

TOWN OF HAMPTON  
MINUTES OF THE BOARD OF SELECTMEN  
MONDAY, FEBRUARY 09, 2009

PRESENT: William Lally, Chairman  
Richard Griffin, Vice Chairman  
James Workman  
Richard Nichols  
Frederick Welch, Town Manager  
Mark Gearreald, Town Attorney

REGRETS: Richard Bateman

7:00 PM

Chairman Lally called the meeting to order at 7:00 PM and introduced the members of the Board.

SALUTE TO THE FLAG

I. Public Comment Period

Mr. Price is here to thank Vic Lessard and his son Keith for the services they provided in preparing for the Special Olympics. Mr. Price explained that when he was before the Board last week he inadvertently left this thank you out.

Mr. Art Gopalen, 21 Mill Road, would like to discuss The Artic Hardshell Plunge, which is on the consent agenda. He would like to know what are the cost to the Town and how will the Town defray the cost related to this event.

Chairman Lally explained that when any road race comes into Town, they pay for any Police Details that would be needed. There are no Fire and Public Works personnel cost.

Mr. Gopalen just wanted to confirm that there is no net cost to the Town. Chairman Lally expressed that to the best of his knowledge there are none.

II. Announcements and Community Calendar - None

III. Appointments

1. Michael Schwotzer – Monthly Financials

Mr. Schwotzer supplied the Board with the report and it can be on the website by tomorrow. He explained that for the time being he is using the 2008 budget until the election in March. The topics discussed included the following: income received \$59,000 for Landfill Closure Grant, motor vehicle income \$184,000, had a strong January for motor vehicles, debt service 6.72% of budget. The Town Manager's wage line now includes the wages of Administrative Assistant and minute taker, finance department overtime, buyback program posted under personnel administration. The town building maintenance, the account is over because of the annual contracts being due in January, hydrant expense, salt, Library appropriation, and all the departments running well and within budget.

#### Discussion

Mr. Nichols asked if Mr. Schwotzer could explain in more detail the 2008 accruals. Mr. Schwotzer explained that at the end of December the department heads were asked to estimate the amounts of certain bills; like utilities, so that that money could be carried forward. The estimated bills amounts might be more or less than the actual bill amount.

Mr. Nichols asked about the status of the audit and if it was under way. Mr. Schwotzer explained that the audit this year will have two pieces. Since the Tax Collector is not running for re-election, the auditors will come in and audit the books for 2008 and this far into 2009, before she leaves office. The audit for the rest of the Town will take place in mid April.

Mr. Nichols would like a copy of the end of year balance sheet. Mr. Schwotzer will provide one to the Board but it will not be posted on the website at this time since the audit has not taken place.

2. Trustees of the Trust Fund – Vic Lessard introduced the Trustees of the Trust Fund; Mrs. Francis Quinn, Mr. David Hamilton and Mr. Edward Atwood

Mrs. Francis Quinn, Edgewood Drive. Mrs. Quinn introduced herself to the Board. She has lived in Hampton for 9 years, and is proud to serve as a Trustee, and thanked the Board for her appointment. For the past 22 years, she has been a Finance Professor at Merrimac College and is a CFP.

David Hamilton, Sanborn Lane. Mr. Hamilton explained that he is just finishing his first year as a Trustee. Professionally he is the controller of a Developing Company.

Edward Atwood, Exeter Road. Mr. Atwood explained that he was not elected to the Board, but instead selected by the Trustees to serve, when they decided to increase the membership of the Board. He ran a very large group of Doctors in Haverhill, MA, and was a Trustee of the profit sharing for this group of Doctors.

Mr. Vic Lessard explained that he is a businessman in Town since 1954.

Mr. Atwood gave the Board a breakdown of activity from January 1, 2008 thru December 31, 2008. Began the year with \$16,600,527 with additions to the Trust, which include the following: net dividends of \$679,827, the sale of plot of land \$200,000, total increase of \$879,827, with a total available cash of \$17,480,354, payments to the Town totaling \$1,293,264. Activities in investment portfolio include 60% in cash fixed income and 40% in stock market. The Trustees during the year sold stocks, which lost \$1,125,140, value of stocks

at yearend at a loss of \$1,008,959, total drop in plan for the year of \$3,427,363, ending balance \$14,052,991. This means the plan dropped in value by 19.6%, 7.4% is accounted for in the payment to the Town, the realized losses were 6.4%, unrealized loss of 5.8%, the unrealized loss is a paper loss.

Questions from Board:

Mr. Nichols wanted to clarify that the 2007 and 2008 payments were both made in 2008. He appreciated the presentation. He would like to see the reports on the website.

Mr. Workman commented that the report was good and the Trust Fund did much better than many other people have.

Mr. Lessard said that the Trustees would look into posting the report on the website. The Board agreed that if the report could be posted quarterly that would be great.

Chairman Lally thanked the Trustees for attending the meeting.

