

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
June 16, 2003 7:00 PM**

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

Public Hearing: The Board of Selectmen held a public hearing to take comments from the public regarding the acceptance of a grant from the Department of Justice for the Police Department in the amount of \$15,000 to enforce underage drinking laws.

Lieutenant Richard Sawyer explained that the principal purpose of this grant is the enforcement of underage drinking, with the efforts being focused on compliance checks, increased enforcement and party patrols. The target area is the Beach Precinct, but the efforts will extend into the entire town.

There were no public comments and the hearing was closed at 7:15 p.m.

Mrs. Bridle asked how this grant ties in with "Project Sail", the grant that was just received by Hobbs House. Lieutenant Sawyer said that the "Project Sail" grant is geared toward the education of the children regarding alcohol use and this grant is geared more towards enforcement of the laws. Mrs. Bridle asked what happens to a parent who supplies alcohol to minors or allows alcohol at a house party. Lt. Sawyer said that it is a serious matter and is prosecuted as a misdemeanor which is punishable with up to a year in jail and a \$15,000 fine.

Mr. Sullivan MOTIONED that the Board of Selectmen accept the grant from the Department of Justice in the amount of \$15,000 to enforce underage drinking laws.

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

I. SALUTE TO THE FLAG

Mr. Tom Donaldson led the audience in the salute to the flag.

II. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Town Office Plantings

Mr. Pratt said that he had mentioned a few weeks ago that the exterior of the town hall didn't look very good and he wanted to thank Darren Patch of the Recreation Department and Marilyn Wallingford of the Hampton Garden Club for taking the lead in that project.

Precinct Signs

Mr. Pratt said that it was nice to see the new Beach Precinct signs out, he added that they look real nice.

Concerts

Mrs. Bridle announced that the North Hampton band concerts start next week.

Beach Activities

Mr. Workman said that the Master Sand Sculpture contest is underway and the fireworks at the beach begin this Wednesday night.

Flag Ceremony

Mr. Workman expressed the Board's thanks to the American Legion and the Boy Scouts for the flag burning ceremony conducted last week.

High School Addition

Mr. Warburton told the Board that he is a member of an ad-hoc committee for the WHS addition and he listed the other members. Mr. Warburton said there was a lot of discussion about the addition at the CIP meeting and told the Board that there would be an article coming forward this year.

Selectman Warburton Announcement

Mr. Warburton told the Board that on May 19th he had announced that due to some constraints and other priorities he would not seek re-election for a fourth term as Selectman. He said that since that time he has resolved some of the priorities that burdened him at that time and has come to the conclusion, after consultation with his wife and family and due to the support and requests he has received, he will be running for a fourth term as Selectman.

III. APPOINTMENTS1. Hoban Blume, Eagle Scout Project Proposal

Mr. Blume said that he is proposing to construct a re-bound wall at the tennis courts to serve against the wall and provide a location for hand ball for his Eagle Scout project. Due to the value of the project, permission is required from the Board of Selectmen.

Mr. Warburton said that he understands that this is a 13' x 20' wall. Mrs. Martin said that the tennis courts are in need of repair and she has confirmed with the contractor that this project would not interfere with the repairs. Mrs. Martin added that there are people that use the tennis courts every day and this re-bound wall will be very popular.

Mr. Sullivan said that it sounds like a good project. Mr. Barrington explained that the Board needs to vote to allow the work to be done because it is on town property and a public hearing needs to be held to accept the gift. Mrs. Bridle asked Mrs. Martin if she had the opinion of the tennis court contractor in writing. Mrs. Martin said that she didn't but that she would confirm it with him in writing.

Mr. Workman MOTIONED to allow Mr. Hoban Blume to construct a re-bound wall at the tennis courts for hand ball for his Eagle Scout project and to schedule a public hearing for the acceptance of the wall on June 30, 2003.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

2. Attorney Mark Gearreald & Assessor Robert Estey, Re: SUSC Exemption Request

Attorney Gearreald told the Board that he has an application for a charitable exemption from SUSC for the 2002 tax year. He explained that the applicant and the owner of the property are the same, SUSC, which is a non-profit corporation formed in 2002. The application is filed under the category of charitable and the applicable statutes have been copied for the Board.

