

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
February 24, 2003 7:00 PM**

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

I. SALUTE TO THE FLAG

The Pledge was led by Mr. Richard Reniere.

II. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Warrant Roundtable

The Board of Selectmen will be holding a roundtable discussion on the warrant on Saturday, March 8th the Selectmen will hold a roundtable discussion on the warrant articles for the ballot voting on March 11th.

Town Report

Mr. Sullivan noted that the 2002 Town Report was in and available at the town office, Colt News, Marelli's Market and the Lane Library. Mrs. Anderson and Mr. Barrington were commended for their efforts.

Fire Prevention

Mr. Sullivan said that the tragic fire in Rhode Island last week has generated a lot of questions about the conditions in Hampton. Mr. Sullivan said that Hampton is fortunate to have two people staff the Fire Prevention Bureau that work to keep the town and people that live and visit the town safe. Fire Inspector Jon True and Fire Prevention Officer Scott McDonald work very hard, in conjunction with Fire Marshal Don Bliss to insure safety. Mr. Sullivan said that there are a lot of clubs in the Beach area and they are watched closely for adherence to required codes and the owners have been working with the Fire Prevention Bureau to get the various facilities upgraded for fire safety.

Mr. Sullivan said that as parents and grandparents, everyone should be educating their children who may attend concerts or similar events to locate exits in advance. Mr. Sullivan reminded the public that when they go into a public place, they need to determine where the nearest exits are in case of an emergency.

Mrs. Searle told the Board that she and her husband lived on the street where the fire was in West Warwick, Rhode Island and noted that the fire station is very close to the scene of the fire and she was horrified to see how fast a fire can get going. Mrs. Searle agreed that education is so important and people need to check how to get out of a building. Mrs. Searle said that she feels badly for the police and fire personnel who had to be at the scene, noting that it was a very traumatic situation for the families, as well as the emergency personnel.

Food Pantries

Mrs. Bridle reminded the public that all of the food pantries in Hampton are low on canned meats, soups and peanut butter.

Absentee Ballots

Mrs. Searle announced that the sample ballots and absentee ballots have arrived at the Town Clerk's Office.

Town Election

Mr. Warburton reminded the public that the town election is on March 11th from 7:00 AM to 8:00 PM at the Marston School. He complimented the Atlantic News for the printing of the warrant articles. A candidates night, sponsored by the PTA will be held on Thursday, March 6th in the Selectmen's Meeting Room.

Legislative Update

Mr. Workman told the Board that Representative O'Neil informed him that the Hampton Beach Commission Bill has passed the House and has been passed on to the Senate. Rep. O'Neil did not have the status of the Trust Fund Legislation.

III. APPOINTMENTS**1. Mr. Cliff Sinnott, Rockingham Planning Commission**

Re: Route 1 Corridor Study
(Appointment began at 8:45PM)

Mr. Sinnott thanked the Board for giving him this opportunity to re-acquaint them with a Route 1 study that was first discussed two years ago. He introduced Mr. Dave Walker, a Senior Transportation Planner with the Planning Commission who will be the project manager as this goes forward. The engineering work will be done by Vanasse, Hanglin, & Brustlen.

Mr. Walker showed the Board a power point presentation that noted that the origin of the project was with the 1989 Kimball Chase Route 1 Feasibility Study. Mr. Walker explained the scope of the project, which will include data collection, base mapping, public input and analysis for Phase 1. Phase 2 will develop the project alternatives for the intersection and roadway segment improvements, circulation changes and public transportation improvements. Phase 3 will consist of the management plan and implementation of some of the infrastructure improvements, changes in access to abutting property and area and site specific recommendations.

The estimated schedule for the project begins with the assembling of the Advisory Committee in March with Corridor Study kick-off meetings. In April, the aerial photography and traffic count data will be conducted, weather cooperating. Phase 2 will begin in June, 2003 and Phase 3 is planned for August, 2003 through December, 2003.

