

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
January 6, 2003 7:00 PM**

PRESENT: James A. Workman, Chairman, Brian C. Warburton, Bonnie B. Searle,
Virginia B. Bridle, William Sullivan
James S. Barrington, Town Manager
Karen Anderson, Administrative Assistant

PUBLIC HEARINGS:

The Board of Selectmen held the following public hearings to take comments from the public.

1) Shall the Town of Hampton raise and appropriate the sum of Four Million (\$4,000,000) Dollars for the acquisition of conservation easements and/or open space land (including any buildings or structures incidental to such land in the best interests of the Town, as the Selectmen deem appropriate, and to authorize the issuance of bonds or notes in accordance with the Municipal Budget Act (RSA Ch. 33) and to authorize the Selectmen to act on behalf of the Town in connection with such acquisitions of conservation easements or other open space land, and to further authorize the Selectmen to issue and negotiate such bonds or notes and determine the rates of interest thereon. No bonds or notes shall be issued with a term maturity of less than fifteen years, and the authority conferred by the passage of this Article is non-lapsing until its purpose is accomplished in accordance with RSA 32:7, III, VI.

The purchase of land with funds appropriated pursuant to this article shall be permitted only if all the procedural requirements for the purchase of land spelled out in RSA 41:14-a are satisfied.

The passage of this Article requires a 3/5 vote

Mr. Gerry Dignam asked if taxpayers that may not be residents or registered voters will be allowed to speak at this hearing. Mr. Workman said that the Board will consider requests.

Mrs. Ellen Goethel, Conservation Commission stated that this was the second year that this article was being brought forward to the voters and the Conservation Commission appreciated the Board of Selectmen's support. The Conservation Commission feels that the passage of this article will be a benefit to the town in the long term and will save a great deal of money. Mrs. Goethel said that with the adoption of RSA 41:14 last year, the town has a set of strict guidelines to follow before any conservation land is purchased. She explained the provisions of the statute and how the public can request any land purchase to go to Town Meeting for a decision. Mrs. Goethel also explained that the Conservation Commission expects that small bonds will be used over a long period of time and that all of the funds will not be used at once. Mrs. Goethel noted that open space does not need infrastructure and does not increase the tax burden and as a result the acquisition of open space will help the future of the town.

Mr. Sullivan said that he would not be opposed to hearing from taxpayers that may not be registered voters or residents. Mr. Warburton agreed that the Board has always been willing to hear from taxpayers at public hearings.

Mr. James Barrington, Town Manager told the Board that Attorney Gearreald reviewed the warrant articles today and has recommended a change to this article that would indicate the statutory deadline of five years for the authorization. Mrs. Searle asked why the town would want to include that. Mr. Barrington explained that it was a recommendation from the attorney based on RSA 32:7 VI. The statute was reviewed by the Board.

Mrs. Searle MOTIONED to amend the article as recommended by Attorney Gearreald.

Mr. Warburton SECONDED

Mrs. Searle said that she did not understand why it should be included and noted that RSA32:7 III appears to conflict with RSA 32:7 VI.

Mrs. Searle withdrew her motion.

Mr. Warburton pointed out that the purpose of the public hearing was to take comments from the public and if further clarification is needed on the recommendation of Attorney Gearreald that be done for next week. The Board agreed to request further clarification on this. Attorney Gearreald will be asked to attend the meeting next week.

Mr. Gerry Dignam stated that if there was going to be an amendment to the article it should not take place prior to the Public Hearing. Mr. Dignam said that he was present to address open space needs, and pointed out that the Town of Hampton is approximately 14 square miles with at least 18% of it open space consisting of salt marsh, a State Park and miles of beaches. He suggested if a resident wanted to walk in the woods they could go to White's Lane, which he does not believe is utilized that much. Mr. Dignam said that he understands from past discussions that other towns have this type of article, such as North Hampton and Stratham. He said that he does not care what the other towns have, but noted that neither North Hampton or Stratham have municipal sewer, curb-side trash removal and most portions of those towns have private wells. Mr. Dignam said that Hampton has progressed beyond that. He added that the article before the town this year is the same as what was soundly turned down last year and was disappointed that the Board has brought it forward without the recommendation of the Capital Improvement Committee.