Attorney Gearreald said that the BTLA form A-12 was submitted with the application and shows that one of the corporation's officer's receives a compensation. The rules for a charitable organization require that the officers or directors are not to have a pecuniary interest in the organization, so for that reason, he is recommending that the exemption be denied.

Mr. Estey explained to the Board that he has had concerns with the organization's requirement that users must be a member of the organization or a team to play there, rather than the public being able to walk in off the street. He said that it does appear that the organization made charitable donations, but there is nothing in their provisions that forces them to do that. Mr. Estey noted the requirement that the use of the property has to be significantly different than if it were being used as a for-profit corporation, and he does not note any significant differences from that facility to the for-profit facility in Epping. Mr. Estey said that it would be his tendency to deny the exemption.

Mr. Pratt said that the landscaping at the facility in Epping appears to be kept up much better than the one in Hampton. Mrs. Bridle said that she works with a lot of non-profits and she has not worked with any that made \$250,000 in one year.

Mr. Sullivan said that he would accept the recommendations of Attorney Gearreald and Assessor Estey. Mr. Workman agreed.

Mr. Sullivan MOTIONED that the 2002 Charitable Exemption request of SUSC be denied.
Mrs. Bridle SECONDED **VOTE: UNANIMOUS FOR**

Mr. Estey said that SUSC did not file an exemption request for 2003 and the filing period has passed.

Discretionary Barn Easements

Mr. Estey reported that Mr. Janetos called to let him know that he did not want the discretionary easement that the Board had approved and Mrs. Erwin has sent a letter indicating that she no longer wanted the easement. Mr. Estey told the Board that Attorney Gearreald is preparing the easements for the other properties.

Assessing Standards

Mr. Estey reported to the Board that it appears that the proposed assessing "standards" may be changed to assessing "goals". He said that any changes will not be known for a while, but that Hampton is still scheduled for review in 2004.

IV. OLD BUSINESS

Town Manager's Report

Exeter Road Railroad Bridge

Mr. Barrington told the Board that following the last Board of Selectmen meeting, Mr. Joe Higgins came by the Town Office to look at the plans for the Exeter Road Railroad Bridge. After having received the e-mail from Peter Tilton that morning, the land swap option was discussed with him and he was interested in further discussions. A meeting has been scheduled with CLD and the utilities for June 11th and a meeting has been scheduled on July 1st with the abutters of the bridge to show the work to date and get feedback. Mr. Higgins has offered to host the meeting at the Old Salt. Mr. Barrington told the Board that he has included copies of an e-mail exchange between himself and Mr. Barry, from the Department of Transportation regarding the Sanel building and property. At this time the Town is proceeding with getting an appraisal done to establish a fair market value of that building.

Police Facility

Seven pre-qualified bidders have picked up bid documents and attended the pre-bid conference on June 10th for the Police Facility. There were a few questions and an addendum #1 was issued that day that clarified several of the questions that were asked. The bid opening is scheduled for 2:00 p.m. on Tuesday, June 17, in the Selectmen's meeting room.

Seacoast United Soccer Club

The suit has been settled with Seacoast United Soccer Club, Inc. with the exchange of releases and the receipt by the Town of a cashier's check for \$12,500.

Regional Sewer Outfall

Mr. Barrington told the Board that he met with John Hangen, Roger Bedard and Glen Greenwood on June 12th to discuss plans that are being discussed at the RPC for a possible regional sewer outfall. The purpose of Mr. Greenwood's visit was to go through a questionnaire and get some opinions from Hampton for a regional study. Mr. Barrington said that he also briefly discussed with Cliff Sinnott the water re-use plan that had been outlined for the Board of Selectmen.

Merton Group

The Town Manager, Attorney Mark Gearreald and Paul Paquette met with The Merton Group on Monday afternoon to finalize the preliminary agreement for their feasibility study and to “kick off” the process.