Mr. Sinnott said that they are trying not to repeat the mistakes of the Kimball Chase study and he emphasized that there will need to be good communication between the communities and the Rockingham Planning Commission. Mr. Sinnott told the Board that the Advisory Committee is to be made up of the current subcommittee of the MPO as well as an additional appointed member from each town if the Board desired. Mr. Sinnott pointed out to the Board that the traffic counts along Lafayette Road have remained fairly stable over the recent years, however Mr. Bambury has noted that the alternative routes to Lafayette Road have become busier. One of the objectives of the study will be to keep Route 1 functioning well enough to keep traffic running smoothly and as a result keep the through traffic off the side roads.

Mrs. Bridle asked how much this is going to cost Hampton. Mr. Sinnott said that there is a 20% match, divided by all of the communities, and Hampton's share which has already been paid was \$4,500. Mrs. Bridle asked if this plan will be in conjunction with the work that has just been done on Route 1. Mr. Sinnott said that he did not anticipate any recommendations on the physical layout for the section that has just been done, other than signal coordination. He explained that when the town developed the plan for Route 1 it followed the State's plan and knew that the Kimball Chase plan for five lanes was not appropriate for the community. Mrs. Searle asked about the committee and when it would be meeting. Mr. Sinnott said that the Planning Commission anticipates it will meet about once a month during the daytime. Mrs. Searle said that she will not be on the Board of Selectmen but feels it would be nice to have a Selectmen on the committee. She added that it seems to her that there are many things that are done and the public is left out of the loop until the public hearing, when it is too late. She was glad to see that public hearings have been scheduled but thinks if there is a selectman on the committee there will be greater communication.

Mr. Warburton said that he thinks it has been good to have a resident representing the town and he commended Mr. Bambury on his wonderful attendance over the years. Mr. Warburton asked at what point does a study such as this become part of the State's 10-year transportation plan. Mr. Sinnott explained that the State is rethinking how projects get into the 10-year plan, and the prospects of getting the entire project as a single multi-million dollar project is not good. The State is looking at segmenting projects into small pieces, so the Planning Commission will be prioritizing the segments of the whole project, as a corridor. Mr. Sinnott said that which projects will move forward will be contingent on the amount of community support and completeness of plans.

Mr. Sullivan asked what is holding up the Route 1 project through Seabrook. Mr. Sinnott said that was discussed last week at the MPO meeting and apparently it is an issue of coordinating timelines with utilities, specifically Verizon. Mr. Sullivan said that he would like to see the Winnacunnet Road, Route 1 intersection signalized, and he asked what the concept of coordinating the signalization was. Mr. Walker said that traffic signalization concept is based on signals being evenly spaced and being timed in sequence so that if a vehicle starts out at the first signal, traveling at the speed limit, it should be able to hit a green at all of the lights. Coordination of the signals provides the optimum traffic flow through a corridor.

Mrs. Searle said that she has been reading a lot about Congress looking at the formula to redistribute the transportation funds to the Northeast. Mr. Walker said that the current Federal funding does expire at the end of this year, and he has heard that due to the positioning of New Hampshire's delegation we are not in as good a position as when the T21 funding came on line the previous time. The hope is that New Hampshire doesn't get less than it got before. Mr. Sinnott explained that for the past 6 years New Hampshire has gotten back \$1.06 for each \$1.00 sent and one of the proposals being considered is that each state get \$.93. Mrs. Searle noted that there are other parts of the country that the roads don't take the beating as the roads do in the northeast.

IV. OLD BUSINESS

Town Manager's Report

Snow Storage in High Street Parking Lot

Mr. Barrington said that there are a number of issues in regard to the snow storage situation in the High Street parking lot. Mr. Barrington said that he has personally talked with several of the business people surrounding the area, and has had staff discussions of possible solutions. An ordinance that will require movement of the vehicles during snow emergencies will enable the town to move snow toward the southeast corner of the property and minimize the number of parking spaces lost. Exeter has an ordinance to that effect that he is looking at. If the Board is agreeable, he will work on specific language.

John Hangen reported that Public Works has placed some barricades in the High Street Parking Lot to restrict parking in the southeast corner of the lot, and they will be trying to move some of the snow in that direction to free up parking in the middle of the lot.

