

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
January 13, 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

I. SALUTE TO THE FLAG: Attorney Mark Gearreald led the audience in the flag salute.

II. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Annual Photo

Due to scheduling conflicts the Selectmen's annual photo has been rescheduled to January 27th at 6:15 PM.

Condolences

The Board expressed their condolences to the family of Howard Page. Mr. Howard Page, Sr. was very active in the Town of Hampton as a business owner. He was a former call firefighter and served on the Budget Committee, Planning Board, Marsh Reclamation Committee, and was Chairman of the Winnacunnet School Board.

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, on the Senator's behalf, with residents.

Statement by Mrs. Searle

Mrs. Searle explained that while she abhors the use of the microphone and this medium for anything other than town business she would like to announce that some months ago she decided not to seek re-election as a Selectmen. When she was sworn in the first time, she had no intention of making this a career, and feels the position should be shared by many. Mrs. Searle said that some people may feel betrayed because she has not made her intentions known sooner, but she wanted to make sure she was making the right decision. She explained that her life has changed a lot since 1997 and she now needs to address other concerns. She has appreciated the support of the citizens, her friends and the community. Mrs. Searle said that the many notes and calls to keep her on track have been invaluable. Mrs. Searle said that she and her husband love living in Hampton and she will always strive for the town's best interests, she hopes that people will always feel welcome to stop by their home. Mrs. Searle explained, so that there is no misunderstanding of her absence at the Deliberative Session, that a relative of hers in Rhode Island will be celebrating his 100th birthday on that date and she and her husband will be there to celebrate that milestone. It is her hope that there will be at least two conservative citizens to run for the position she is vacating. Mrs. Searle said that she has cherished the opportunity she has had.

III. APPOINTMENTS

Attorney Mark Gearreald, Re: Review of Warrant

Attorney Gearreald explained that as of the last Board of Selectmen's meeting he was asked specifically to address the Conservation Commission land acquisition article. He noted that a question arose based on the article containing references to RSA 32:7 III and VI. Attorney Gearreald said that on further consideration of these references he has recommendations for amending the article. He explained that the lapsing provisions of RSA 32: 7 are constructed so that appropriations lapse at the end of the fiscal year, except for six exceptions. Attorney Gearreald explained that for this article, the specific subdivision III, because the amount is to be raised by bonds or notes, is what applies to this article. Attorney Gearreald proposed to the Board that they eliminate the reference to subdivision VI and that the appropriation lapses after five years.

Mrs. Searle said that an article like this was passed in North Hampton a couple of years ago and the town was able to secure a couple of parcels of land that were fairly inexpensive and rather than go the expense of a bond they used Bond Anticipation Notes (BAN). She asked if the wording of this article would allow that to be done in Hampton. Attorney Gearreald said that he has not researched that and would have to see how North Hampton's warrant article had been worded. Mrs. Searle pointed out that this article restricts bonds or notes to terms no less than fifteen years.

Attorney Gearreald pointed out that some of the other articles in the warrant have been amended to reflect language that Department of Revenue wants to see. Mrs. Searle stated she was glad to see that the lease articles are showing the public what the first payment is.

Mrs. Searle asked if Attorney Gearreald can investigate to see if there is a reasonable way to change the conservation land warrant article to allow for the use of bond anticipation notes. Attorney Gearreald said he will research that and any amendments can be made at the Deliberative Session.

III. OLD BUSINESS

Town Manager's Report

Mr. Barrington told the Board that the past week was predominantly devoted to finalizing the Collective Bargaining Agreements.

High Street Parking Lot

The Town Manager reported that the High Street Parking lot has become an issue with long-term parking again and he has asked Chief Wrenn and Attorney Gearreald to help him see if there are some reasonable solutions to that problem.

Private Roads

Mr. Barrington reported that he has received some calls with concerns about private road issues, primarily regarding snow removal. He noted that the amount of snow that has accumulated over the past couple of weeks has created some access problems for emergency vehicles on some private roads.

Snow Removal Budget

Mr. Barrington said that in response to the Board of Selectmen's question about the snow removal budget, Mr. Hangen has reported that during the past 12 days, almost \$101,000 has been spent and he has requested that the Budget Committee be asked to authorize an additional \$40,000 for snow removal.