Brown Avenue Water Line

Aquarion is installing a new water line on the Brown Avenue Extension to enable them to discontinue service in a water main that runs through the location of the new police station.

“Island Area” Drainage

Pike Construction is working on the storm drainage project in the “Island” area that is funded by the Flood Mitigation grant the Town received a couple of years ago. That project is expected to be finished by the end of June.

Local Response to Terrorism Conference

Mr. Barrington told the Board that he and Selectman Skip Sullivan, Fire Chief Hank Lipe, Deputy Fire Chief Steve Benotti, Police Captain Jamie Sullivan are scheduled to attend a three-day workshop on “Local Response to Terrorism” in Washington, DC on July 28 – 30. We have a Selectmen’s meeting scheduled for July 28 that will be impacted by that workshop.

District Court

Mr. Barrington reported that he and Selectman Sullivan met in Concord last Friday with Peter Goodwin, Court Facility Administrator, Commissioner Don Hill of Administrative Services, and Representatives Tom Gillick and Mike O’Neil of our local delegation. The meeting was cordial, and it was made clear to Commissioner Hill that the Board is committed to keeping the District Court in Hampton. Commissioner Hill indicated that he was not giving the matter much thought either way until a budget is passed by the State and also indicated that it is typical that a committee of interested Towns would be convened to determine the location that serves the best interests of the State.

Traffic Circulation Study

There will be a public meeting on Monday, June 23, for the Rizzo people to discuss their plan for the traffic circulation study this summer. The meeting will be held in the Selectmen’s meeting room and is not a public hearing, but it will be an opportunity for input into the planning process for the study. Mr. Barrington told the Board that the study will include a survey of license plates that will determine the number of cars that are “cruising” or making the loop several times looking for a parking space.

Seafood Festival

Mr. Barrington told the Board that Mr. Dignam has been in touch with him regarding his concern about some items being sold in sidewalk sales at Seafood Festival, such as the knives and other dangerous objects. After considerable discussion with Attorney Gearreald and research, he is recommending that the Board of Selectmen individually regulate sidewalk sales on the Town sidewalks during the Seafood Festival rather than giving a blanket permit to the Chamber of Commerce as has been done in the past. This process will allow the Town to use the police to regulate the sale of certain items that have no place in an event the size of the Seafood Festival.

State RV Park

Mr. Barrington reported that he had a call from Mr. Tom Mattson with the State Park asking for the Town’s support in their plan to provide an additional 18 “dry camping” spaces at Hampton Beach State Park. This would be adjacent to the 28 spaces with full hookups that they currently have. After research on the history and the situation, it appears that the only reason the Board of Selectmen or Town Manager would have any real input would be if we wanted to discuss sewer costs with the State. It is possible the Planning Board may have some jurisdiction. Mr. Barrington said that if the Board instructs him to increase his efforts in this he will. Mr. Barrington asked if the Board wanted him to send a letter indicating approval of their request. Mr. Workman said that he did not think that the Town had any jurisdiction over what the State does in the park, and “dry camping” spaces would have no impact to the sewer system. Mr. Warburton

agreed that the Board probably didn't have any jurisdiction and instructed the Town Manager to ask Mr. Mattson if there was anything the State needed from the town.

Consider Town/Precinct Joint Purchase – Trash Cans for Beach

Mr. Barrington told the Board that during the preparation of the 2003 budget, he discussed purchasing new trash barrels for the beach. The adopted 2003 budget includes \$9,000 for that purpose. Shortly after the budget passed, the Precinct indicated that they planned to also purchase some new barrels for the beach. Mr. Hangen suggested that the Precinct shop for what they want with the idea in mind that the town funds could be spent with theirs to maximize the quantity discounts. Mr. Windemiller recently called to say they are ready to purchase the barrels. Now, the town finds that the Precinct shopped for the best price for a particular style and grade of trash barrel rather than using a formal bid process. Mr. Barrington requested that the Board of Selectmen waive the procurement procedures and authorize the Town Manager to issue a check for \$9,000 to purchase trash barrels for the beach in cooperation with the Precinct purchasing procedure to obtain quantity discounts on uniform trash barrels.

