

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
March 3, 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 Patrick Collins.

II. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Town Election

The Board of Selectmen will be holding a roundtable discussion on the warrant on Saturday, March 8th at 9:00 AM the Selectmen will hold a roundtable discussion on the warrant articles for the ballot voting on March 11th.

Mrs. Bridle noted that there are lots of campaign signs out and reminded candidates to make sure no political signs are on town property. If a candidate is missing signs they are probably behind the town office after having been picked up due to the placement location.

Absentee ballots are available and need to be turned in by March 10th. If you are unable to stand for long periods of time you should request an absentee ballot from the Town Clerk's Office.

Food Pantries

All food pantries in the area are low and in need of non-perishable foods.

III. APPOINTMENTS

1. Chief Hank Lipe, Fire Inspector Scott McDonald, Fire Prevention Officer Jon True

Re: Fire Prevention Measures in Hampton

Chief Lipe said that in light of the recent tragedies in Rhode Island and Chicago, he understands that there are a lot of questions in the community about the fire prevention measures that take place in Hampton. Chief Lipe said that these types of tragedies will always take place unfortunately, and until nationally, the laws of the land change to require retrofitting of sprinkler systems into existing buildings, people will continue to fall into harms way.

Inspector Scott McDonald explained that the Fire Prevention Bureau conducts approximately 1,600 inspections of places of assembly, health care facilities, apartments, hotels, motels and educational buildings per year. During the inspection they look for means of egress, exit signs and lights and compliance with fire safety codes. He noted that places of assembly are inspected thoroughly once each year and again periodically through the year checking for blocked exits. Inspector McDonald said that they do target certain occupancy types, where people may not be as familiar with the layout of the building and inspect the fire protection systems to insure that they are tested annually and maintain files of those inspections. Inspector McDonald said that if a violation is found, the location receives a written notice and a specific amount of time to correct the deficiency.

Mrs. Bridle asked if there was a place of assembly, with a cooking area underneath, how a fire is prevented from going up. Inspector McDonald said that cooking areas are required to have a fire suppression system and they insure that it is maintained. He added that prior to a business installing something like that, an inspection is done and the system is tested. Mrs. Bridle asked if pyrotechnics are allowed in Hampton. Inspector McDonald said that they are not. Mrs. Bridle asked who inspects a stage before a band goes on. Inspector McDonald replied that the owner of the establishment is ultimately responsible for his building,

although they will do inspections prior to the concerts. Chief Lipe said there are roughly 70 places of public assembly in Hampton and approximately 40 are sprinkled. Each is inspected twice per year, early spring and mid summer.

Mr. Warburton said that Hampton is ahead of the curve and he thinks we are in good shape. It is evident when driving around that people are fixing up their locations. Chief Lipe said that they try to work with the club owners in a proactive manner and maintain good working relationships which has resulted in some club owners going above and beyond what was required in an effort to improve safety.

Chief Lipe showed the Board a piece of polyurethane foam, similar to what was on the walls in the Rhode Island club. Fire Prevention Officer Jon True explained that the polyurethane is basically solid gasoline and extremely flammable and dangerous. Mr. Sullivan said that it was important that the second person was put back into the Fire Prevention Staff a few years ago, and he feels it makes a large difference.

Mr. Sullivan said that a recent fire in an un-sprinkled nursing home in Connecticut resulted in the death of ten people. Officer True said that most of the elderly housing facilities in Hampton are sprinkled and tied into the municipal fire alarm system. He added that one of the things his department does with their inspections is work with the facilities to establish evacuation plans and do fire drills. He noted that there has never been a fire death in a multi-sprinkled building.

IV. OLD BUSINESS

Town Manager's Report

Mr. Barrington told the Board that the Emergency Preparedness Guide funded through Project Impact would be coming out on Tuesday in the Hampton Union. Extra copies will be available in the town office. Mr. Barrington noted that the guide encourages families to develop their own emergency plans for their families in the event of natural disasters as well as fires.

Steve Wilbur, a public works employee for over 30 years recently had shoulder surgery and is now home doing well.

Sympathy was extended to Public Works employee Alan Jones and his family on the loss of his brother this weekend to heart problems.

High Street Parking Lot

Mr. Sullivan said that this winter has really shown that something needs to be done with the parking regulations in the High Street lot, particularly with the east side. He suggested that the east side be changed to 24-hour parking, strictly enforced, with any car left over 24 hours being towed. Mr. Sullivan said that when people come to shop at the downtown businesses and they cannot find a place to park, they go elsewhere. Mr. Sullivan asked the Town Manager to check with the Police Chief to see if that would be a workable solution.