Mrs. Searle asked if town vehicles, other than emergency vehicles, go down private roads for any reason. Mr. Barrington said that the private road issue is something that has been visited by the Board several times over the years. He noted that some private roads have been plowed for many years, but most are not plowed. Mr. Barrington said that Attorney Gearreald has shown him some new legislation that allows for the adoption of private roads under certain circumstances, but he noted that it should be used sparingly. Mr. Barrington said that there have been some calls in the past couple of weeks and instances where fire apparatus would not have been able to access properties. Mrs. Searle asked if the town could put property owners on notice that their private road is unsafe and if they require emergency services, the town will access them from the main road. Mr. Barrington said that he will be looking into this with Attorney Gearreald to make sure that what the town does is legal and makes sense for all of the citizens, not just a few.

Mrs. Searle agreed that Public Works is doing a wonderful job, but this winter is not unusual, although it is more snow than the past couple of years. She noted that people that have to pay to have their driveways plowed can't ask their employer for extra money, they have to find a way to pay for it within their budget. Mrs. Bridle said that she agrees with Mrs. Searle on this, and if one part of the budget suffers, the expense

needs to be made up somewhere else. However, she stated that as the Budget Committee representative she will support the decision of the majority of the Board.

Mr. Sullivan asked what area of the budget would be increased, hired equipment? Mr. Barrington said that is likely, but that they would certainly try and find the money within the budget if the Board so directed. He added that this recommendation is a result of the Board asking Mr. Hangen to look at the budget status.

Mr. Sullivan said that the issue of town services on private streets has always been a problem. He noted that residents of those streets, while not under the town-wide parking ban and have to remember that unless they keep the vehicles off the street it can not be plowed well, and that is the reason one street had concerns with access for emergency vehicles.

Mr. Warburton said that the High Street Parking lot is covered by an ordinance that the Board may need to revisit.

Mr. Warburton said that there has been a lot of snow early this year and he remembers instances where additional funds have been added to the budget when this has happened. Mr. Warburton said that when a Department Head tells him that additional funds are needed, he will support that. He added that the Board of Selectmen is entrusted with the responsibility of providing the Department Heads with the tools they need to do the best job they can for the residents of Hampton. Mr. Warburton said that some of the most important things the Board deals with envelope public safety and he will make sure that the roads are plowed and kept in a safe condition.

Mrs. Bridle said that one recent year \$140,000 was found in the budget that had not been planned, for the elevator, and she does not think finding \$40,000 for snow removal should be a problem.

Mr. Sullivan said that the town has always been very good with keeping the sidewalks plowed, but as a result of one of the sidewalk plows out of service, Route 1 is just being done today. He asked when the second plow is expected to be back in service. Mr. Barrington said that Mr. Hangen expected that the sidewalk plow would be back in operation in about two weeks. Mrs. Bridle asked who decides when a road is icy and needs to be sanded. Mr. Barrington said that normally Public Works makes that decision and takes the appropriate action. The Town Manager said that the icy streets that were reported to him last night have been taken care of. Mrs. Searle pointed out that Mr. Hangen's report of storm expenses indicated that vehicle maintenance included three transmissions; she asked if they were pick-up truck transmissions. Mr. Sullivan said that he understands that two were pick-up trucks and one was a dump truck. Mr. Sullivan said that pick-up trucks can't push the amount of wet, heavy snow that was received. Mrs. Bridle pointed out that some of the town's smaller streets have to be done with a pick-up.

Mr. Barrington said that the budgets are put together with a plan of work which is presented during review. If the additional funds for snow removal are not received, than the department will give up something else in the process of finding the funds. His recommendation is for the additional appropriation because of the amount of money that has been used, this early in the season. Mrs. Searle asked how much of the 2002 budget is being turned back this year, she noted that the Board has always received a preliminary run of the budget by the 10th of January at the latest, and she guesses that there is no plan to provide one this year. Mr. Barrington said that there are too many variables, an estimate of the expenses could be made, but there are a number of bills that do not require purchase orders, such as utilities, and small purchases that are the normal course of business and those bills have not all been received. Mrs. Searle said that it is "hocus pocus" accounting. Mr. Barrington said that it is actually accurate accounting.

Mr. Warburton MOTIONED that the Board of Selectmen request that the Budget Committee add \$40,000 to the Public Works budget based on the recommendation of Mr. Hangen and Mr. Barrington.

Mr. Sullivan SECONDED

VOTE: 3 FOR

2 OPPOSED (Searle, Bridle)

Mr. Barrington said that he will make the request at the Budget Committee’s public hearing.

Mrs. Searle asked if there is any plan to advertise the Public Hearing or Deliberative Session on the board in front of the town office. She noted that the Selectmen’s Public Hearings were not advertised on that.

Mrs. Searle asked if the legal bills have been received to be able to determine what the cost of the refund of the insurance premium has cost. Mr. Barrington said that they have not.