Stormwater Pollution Prevention Plan

Mr. Barrington announced that Environmental Engineering & Remediation, Inc. has been hired to prepare the Town's initial Stormwater Pollution Prevention Plan (SWPPP) for the wastewater treatment plant and the Notice of Intent to comply with the Municipal Separate Storm Sewer System (MS₄) rules for the EPA. The intent to comply report is due in March of this year in order for the town to be in compliance. Mr. Barrington pointed out that some of the compliance issues are the reason for the wash-down facility and salt storage barn funded in Article 24 of this year's warrant.

Mrs. Searle asked what the notice of intent is. Mr. Barrington explained that the permit from EPA requires that the town have a five year plan that will detail how the town plans to test storm-water runoff as it enters the water of the United States and how the town intends to deal with any pollution that is detected. The NOI is the first step in the process. The initial phase will be written as broadly as allowed by the EPA.

Mr. Barrington told the Board that this is an EPA program that has been in place for about 10-12 years in other parts of the country, beginning with large municipalities and has now reached the small towns that include Hampton. Mrs. Searle asked what the penalty is if Hampton does not comply. Mr. Barrington said that EPA is notorious about fining communities that do not comply. Mrs. Searle said that she doesn't believe larger communities have complied, and asked if Portsmouth had complied. Mr. Barrington said that all communities in New Hampshire fall into the category of populations under 100,000. Mr. Barrington said that he had some experience with this in Florida and noted that it was a really expensive proposition at that time. New Hampshire is gaining some benefit from the research that was done by the large municipalities. Mrs. Searle said that she does not have a quarrel with the goal, but she thinks this is a bad time to be buying into another expensive program. She asked what Portsmouth's plan is with the large salt pile adjacent to the ocean. Mr. Barrington said that he did not know their plans. Mrs. Searle asked what the State is planning to do with their roads that go through the marsh. Mr. Barrington said that Hampton is not "buying into this" and there is no alternative to compliance. Mrs. Searle said that she hoped that the town would exclude state roads from their plan. Mr. Barrington said that is not an option for the town, unless the state specifically exempts the town. Mr. Barrington said that nobody disagrees with the motive behind the law, but many people will challenge the fact that the local taxpayers must fund it. Mr. Barrington said that goes as far as herbicides, pesticides and detergents that could infiltrate into the marsh or water bodies.

Mrs. Searle noted that the cover of the town report looks great.

Trust Fund Legislation

Mrs. Searle told the Board that she went to the public hearing in Concord on the Trust Fund legislation. She said she was distressed that after approximately nine people spoke, some for and some against, Mr. Barrington opened his comments with "you've heard a lot of spin today". Mrs. Searle said that she was offended by that and asked what the "spin" was that he referred to. Mr. Workman asked how this question rises to the level of an agenda item for action by the Board. Mrs. Searle said that when somebody is going to Concord on taxpayers' time she thinks it is wrong for them to accuse anyone of being a spin artist. Mr. Sullivan said that he was at the hearing and understood the comment to mean that the legislature had heard both sides of the story. Mr. Workman said that the Board of Selectmen had voted 4-1 to support this legislation and Mr. Barrington was there to represent the Board. Mrs. Searle asked if he was directed to go and accuse everyone of being a liar. Mr. Warburton said that the Board is not in the business of evaluating public hearings at the State level and felt that this discussion was out of the equation for the Board. Mr. Barrington said that he did use those words. Mr. Workman said that "spin" is much different than calling someone a liar. Mrs. Searle said that she does not think the taxpayers' should be footing the bill to send someone to represent all of Hampton. Mrs. Bridle said that the Board of Selectmen hired Mr. Barrington and has the right to send him to represent the Board at a hearing for a purpose that the Board of Selectmen supported. Mrs. Bridle said that a lot of time when people are speaking about something they feel passionate about, they may include strong statements.

Sidewalk at Marelli Square

Mr. Barrington said that Attorney Gearreald is trying to finalize the easements for Luigi Marelli Square and the question for the Board is whether or not the sidewalk on the south side of Marelli Square is to be included. It was specifically excluded in the original document sent to the owners for execution because the town did not want to assume that liability or expense for replacement.