Mr. Dignam said that he feels the Conservation Commission is trying to circumvent Town Meeting with this article and if they had specific purchases in mind for specific prices the matter should go before Town Meeting. He feels this is providing a blank check for the purchase of land on the west side of town. Mr. Dignam expressed concerns about the "safety valve" referenced in the article and stated that Town Meeting is already a safety valve for the taxpayers and land purchases should remain in that forum. Mr. Dignam told the Board that 60 building permits were issued last year for 100 dwelling units, indicating that the majority were condominiums. The majority of the building is taking place in the eastern part of Hampton and at the beach. Mr. Dignam said that the town can not buy up every piece of open land and growth control can be done with restrictions, such as minimum 2 acre lots on the west side of town, or impact fees. Mr. Dignam expressed concerns with the number of developers and builders on the land use boards. He also noted that there is a critical \$500,000 article for police communications, \$15,000,000 between two articles for sewer upgrades at the beach and Winnacunnet High School is coming forward with a \$24 million dollar article for much needed expansion and renovation of the high school. Mr. Dignam said that a community senior center is being proposed for \$600,000. He stated that given those needs, it is obvious that the town cannot afford the \$4,000,000 article for conservation land and he requested that the Board of Selectmen withdraw their support from this article. He recommended that the individual Conservation Commission members be billed for the legal expenses paid by the town that were associated with the article last year.

Mr. Richard Reniere said that he was attending the public hearing to learn more about the article and has noted that the article needs a 3/5 vote to pass. Mr. Reniere said that Mrs. Goethel had stated that this article save taxpayers money and he does not understand how that could happen because there will be a loss of tax revenue for every acre of land that is bought by the town, and if there are buildings or structures on the land it is an additional loss of revenue. Mr. Reniere said that the land on White's Lane was donated to the town for that purpose. Mr. Reniere was corrected by the Board that the White's Lane land was purchased by the town. Mr. Reniere asked what property was recently donated to the town. Mrs. Bridle said that the Board discussed the donation of the Pacheco property, but it fell through. Mrs. Searle stated that Mr. Warburton ruined that.

Mr. Nathan Page, noted that he is a contractor that has volunteered to sit on the Open Space sub-committee for the Conservation Commission. He said that he has already been in contact with a property owner on the east side that owns a property that if purchased as open space would prevent the development of four or five houses. Mr. Page said that this article allows the town to purchase not just land but also the development rights to a property which would allow the owners to maintain their property, but prevent it from being developed.

Mr. Pat Collins, Sunsurf Avenue stated that he was in favor of the warrant article and he appreciated the thoughts expressed tonight. He said that as a taxpayer he has had concerns with large amounts of money being appropriated without adequate controls and he feels that this fund will have adequate controls and due deliberation will take place before any funds are spent. Mr. Collins said that this is something that can allow some needed development that is careful and well thought out while allowing for the maintenance of green space at the same time. He said that he thinks it is essential that the town do both and it is a quality of life issue. Mr. Collins said that it is important that the town set in motion a mechanism to protect open space and the wonderful aspects of Hampton.

Mrs. Goethel told the public that based on education costs in 2000, the tax revenue from an average property in Hampton appraised at \$154,084 funds the education of .28 students. For the revenue to break even for the education of one student the assessed value of the property needs to be \$631,000. She pointed out that by taking land out of development potential it will be saving the taxpayers money in the long run in terms of education, not considering any other infrastructure needs.

2) To see if the Town of Hampton will vote to raise and appropriate the sum of \$12,000,000 for the purpose of preparing plans and specifications, permit applications, land acquisitions, and/or easements and for the construction and/or reconstruction of infrastructure at Hampton Beach, some of which requirements are contained in the Federal Water Pollution Control Act, as amended (33U.S.C. 1251 et seq.), and will qualify the Town for Federal and State funds, and which are intended to be in compliance with the Hampton Beach Master Plan, such sum to be raised by the issuance of Serial Bonds and Notes not to exceed \$12,000,000 under and in compliance with provisions of the Municipal Finance Act (NH RSA 33:1 et seq. as amended) and to authorize the Selectmen to issue and negotiate such bonds or notes to determine the rate of interest thereon, and to take such actions as may be necessary to effect the issuance, negotiations, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Hampton; additionally to participate in the State Revolving Fund (SRF) RSA 486:14 established for this purpose, and to allow the Selectmen to expend such monies as become available from the Federal and State governments and pass any vote relating thereto. Any income derived from temporary investment of the bond proceeds shall be returned to the General Fund. (3/5 vote required)

There were no public comments.

