Chairman Nichols.

VOTE: 5-0-0

3. Repayment Agreement of SleepNet Corp CDBG Grant(2:37:17)

Atty. Gearreald made comments as follows: on Consent Agenda on October 7, 2013 meeting; explained details of grant; how the Town is the middle person; what happens as a result of the default; problem with the form the Board had received before; deficiency in form has been corrected in this document; payment schedule is also included; recommend they sign the agreement dated November 25, 2013.

Selectman Woolsey MOTIONED to approve the Repayment Agreement of SleepNet Corp CDBG Grant SECONDED by Chairman Nichols.

Chairman Nichols asked about payment schedule exhibit E and balance amount \$121,000. Attorney Gearreald will look into this and if they do not have a satisfactory response, he will not give them the signed copy.

There was a discussion on the note and if the Town has an obligation to pay back if SleepNet does not.

Selectman Bean made comments as follows: need to get more details if we are going to be in this business; wonders how many people were hired; what the Town's liability is, suggested that they defer this.

Selectman Woolsey withdrew motion.

Additional Old Business

Chairman Nichols made comments as follows: brought up a letter from Chris Jacobs to someone in Homeland Security; showed up in their boxes on November 19th in regards to FEMA grants; discussion they had with an original amount of \$200,000 and new amount of \$250,000; discussed how Keith plans to come up with the Town's match of \$100,000; letter attached from CMA Engineers and chart that provides cost which includes an additional \$109,000; the letter from engineers was dated October 22nd which was well in advance of their meeting on November 18th.

Mr. Welch's recollection of this is that the cost is for an add-on, which is outside the scope of the project.

There was an additional discussion on how this report from the engineers is included with letter sent to Homeland Security in regards to FEMA grant. The Board requested an email clarifying what is going on.

Chairman Nichols made comments as follows: list of proposed year-end spending and encumbrances; discussed difference between year-end spending and encumbrances; understands why they do not have this yet but wonders when expected to get it. Mr. Welch stated that they expect to have the list sometime this week. Chairman Nichols explained why he has asked for this information, shared what happened last year in detail, need for visibility, and discussed the RSA in detail for the Board.

VII. New Business (2:52:57)

1. Bid 2013-021 Municipal Insurance

Mr. Welch made comments as follows: need to discuss if want to do something with this; sent out to 14 separate insurance companies; request for Property Liability and Workers Compensation Insurance; received back only 2 bids; one from Primex and one from PLT; low bidder was PLT by \$63,454.24; decrease over 2013 was \$104,051.24; basically Primex bid \$851,100 and PLT bid \$787,648.76; have to decide by December 31st to keep the insurance in place; Primex bid does not cover all of the protection and liability particularly for the Legal Department.

Selectman Bean made comments as follows: when is the order to pay scheduled for.

Attorney Gearreald stated oral argument is scheduled for December 14th and the decision is anybody's guess; issue is whether the payment back to NHMA from PLT is to be done; nothing is clear at this point; policy expiration date of December 31st is for workers comp coverage and PLT expires June 30th 2014.

There was a discussion on payments for PLT and asked for clarification on whether the policy has been paid in full already.

Selectman Pierce asked if the court decides they have to pay the \$17M; will they have enough money to pay it, and the answer is no.

Chairman Nichols commented as follows: when looking at claims for PLT he came across about 15 claims with different claim numbers and different amounts all described as Fire Department/Kids Kingdom playground; makes no sense; what does the Fire Department have to do with Kids Kingdom; went through some of the claims and amounts; all had the same notation; not small little claims; date was February 25, 2010 which was the date the fire started on the A Block; what should we be doing with this claims history; should we be making a decision when there appears to be anomalies.

Selectman Bean made comments as follows: not at the point yet where we have to make a decision; Primex has come in and is discussing replacing enforce coverage; process will be a complete comparison and contrast of what we have and what we don't have; can go with a plan b to secure those coverage's; how quick can Primex come in if things go south with PLT; other coverage that Primex may be able to offer.

Chairman Nichols made comments as follows: actually have less than a month until workers comp coverage expires; need confirmation that we already have coverage paid for PLT through June 30th; discussed parts of the bid in detail including experience rate.

There was a discussion on coverage and workers comp coverage is identical because it is statutorily.

This will be included on the agenda for the month of December and Selectman Bean will sit down and work on this with Town Manager and Mike.

Chairman Nichols asked where we stand with Health Insurance and it has been renewed but can be canceled at any time with 30 days' notice. They discussed the 3% discount offered when all three policies were under LGC and this will be dropping off since they are three separate agencies now.

Selectman Pierce asked if we could switch Health Insurance if something was to go wrong and it was confirmed that we could on the first of the month.

Selectman Woolsey commented on the 3-year turn over in the past and wonders if we have been tracking this from year to year. There was an additional discussion on the review of the claims and the look back period used.

VIII. Consent Agenda

IX. Closing Comments

X. Adjournment of Public Meeting (3:13:23)

Chairman Nichols MOTIONED to adjourn at 10:10 PM SECONDED by Selectman Pierce.

VOTE: 5-0-0

Chairman