Mrs. Bridle asked if the Board had originally said no about the sidewalk when it was first brought up. Mr. Workman said that the Board specifically excluded it and he did not remember the reason, but at this time there is not a meeting of the minds. Mrs. Searle said that it is a constant maintenance item and she is against it because it is in total disrepair. Mrs. Searle said that at the last meeting she brought up the sign that is in the right of way and she had asked who would be responsible if it is damaged. Mr. Barrington said that would be in large part who had damaged it, because it is privately owned. Mr. Barrington explained that if a town plow ran into it the town would have the obligation to replace it, just as a mailbox located in the right of way. Mrs. Searle said that this sign is in a right of way that the town is accepting and it looks to

her like an accident waiting to happen. Mrs. Searle asked if the Town Manager has seen how far out of the Marelli Park area the sign is. Mr. Barrington said that it appears to be 6-12 inches outside of the curb. Mrs. Searle said that the town should not be accepting something that has such a large obstruction in the right of way. Mr. Barrington said that he believes the sign has always been in that location outside of the curb. Mr. Sullivan asked if it were to become a problem, could a curb be put around it to protect it. Mrs. Searle asked for some clarification on the liability for the sign.

Mr. Warburton said that he has been a big proponent of completing this project. He asked if the sidewalk has just come up in the discussion. Mr. Barrington said that the easement has specifically excluded the sidewalk from the beginning. Mr. Warburton said it probably makes sense that the sidewalk also is included. Mrs. Searle asked what Mr. Hangen says about this. Mr. Barrington said that Mr. Hangen agrees with him that the sidewalk is not of interest to the town in the easement due to the cost involved. Mrs. Searle said that the Board should uphold the Town Manager and Public Works Director's recommendation.

Mr. Sullivan said that the Board needs to balance the money spent on any project with the good of the public and in the final analysis, the public would be best served by fixing the sidewalk. Mr. Workman said that the Board will wait to see what Attorney Gearreald has to say about the sign and will revisit this next week.

V. NEW BUSINESS

1. Town Clerk's Authorization for Auto/Boat Registrations for Department of Safety

Mr. Warburton MOTIONED that the Board of Selectmen authorize Arleen Andreozzi to act as an agent for automobile and boat registrations for the Department of Safety, through March, 2004

Mr. Sullivan SECONDED

Mrs. Searle said that she just hopes that the office is open every day that the town office is open. She stated that an office that has four people working should be able to be open to the public every day. Mrs. Bridle said that she believes that the office was closed on the days of the Town Clerk's conference.

VOTE: UNANIMOUS FOR

Exeter Road Bridge

Mr. Sullivan said that a couple of years ago Mr. Rice made a suggestion that he took a lot of flack about, which was looking at the possibility of removing completely the Exeter Road railroad bridge. Mr. Sullivan asked if one of the things the engineering study will look at is removing the bridge completely. Mr. Sullivan said that he and Warren Bambury have been involved with the RPC task force for passenger service and he understands that it will be many years before there could be a re-occurrence of trains on a frequent basis. Mrs. Searle asked what would happen if the bridge were removed. Mr. Sullivan said that there would be a grade crossing with a gate. Mr. Sullivan said that he would like to see a conceptual plan of that option. Mr. Barrington said that he anticipates that the engineers will look at several options, including a grade crossing.

Bids

Mr. Sullivan said that in the coming year he would like to see a synopsis of bids that come in for vehicles or major purchases that require a sealed bid.

Fire Prevention

Mrs. Bridle said that she has requested Mr. Barrington talk with Chief Lipe about precautions that may be taken at some area clubs to avoid a similar tragedy as was in Rhode Island and ask about the requirements for pyrotechnics. Mr. Barrington said that he would talk to the Chief and get some assurances of the procedures before the summer season. Mrs. Bridle asked what protects some of the places that have cooking areas below dance hall areas. Mrs. Bridle said that the public would probably appreciate hearing about the protections that Hampton has in place. Mr. Sullivan suggested that the Fire Prevention Officers come to a Selectmen's meeting to talk about this. The Board agreed that would be a good idea.