Mr. Pratt MOTIONED that the Board of Selectmen waive the procurement procedures and authorize the Town Manager to issue a check for \$9,000 to allow the joint purchase with the Precinct of trash barrels for the beach.

Mr. Sullivan SECONDED

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

Eel Ditch

The Town has received notice from the Rockingham Conservation District of a grant for the Eel Ditch engineering work.

Sidewalk Sales

Mr. Pratt asked about the permitting for the sidewalk sales for the Seafood Festival and if all of the individual businesses will have to come to the Board for a permit. Mr. Barrington said that any of the businesses that have sidewalks on town property that want to participate in the sidewalk sale would have to come to the Board.

Exeter Road Bridge

Mrs. Bridle asked if the bridge project is about 5 years away. Mr. Barrington said that the current time table is that at the 2004 Town Meeting the funds would be raised for the land acquisition and in 2005 the funds for the construction would be raised. Mr. Barrington added that land acquisition is part of the 90/10 split. Mrs. Bridle asked if Hampton is guaranteed to get the funding. Mr. Barrington said that the State has indicated that Hampton is scheduled for the funding.

Emergency Preparedness Conference

Mrs. Bridle asked why the top two members of an emergency department would be scheduled to go to a conference during the busiest season for their department. She asked if it was possible for one to go and then share the information. Mr. Barrington said that this is when the conference was re-scheduled for.

Beach Barrels

Mrs. Bridle said that she does not have a problem with the \$9,000 being spent for the barrels but she does have a problem with waiving the purchasing procedures because Mr. Hangen and Mr. Windemiller are aware of the procedures. Mr. Barrington said that he was not sure if Mr. Windemiller was aware of the procedures or if Mr. Hangen had made him aware of them. Mr. Sullivan said that he wants to be assured that the Precinct Commissioners did shop for the best price. Mr. Barrington explained that the Precinct Commissioners looked at a variety of different products to find the best barrel for the beach and then they looked at getting the best price.

Conference

Mr. Sullivan asked if there is anything that would prevent Chief Lipe or Deputy Benotti from being on vacation at the same time. Mr. Barrington said that there was not, other than their own judgment.

Sidewalk Sales

Mr. Sullivan asked if he was correct in his understanding that knives or other dangerous items could be sold from the sidewalk in front of the Casino but not from a town sidewalk. Mr. Barrington said that was correct because the town can not regulate the sale of legal items from private property.

District Court

Mr. Sullivan told the Board that if any of them wanted to see what a proposed new court house would look like in Hampton, they could view the new Dover/Durham courthouse. Commissioner Hill indicated that the Hampton/Exeter courthouse would be the same as what was built in Dover, he also indicated that the State would be looking for three acres and in recent times they have only built courts on land that has been donated to them.

Barrels

Mr. Workman asked how any barrels the \$9,000 will buy. Mr. Barrington said that he believes they are about \$600 each.

Land Swap - Barn Realty

Mr. Barrington explained that there is an area in the town parking lot on the corner of Cusack Road that is reserved for live parking which Mr. Shaake has been interested in acquiring for some time. Mr. Barrington said that Mr. Shaake recently approached him again, asking if the town would be willing to swap some land with him. He has offered the town a parcel of land on Cusack Road, behind the condominiums in exchange for the portion of the parking lot he wants. Mr. Pratt noted that the Schaake parcel is all wetlands. Mr. Sullivan asked if the town owned that parcel if it would it allow the town to better control the fragmite growth for fire protection. Mr. Pratt asked Mr. Barrington to find out exactly how large the parcel of town property is that Mr. Shaake wants. The Board agreed that additional information should be obtained.

V. NEW BUSINESSLoading Zone Request – F Street by Funarama

Mrs. Bridle MOTIONED that the Board of Selectmen hold a public hearing on June 30, 2003 to take comments on the addition of a loading zone on F Street, adjacent to Funarama.