Mrs. Bridle said that there are piles of snow on some cars that makes it clear that they have been there for a long time without moving. She said that when the Planning Board approves these apartment units they need to make sure that they have parking available. Mrs. Searle said that the 24-hour parking sounds like a good idea. People will have to move their car every day and if they have been storing a car in that lot they will need to find winter storage elsewhere.

Mr. Warburton said that he thought it was a good idea but he would want to make sure that the regulations are clear. Mr. Barrington said that there is a two-pronged approach he is looking at, one is the 24-hour parking limit and also some specific parking ban language that requires cars to be moved when there is a snow event. Mr. Barrington said that the lot is a reasonable place for excess snow to be stored, and if the cars can be moved the snow can be put in the southeast corner, minimizing the number of spaces lost.

Sidewalk at Marelli Square

Mr. Barrington said that there were a couple of pending issues on the Marelli Square easement and Mr. Hangen has provided his memo of June 5, 2002 reviewing the costs of the proposed improvements. The sidewalk repair is estimated at \$14,900 but the Town Manager is not sure if there is additional engineering expense involved. Mr. Barrington said that the condition of the sidewalk is poor and if the town includes that in the easement the work needs to be done right away.

The sign on the north side of the park, that is just inside the traveled way, is another pending issue. Mr. Barrington reported that Attorney Gearreald has indicated that the town would be assuming some additional liability because the sign is located within the right-of-way. He has said that there are some steps to try and reduce the potential liability, including some hold harmless language in the agreement and physically enclosing the sign with a curbing to help prevent anyone running over it. Attorney Gearreald confirmed that the sidewalk as it exists would be a major liability to the town.

Mrs. Searle said that at the very least there should be some hold harmless language in the agreement. Mrs. Searle said that Mr. Rice had indicated that someone would have to hit the telephone pole first before they could hit the sign, but she said that was not true and it would be easy for someone to back into the sign. Mrs. Searle said she is worried about town equipment plowing in that area, and she thinks that the sign should be removed or the town forgets accepting this easement. Mrs. Searle said that this is spending \$40,000 on this area that is private property. She asked how much was spent last year. Mr. Barrington said about \$3,500 was spent for the overlay. Mrs. Searle said that if the town goes in and excavates the base that work will have been torn up. Mr. Barrington confirmed that would happen. Mrs. Searle asked if we know what is under that area and how deep we can dig. Mr. Barrington said that the town knows that there are storm drains and sewer pipes; there may also be water and underground electric lines but that would all be determined through Dig Safe prior to any work. Mrs. Searle said she thinks it is ridiculous to accept the financial responsibility of \$15,000 for a sidewalk that is in total disrepair. Mrs. Searle said we have a town warrant article that says we won't accept a private street unless it is brought up to town standards.

Mr. Warburton said that two years ago Town Meeting voted to accept this area with an easement and that is what should be done. He said that residents and visitors have used that roadway for many years and many things in that area have already been improved. Mr. Brown has been very amenable to working with the town and he is in favor of going ahead. Mr. Warburton pointed out that the Board is entrusted in making sure places are safe and he would like to move ahead. Mr. Sullivan agreed. Mrs. Searle said that the warrant article did not say anything about money. Mr. Sullivan said that it is right in the center of Hampton and as long as we are on good ground legally, he is fine with the easement and including the sidewalk. Mr. Barrington said that the work has not been budgeted.

Mr. Sullivan MOTIONED that the Board of Selectmen approve the easement with the inclusion of the sidewalk in the lease agreement.

Mr. Warburton SECONDED

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

NHMA Memo Re: Retirement Fund

Mrs. Searle said that a few weeks ago the State Representatives were in and at that time she asked Representative O'Neil about what she considers an assault on the taxpayers by the State Retirement System. She said that she listened to him try and explain the increases but it appears to her that the representatives feel that this is usual and customary and the set up is OK. Mrs. Searle said that she felt vindicated in her feelings when she read Mr. John Andrews, the Executive Director of NHMA's opinion. Mr. Andrews feels that there are several issues with the rate hikes in the retirement system. Mrs. Searle said that the fund stipulates that whenever it does not realize adequate funds from its investments, ratepayers must make the fund whole again. She said this is a scam and nobody guarantees anyone's investments, to her it seems totally off the wall that if the retirement fund does not do well it can come to the towns and increases the town's share and not the employee's share. She feels Mr. Andrews should be applauded for voicing his concerns and she feels that the Board should be complaining about this.