Roundtable Discussion

Mrs. Searle asked about the roundtable discussion the Board will be having on March 9th. Mr. Workman said that it will be conducted just as it has been the past several years, with the Board discussing each article in order for 3- 5 minutes each. The impact on the tax rate will be noted for each article.

Cable Equipment

Mr. Brad Jett and Mr. Jack Donaldson met with the Board and explained that during the Deliberative Session an operations technician from ComCast came to help with a problem and then offered to meet with the committee and test the various other sites that the town uses for remote broadcasts. Mr. Jett told the Board that on Friday he noticed that Channel 22 was off the air and that a monitor that belongs to ComCast had failed. The operations technician from ComCast spent several hours on Saturday with him and it was determined that some of their equipment needs to be replaced. ComCast is not willing to replace it at this time, as long as they can continue to fix it and honor their contract, although they may be willing to replace the old equipment with some that is newer. Mr. Jett said that if the equipment does fail, the channel is off the air. He also noted that an adjustment has been made at the cable company's end that has improved the volume on the channel.

Mr. Donaldson told the Board that he was going to be meeting with the football boosters club about the possibility of broadcasting football games next Fall. The committee is also looking at holding workshops in March and April to have some training sessions for the cable committee members as well as anyone else interested in learning how to work the equipment.

Mr. Jett told the Board that he worked with Karen on making copies of meetings from the DVD's. In the past the town had been receiving 4 videotapes in exchange for making a copy of a tape, but with the use of DVD's there is not the use for that amount of video tapes. Mr. Jett said that the options are to have the person requesting a copy of a meeting bring one tape and a specified number of DVD's or one tape and a set cash amount to be put into the special revenue fund for the purchase of DVD's. Mr. Jett asked what the Board's preference was. Mrs. Searle said that it makes sense that they provide one tape and compensation.

Mrs. Searle said that the town does not have anything to lose by taking the newer equipment from ComCast. Mr. Sullivan noted that the Board voted a few years to provide a stipend to the volunteers of the channel for their efforts. Mr. Jett said that most of the committee has not accepted any stipend, but he did note that many communities are hiring sub-contractors to run their channel. Mr. Warburton said that you would be surprised at the number of ComCast executives that live in Hampton and suggested that the Board invite Mr. Reese or other representatives to meet with the Board and update the Board on the progress of Comcast. Mr. Sullivan said that there is \$40,000 in the special revenue account from the ratepayers that should be used to provide the best service to the viewers.

VI. MINUTES

The minutes of February 10, 2003 were reviewed with the following changes made.

Page 1: Mrs. Searle asked that "correct" be changed to "criticize", Mr. Workman did not agree to that change to his statement; add "six-year term"; Page 3: delete "the"; Page 4: add "it is now in the road" and "by a resident"; Page 7: change "absentee" to "sample".

VII. CONSENT AGENDA

1. Deed and Transfer Declaration – 21 Epping Avenue

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

Mr. Sullivan SECONDED

VOTE: UNANIMOUS FOR

VII. PUBLIC COMMENTS

Mr. Fred Rice said that he has studied Marelli Park and tried many times to have the sign in question moved. He said that the sign belongs to Mr. Brown and is on the private right-of-way, outside of the curb.

The business owners feel it is essential to their business. Mr. Rice said that if there is any danger of people hitting the sign, they will have to hit the larger telephone pole first. Mr. Rice told the Board that Mr. Brown is not going to improve the sidewalk personally, so if the town does not include that in the easement, there will be a poorly maintained sidewalk adjacent to a newly paved roadway.

Mr. Rice also noted that the trains only go to Foss during the daytime, Foss does need access to the train and the tracks would have to be maintained. Mr. Rice said that with the few trains that go through that location, a grade crossing would not be a major inconvenience.

VIII. ADJOURNMENT

Mrs. Searle MOTIONED that the meeting be adjourned. (9:35 PM)

Mr. Warburton SECONDED

VOTE: UNANIMOUS FOR

Chairman