Water Regionalization

Mrs. Searle asked if Mr. Sullivan attended the meeting in Portsmouth about the water regionalization. Mr. Sullivan said that he did not. Mr. Barrington said that he was not able to attend but understands that Mr. Goetz did. Mrs. Searle said that it makes her nervous to think that Hampton may assist Portsmouth with water. Mr. Sullivan said that he believes that it could happen to some extent, and noted that Seabrook and Salisbury have always been connected with Hampton for water emergency purposes. Mr. Barrington said that the southern portion of the State is heavily populated while the northern part of the State is not, so the State is looking into the feasibility of piping water down to the areas in need of water. Mr. Barrington said that he understood that this meeting in Portsmouth was primarily geared towards emergency water uses, which is different than importing water for consumption.

Mrs. Searle said that the Planner was attending the USGS Study meetings on water and asked if the Town Manager had gotten any reports on that. Mr. Barrington said that he will follow up with Mrs. Kimball.

V. NEW BUSINESS

Petitioned Warrant Articles

Article 29

On petition of at least 25 registered voters of the Town of Hampton: Shall the Town of Hampton appropriate only the sum of \$150,000 for the construction of a sidewalk along Cusack Road from the intersection of Cusack Road and North Shore Road to Route 1A. Lack of a sidewalk along Cusack Road presents a safety hazard to the large number of pedestrians traveling it.

Mrs. Searle noted that the article is not worded correctly, since it states to appropriate only. Mrs. Bridle said that it needs to say “raise and appropriate”. Mr. Warburton said that is only one of the reasons he would not be in support of it.

Mr. Warburton MOTIONED that the Board of Selectmen not recommend the article.

Mr. Sullivan SECONDED

**VOTE: 4 FOR
1 OPPOSED (Bridle)**

Article 41

On petition of Vivianne G. Marcotte for the Conservation Commission and at least twenty-five (25) registered voters of the Town of Hampton: to raise and appropriate \$15,000 for the purpose of continuing the restoration of our degraded salt marshes. This will enable the Conservation Commission to apply for matching funds from U.S. Fish and Wildlife Services, Ducks Unlimited, Gulf of Maine Council, the Office of State Planning N.H. Coastal Program, and others to accomplish projects costing more than twice this amount. (By Petition)

Mrs. Searle explained that this is for the ongoing effort of Conservation Commission to restore the salt marshes and she understands that the Conservation Commission needs the appropriation to be able to apply for grants.

Mrs. Searle MOTIONED that the Board of Selectmen recommend Article 41.

Mr. Sullivan SECONDED

VOTE: UNANIMOUS FOR

Article 42

We, the undersigned Hampton town voters, request that the Town of Hampton raise and appropriate \$8,000.00 in the FY 2003 budget for the support of Seacoast Mental Health Center, Inc.(By petition)

Mrs. Bridle explained that this agency had been cut by the Budget Committee because a representative did not attend their review.

Mrs. Bridle MOTIONED that the Board of Selectmen recommend Article 42.

Mr. Warburton SECONDED

VOTE: UNANIMOUS FOR

Article 43

We the undersigned registered voters of the Town of Hampton petition the Town of Hampton to raise and appropriate \$3,500.00 in the 2003 budget to support the Senior Transportation Program and the provision of medical and health related services to Hampton residents by Lamprey Health Care. This request represents level funding.

Mrs. Bridle stated that the agency does need the money, but she wanted to emphasize that agencies have to remember to have representatives at the Budget Committee meetings.

Mr. Sullivan MOTIONED that the Board of Selectmen recommend Article 43.

Mr. Warburton SECONDED

VOTE: UNANIMOUS FOR

Article 44

On petition of Ginni McNamara, 4 Randall Street, Hampton, NH 03842 and at least twenty-five (25) or more registered voters of the Town of Hampton: To see if the Town will vote to support the Hampton Christmas Parade and related activities and raise and appropriate the sum of \$3,500.00 to help defray the expenses of the 2003 event. Said funds to be paid to the Hampton Area Chamber of Commerce.

Mr. Sullivan MOTIONED that the Board of Selectmen recommend Article 44.

Mr. Warburton SECONDED

VOTE: UNANIMOUS FOR

Mrs. Searle asked if it was too much to ask for the Town to get an accounting of the expenses of the parade.

Article 57

To see if the Town will vote to send the following resolution to the New Hampshire General Court: Resolved in its first two years of operation, the Land and Community Heritage Investment Program (LCHIP) has helped communities throughout New Hampshire preserve their natural, cultural and historic resources and, therefore, the State of New Hampshire should maintain funding for LCHIP in its next biennial budget.