Mrs. Searle said she feels this is the first time it looks like NHMA is sticking up for the taxpayers. She noted that she paid \$70 to attend the annual conference and included in her registration packet were chits for free drinks and she thinks it is wrong that anyone attends the conference on taxpayer's money and gets free drinks.

Mr. Sullivan stated that he receives a pension through the Retirement System and asked Mrs. Searle why she wasn't complaining when the Retirement System was doing well and the town's contribution rate was 3% and the employees' were still paying 9%. Mrs. Searle said she couldn't believe the fund is set up so that if an investment fails it is made up by the taxpayers. Mr. Sullivan said that if NHMA is concerned about it, they should be able to get the ball rolling on this. Mrs. Searle asked if Mr. Barrington could follow up with NHMA on what their action is going to be. Mr. Barrington said that he believes Mr. Andrews wrote the action bulletin to point out the way things are and suggesting there are some changes that might be appropriate to make. He recommends that the legislators expand the size of the Retirement Board and use some of the special fund proceeds differently. Mrs. Searle said she was surprised she was given a copy of this memo. Mrs. Searle said that maybe they should be forced to invest in safe investments. Mr. Barrington said that the funds that have invested in only guaranteed funds have been clobbered by the courts for not exercising due diligence to guarantee growth of the funds. Mr. Barrington explained that this is a defined benefit plan, not a defined contribution plan. With a defined contribution plan the employee has a say in the aggressiveness of the investments and greater control over the investments. The defined benefit program, which is the more traditional plan guarantees a certain income based on the number of years of service times a set factor. An employee can determine in advance the set benefit that they will receive at retirement. The employer is guaranteeing that benefit and draws a fixed amount from the employee and then has to insure that the fund is actuarially sound. Not only does the strength of the investments play a part, but also the length of lifetime of the retirees and any changes in the benefits. Mr. Barrington said that the only way to change the NH Retirement System is through legislation; Mr. Andrews has suggested ways to stabilize and equalize the proceeds when times are good to balance out the fund when times are bad. Mrs. Searle asked what the special accounts are. Mr. Barrington said that it is his understanding that the special accounts were set up to take the excess proceeds when times were good.

Mrs. Searle asked about a meeting that was referenced in the memo. Mr. Barrington said that in the Fall he attended a Municipal Managers meeting and the speaker was from the Retirement System explaining the large increase that had just been announced, the Finance Director from Concord, Mr. James Howard attended that meeting to hear the presentation and he generated a series of questions that went back to the retirement system about what the municipalities can do to limit the exposure. There was an effort to try and get NHMA to host a joint meeting to review this pressing issue, but there was not enough interest generated by the communities to put the meeting together. Mrs. Searle said that if the Municipal Association is thinking about having a workshop the Board should know about it. Mrs. Searle asked if she should write her own letter to Representative O'Neil because she thinks a 103% increase in the contribution for one group is wrong, the legislation is skewed. She asked if this Board was going to do anything.

Mr. Warburton said that his wife is also part of the retirement system. Mr. Warburton said that the Board is supposed to be talking about town issues, and this is something controlled at the state level. Mrs. Searle said that she lost money in investments this year as did many others, but the retirement system that lost money has gone to the towns to make it whole. Mrs. Bridle said that this system is what we bought into. Mr. Workman said that state law governs this system.

Notice of Intent

Mrs. Searle requested a copy of the EPA Notice of Intent. Mr. Barrington said that he has not seen it yet, but he suspects it will be finished up this week. He will provide a copy when he has it.

V. NEW BUSINESS

Cable Television Franchise Fee

Mr. Sullivan announced to the community that Comcast, formally AT&T has written a check for the semi-annual franchise fee to the town in the amount of \$75,930.40 for the second half of 2002. He noted that Hampton consumers paid \$1,898,000 for ½ year for television services. Mrs. Searle asked if the fee is divided equally between the Cable TV fund and the General Fund. Mr. Barrington said that he does not believe this check includes the Channel 22 money; this amount goes to offset the tax rate. Mrs. Searle said she noted that it appears that some towns are being reimbursed for high-speed data income. Mr. Sullivan said that is shown as revenue to the company, and he noted that it was not available in Hampton at that time. Mrs. Searle asked where that income shows up on the town's revenue report. Mrs. Bridle said that it is on page 3, Franchise Fees. Mr. Barrington will clarify the amount that goes to the cable special revenue fund.

VI. MINUTES

The minutes of January 14, 2003 were reviewed with no changes made.

The minutes of February 24, 2003 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