3) To see if the Town of Hampton will vote to raise and appropriate the sum of \$2,200,000 for the purpose of preparing plans and specifications, permit applications, land acquisitions, and/or easements and for the construction of sewerage facilities recommended in the Town's 201 Facilities Planning Study for additions and improvements to the sewer mains along Kings Highway and the main connector from Hampton Beach, and for professional services necessary to update the 201 Facilities Plan, requirements which are contained in the Federal Water Pollution Control Act, as amended (33U.S.C. 1251 et seq.), and will qualify the Town for Federal and State funds, such sum to be raised by the issuance of Serial Bonds and Notes not to exceed \$2,200,000 under and in compliance with provisions of the Municipal Finance Act (NH RSA 33:1 et seq. as amended) and to authorize the Selectmen to issue and negotiate such bonds or notes to determine the rate of interest thereon, and to take such actions as may be necessary to effect the issuance, negotiations, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Hampton; additionally to participate in the State Revolving Fund (SRF) RSA 486:14 established for this purpose, and to allow the Selectmen to expend such monies as become available from the Federal and State governments and pass any vote relating thereto. Any income derived from temporary investment of the bond proceeds shall be returned to the General Fund. (3/5 vote required)

There were no public comments and the public hearings were closed at 7:45 PM.

I. SALUTE TO THE FLAG: Mr. John Hangen led the audience in the flag salute.

II. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Sullivan urged the public to be patient while driving due to the decreased visibility from snow banks.

He also suggested that if residents have fire hydrants near their property that they "adopt" it for the winter and try to keep them shoveled out and accessible for the fire department.

Mrs. Bridle thanked the Public Work's Department for the outstanding job they did with snow removal during the Christmas storm as well as the most recent one this past weekend. Mrs. Bridle appealed to any high school or junior high students that may be interested in assisting a couple of local elderly residents who are unable to shovel and need help with shoveling on a regular basis. She said that it would be community service and the residents are willing to pay for the service. Anyone interested can contact the town office or Mrs. Bridle at the Village Preschool.

Mrs. Searle agreed with both Selectmen Bridle and Sullivan's comments and added that drivers need to slow down because it is difficult to pull out of side streets due to the high snow banks.

Mr. Warburton also noted the great efforts of Public Works and commended the Fire Department for their efforts with the fire on Christmas Eve. Mr. Sullivan commended the Public Work's mechanic's Dennis and Kenny for their behind the scenes efforts in keeping the snow removal equipment on the road.

Penguin Plunge

Mr. Warburton announced that the 4th Annual Penguin Plunge at Hampton Beach would be taking place on Feb. 9th at 1:00 PM, across from the Casino.

Senator Gregg Office Hours

Mrs. Searle announced that Senator Judd Gregg will be sending a representative to the town office on Tuesday, January 14th at 9:00 AM to meet with any residents on the Senator's behalf.

County Officials

Mr. Warburton announced that Wednesday, January 15th is the ceremony to swear in the County officials and Hampton is proud to have County Attorney Reams, County Treasurer Buck and County Commissioner Pratt all beginning their third terms.

III. OLD BUSINESS

Town Manager's Report

Mr. Barrington told the Board that he has been very busy trying to finalize union negotiations and he expected to hear back from the Teamsters unit on Tuesday which will probably finalize the negotiation process. The cost impact will be put together this week for the Board's review at the next meeting.

Exeter Road Railroad Bridge

Mr. Barrington told the Board that he had a conference call with Bob Barry from N.H. Department of Transportation regarding the Exeter Road railroad bridge today. The Guilford Railroad had sent a proposed agreement to the town for the ownership of the bridge that Attorney Gearreald has reviewed. Attorney Gearreald had some concerns with the proposed agreement that was shared with Mr. Barry and a meeting will be scheduled with the State Department, Municipalities going through the same process and Guilford to try and rectify the problems.

Water Regionalization Meeting

Mr. Barrington told the Board that he had a call from the City of Portsmouth indicating that they will be hosting a meeting this Thursday, January 10th at 10:00 AM at the City Hall to discuss cross connections for regionalization of water. This is a result of the shortages that occurred last year. Mr. Barrington said that the Town will have one or more people attend that meeting and he understands that Mr. Goetz of Aquarion Water will be attending.

Christmas Tree Collection

Mr. Barrington announced that Christmas trees will be collected this week at curb side.