Mr. Sullivan told the Board that he received a call from Mr. Wells, from the Society for the Protection of Forests requesting support from Towns in asking for approval of resolution for funding from the State for the Land and Community Heritage Investment Program. Mrs. Searle said she sponsored a warrant article in 1997 to encourage the Legislature to sponsor the bill, which they did. She added that if Hampton passes the \$4 Million article for conservation land purchases the Town may be able to apply for some of that grant money. Mrs. Searle said that this is a good article.

Mr. Sullivan MOTIONED that the Board of Selectmen sponsor Article 57 on the town warrant.

Mrs. Searle MOTIONED

VOTE: UNANIMOUS FOR

Mr. Warburton noted that with the State budgetary concerns, he is not confident that the funding will be approved.

Article 37

Shall the Town of Hampton, if any or all of the six collective bargaining agreements are defeated (Article 31, Firefighters; Article 33 Fire Officers; Article 34 Public Works employees; Article 32 Police Officers; Article 36 Police Sergeants; and/or Article 35 Teamsters), authorize the Governing Body to call one special meeting, at its option, to address cost items only of the defeated said article or articles.

Mr. Workman noted that the last time union contracts were on the warrant the Board of Selectmen sponsored this article.

Mr. Sullivan MOTIONED that the Board of Selectmen sponsor Article 37.

Mr. Warburton SECONDED

VOTE: UNANIMOUS FOR

Mrs. Searle asked what the alternative was. Mr. Barrington said that the article could be petitioned. She said that she does not think the article was fair because if a private petitioner wants their article to be reconsidered they need court approval for a special town meeting. Mr. Sullivan said that it is legal, and the article does not involve the purchase of a piece of equipment or installation of a sidewalk, but involves the town's employees.

Commendations

Mr. Warburton congratulated and wished Mr. Parker Ryan well on the 20th anniversary of Widow Fletcher's Tavern in the same location.

The employees of the Galley Hatch were thanked for their generous donation to the Town of Hampton to be used for assistance of residents in need.

A T & T Broadband

Mr. Sullivan expressed concerns that A T & T is taking the cable channels away one at a time and changing them to higher cost digital channels. He told the Board that he called A T & T and asked if the bill was going down as a result.

Martin Luther King Civil Rights Day

Mr. Workman reminded the Board that next Monday is a Holiday, Martin Luther King Civil Rights Day. Mr. Sullivan noted that the Board of Selectmen did meet that day last year. The Town Offices are closed.

Mr. Warburton MOTIONED that the Board of Selectmen not meet on Civil Rights Day.

Mr. Sullivan SECONDED

Mrs. Searle said that she hates to be disrespectful to the holiday but she does not think that every business closes down for that holiday and she thinks the Board has a lot going on. She noted that the Board has not had an update on the police "palace" in a couple of weeks and she heard from someone that there may be a way to alleviate the flooding there. Mrs. Searle said that it looks to her that \$108,000 has been spent so far, and asked where the project stands. Mrs. Searle noted that the Board should also announce the openings for elected positions this year. (2 Selectmen, Tax Collector, Trustee of the Trust Funds, 2 Library Trustees, 2 Planning Board Members, Cemetery Trustee, 4 Budget Committee Members, and 2 Zoning Board of Adjustment members) Mr. Sullivan said that the Board always maintains the option to call a meeting if necessary. Mrs. Searle said that if that happens it will be like the one before Christmas that was not televised.

**VOTE: 3 FOR
2 OPPOSED (Bridle, Searle)**

VI. MINUTES

The minutes of January 6, 2003 were reviewed with no changes made.

Mr. Barrington reminded the Board that they will be meeting at the conclusion of this meeting for discussion of the union contracts. Mrs. Searle stated that was a waste of time, because the Board can't do anything now.

V. CONSENT AGENDA

1. Coin Operated Amusement Permit
2. Request for use of Cable Equipment for Portsmouth Rotary Auction

Mr. Sullivan MOTIONED that the Board approve the consent agenda.

Mr. Warburton SECONDED

**VOTE: 4 FOR
1 OPPOSED (Searle)**

Mrs. Searle stated she was opposed to having the cable equipment going to Portsmouth every year, but she was not opposed to the other permit.

VIII. ADJOURNMENT

Mrs. Searle MOTIONED that the meeting be adjourned. (8:30 PM)

Mr. Warburton SECONDED

VOTE: UNANIMOUS FOR

Chairman