3. Susan Kepner, Hampton Energy Committee – Earth Day Celebration

Mrs. Kepner was unable to attend this meeting and will attend the BOS meeting on February 23, 2009

IV. Minutes of January 31, 2009 and February 02, 2009

No changes made to the minutes of January 31, 2009.

Mr. Workman MOTIONED to accept the minutes of January 31, 2009. Mr. Griffin SECONDED.

VOTE: 4-0-0

No changes made to the minutes of February 2, 2009.

Mr. Griffin MOTIONED to accept the minutes of February 02, 2009. Mr. Workman SECONDED.

VOTE: 4-0-0

V. Old Business

1. Town Manager's Report

A Bid were awarded this past week for the 2009 Computer purchases to the lowest of the 7 bidders; Dell Computers of Texas in the amount of \$8,999.91 per unit.

Selectman Nichols and I testified on Thursday before the House Executive Departments and Administration Committee regarding HB 223, which is a bill for a moratorium on spiking charges and changes, which are proposed changes to the current law in order to reduce municipal financial liability.

Representatives of the Town will also be testifying this coming Wednesday on House Bill 641 that address necessary proposed changes to the law regarding the spiking charges.

The Town is currently preparing comments on the proposed new regulations for the Federal Storm Water Rules, which will go into effect this year. It is anticipated that these proposed

changes are expected to cost the Town an additional \$308,000, which will include service costs and an additional unknown sum for personnel and equipment.

Ellen Goethel has been named Conservationist of the Year.

#### Discussion

Mr. Nichols asked for clarification on item #1 bid for computers. Mr. Welch will have that information for the Board next week.

Chairman Lally thanked Mr. Nichols for testifying before the House Executive Department.

Mr. Nichols explained to the Board that New Hampshire Retirement Service (NHRS) had gone out for a legal opinion on this type of sidebar agreement that the Town made with the Police and the Teamsters. The legal opinion was that the sidebar agreements are not providing the Town with a legal exemption.

Mr. Welch agreed with what Mr. Nichols reported, and it is the same that he has been made aware of, however, he did mention that agreements like these have stood up in a court of law in the past.

Atty. Gearreald supplied the Board with information about plowing a portion of Whites Lane as discussed last week. The Emergency Lane Statute can be used since it allows not only private roads but also class 6 highways like Whites Lane. The Public Works Director will be investigating what portion of the lane would need to be plowed. Once this has been done, the landowners of that portion of the lane will be notified of the public hearing for the emergency lane status.

Chairman Lally thinks that the key is that only about 100 or so feet would need to be plowed from the road to the gates.

Atty. Gearreald requested that the Board enter into a non-public session at the end of the meeting for an employee personnel matter under RSA 91-A:3, II, a.

#### VI. New Business

Mr. Nichols brought up another bill that is up in Concord, it is House Bill 46 as stated by Mr. Nichols, the subject is binding arbitration. The bill takes away the power of the legislative body to approve money associated with collective bargaining agreements. Mr. Nichols feels that this is a bill that the Town should stay on top of.

Mr. Welch explained that he has watched similar bills to this one for the last 10 or 12 years. The intention of this type of bill, is to deprive the citizens of the community the right to vote on these matters as they have in the past.

Mr. Workman asked about the letter received from a citizen about some private use of public property on Ocean Blvd. Mr. Welch has two departments investigating this and will report to the Board upon completion of investigation.

#### VII. Consent Agenda

1. Annual Concurrence Emergency Operations Plan

- 2. Parade and Public Gathering License – The Artic Hardshell Plunge
- 3. Proclamation – Red Cross Month

Mr. Welch submitted Conservation Commission appointment forms. The original appointment forms signed last March, currently cannot be located and therefore need to be re-signed.

Mr. Nichols asked about “The Artic Hardshell Plunge” and if there is an agreement with Public Works to be reimbursed for any plowing. Mr. Welch explained that there is not an agreement as the Town is not involved and the organization is encouraged to hire a private vendor for plowing of snow.

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

VOTE: 4-0-0

#### VIII. Closing Comments

Chairman Lally announced that the Board would not be meeting on February 16, 2009 as it is the President’s Day holiday.

The Board at 8:00 PM in public session, on a roll call vote, motioned with all members present and voting unanimous, the Board of Selectmen entered into to a non-public meeting with the Town Manger and Town Attorney under RSA 91-A:3., II, (a) to discuss an employee personnel matter.

VOTE: 4-0-0

#### IX. Adjournment

The Board returning after the non-public meeting under RSA 91-A:3, II, (a) with a MOTION to adjourn by Mr. Griffin and SECONDED BY Mr. Workman, the Board adjourned at 8:10 PM.

VOTE: 4-0-0

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Chairman

Non-Meeting with Legal Counsel - RSA 91-A:2, I, (c)

Non-Public meeting - RSA 91-A:3, II, (a), (b), (c), (d), (e)