Exeter Road Railroad Bridge

Mrs. Searle asked about the status of the RFP that was put out for the railroad bridge project. Mr. Barrington said that CLD, Engineering was ranked as the first choice and a fee proposal and scope of work has been received that is significantly higher than was expected. Those have been forwarded to Mr. Barry for his review of the scope and determine if the fee is justified. Mrs. Searle asked if the State decides that the projected cost is fair then the town moves forward with CLD without soliciting additional bids? Mr. Barrington said that through the competitive process CLD was determined to be the number one choice for engineering services and the State has the expertise to determine if the projected cost is fair. Mr. Barry acknowledged that the cost submitted is higher than the preliminary estimate he had provided to us, although he recognizes that Hampton's project is unique due to the elevation challenges and the proximity to Route 1. If the State determines that the cost is justified, they will fund 90%. Mrs. Searle said that she did not think this was a competitive process. Mr. Barrington said that the process was competitive and is mandated by law to be a qualification-based process. If the town asked for costs up front than we would be disqualified from receiving any federal funds. Mr. Barrington explained that if the town felt the scope of work was more than they had anticipated they could negotiate with the engineering firm to reduce the scope of work, and if terms can not be reached the town does not have to accept the firm and can begin the process with the number two choice. Mrs. Searle said that she has read about a school district that was able to save money by soliciting bids for engineering. Mr. Barrington said that he does not know what the details are, but their project is probably funded with all local money if they have asked for prices.

Mrs. Searle asked if the selectmen are ever going to see the proposed agreement from Guilford or are they going to be locked out of that process. Mr. Barrington said that he had intended to bring it to the Board tonight but due to the concerns of Attorney Gearreald and Mr. Barry, it was not ready for discussion by the Board. Mr. Sullivan said that he would not be in a rush to do what Guilford wanted us to do.

Legal Department

Mrs. Bridle noted that the town now has a town attorney and she asked if there is a secretary for the town attorney. Mr. Barrington said that there is a part-time legal assistant that works 20 hours per week. Wanda Robertson, a certified paralegal, has filled that position.

Welfare Costs

Mrs. Bridle asked if the Welfare Department saw an increase in December and if so, if it has continued into January. Mrs. Anderson said that this December's costs have been the highest in several years and the demand has continued in January.

Legal Expenses for JY Matter

Mrs. Searle said that more than one selectmen has asked for the itemization of legal expenses for the JY insurance issue. Mr. Barrington said that he would provide that, but as he stated previously, the December bills have not come in as yet.

Snow Removal Costs

Mr. Sullivan asked that the Town Manager meet with the Public Works Director to review the hired equipment expenses for snow removal after this initial storm to see if the 2003 Budget needs to be adjusted. Mr. Warburton said that when people talk about cities being out of money, they are not referring to towns that operate as Hampton does on a calendar fiscal year.

Estimated Revenues

Mr. Barrington noted that these are extremely preliminary estimated revenues and it won't be until October, 2003 until they are amended. He noted that parking lot revenues have been reduced to account for the reduction of parking spaces during the construction of the police facility.. Mrs. Searle said that when construction is completed the town should recover some of the parking spaces. Mr. Barrington agreed. Mrs. Searle said that the town spends more and earns less.

Mr. Warburton MOTIONED that the Board of Selectmen forward the estimated revenues to the Budget Committee.

Mr. Sullivan SECONDED

VOTE: UNANIMOUS FOR

Union Contracts

The Board of Selectmen discussed when they can meet to discuss the union contract proposals and decided that they will meet in a non-meeting at the conclusion of the January 13th Selectmen's meeting. The Board of Selectmen will meet on Tuesday, January 14th at 6:00 PM to review the warrant articles. Mrs. Searle said that this is a stonewall and the Board will not have adequate time to review the contract information prior to the statutory deadline. Mr. Barrington said that is the nature of negotiations and while he hoped to have negotiations concluded in time for this meeting that was not possible. Mr. Sullivan said that he has a couple of questions regarding the contracts, but does not need detailed information.

VI. MINUTES

The minutes of December 16, 2002 were reviewed with no changes made.

The minutes of December 23, 2002 were reviewed with no changes made.

VIII. ADJOURNMENT

Mrs. Searle MOTIONED that the meeting be adjourned. (8:20 PM)

Mr. Sullivan SECONDED

VOTE: UNANIMOUS FOR

Chairman