Mr. Sullivan SECONDED

VOTE: UNANIMOUS FOR

DRED Parking Meter Proposal

Mr. Warburton explained that DRED has considered the request the Board of Selectmen made for resident parking at the meters and has agreed to do that in exchange for the town re-establishing trash collection on the west-side of Ocean Boulevard. Mr. Barrington said that Mr. Hagen has projected the cost to the town for the trash collection at approximately \$40,000. Mr. Sullivan said that it was his recommendation that the town do nothing. Mr. Barrington said that in exchange for the State having access to the Transfer Station they collect the barrels on the town's side of the Boulevard. The Board agreed not to pursue the parking meter accommodations.

Surplus Materials Auction

The Board reviewed the lists of surplus materials and agreed to remove the "assorted town clock parts". Mr. Sullivan suggested that the three vehicles be sited at the location of the auction and be the last items. The Board decided to have some of the items sold via sealed bid at this time with the remainder being auctioned in the Fall.

Mr. Pratt MOTIONED that the Board of Selectmen declare the list of items, except for the assorted town clock parts, surplus materials.

Mr. Sullivan SECONDED

VOTE: UNANIMOUS FOR

Mr. Barrington suggested putting a vehicle on display with a sign to try and get the best price for the town. The Board agreed to give this a try.

Bond Release – Fielding Lane

Mr. Pratt asked why the Board of Selectmen was involved in releasing the bond for this property rather than the Planning Board. Mr. Barrington explained that the Town had called the bond on Fielding Lane due to drainage problems. The developer had to correct the swale and the conditions of the Planning Board called for the drainage to be further reviewed during a rain event. That review has taken place and it appears that all of the conditions of the Planning Board have been met. The owner is now requesting to have the road accepted and release the remainder of the bond.

Mr. Sullivan MOTIONED that the Board of Selectmen release the bond and accept the deed for Fielding Lane.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

Grant Approval – N.H. Office of Emergency Management

Mrs. Bridle MOTIONED that the Board of Selectmen schedule a Public Hearing on June 30, 2003 to take comments on the acceptance of a grant to the Fire Department from the N.H. Office of Emergency Management in the amount of \$12,254.00 for an emergency operations plan.

Mr. Sullivan SECONDED

VOTE: UNANIMOUS FOR

Budget Reports

Mr. Workman noted that the revenue and expenditure reports for the month were received by the Board of Selectmen and he asked that they be copied for the Budget Committee.

Gazebo

Mrs. Bridle asked about the status of the gazebo in Marelli Square. Mr. Barrington said that he talked to Doc Noel about this last week and was told that the Chamber has sent a certified letter to the landscaper requesting a bill by the end of June so that they can resolve the issue. Mr. Sullivan thanked Pat Collins for mowing the lawn at Marelli Park. Mrs. Bridle noted that Mr. Sullivan also helped with that mowing.

Mrs. Bridle noted that the grass along Route 1 needs to be mowed again.

Grant Opportunity

Mrs. Bridle told the Manager that she read about a grant opportunity being offered by Target and the Tiger Woods Foundation that may be of interest to the Recreation Director.

Exeter Road Bridge Beautification

Mr. Pratt noted the letter that the Board of Selectmen received from Sue Corbett requesting permission for the Destination Downtown and Garden Club to plant some day lilies and spruce up the area of the Exeter Road bridge.

Mr. Sullivan MOTIONED that the Board of Selectmen allow with appreciation the planting and beautification on Exeter Road as requested by Mrs. Corbett.

Mr. Pratt MOTIONED

VOTE: UNANIMOUS FOR

VI. MINUTES

The minutes of June 2, 2003 were accepted as written.

VII. CONSENT AGENDA

1. Appointment of TAC Representative – Warren Bambury
2. Coin Operated Amusement Permits
3. IAFF Local 2664 – Request for Burn Foundation Boot Drive – July 13th

Mr. Workman MOTIONED that the consent agenda items be approved.

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

Mrs. Bridle MOTIONED that the Board of Selectmen meet after the conclusion of the meeting in a non-public session for personnel under RSA 91-A:3 II (a).

Mr. Sullivan SECONDED

VOTE: UNANIMOUS FOR

PUBLIC COMMENT

Mr. Charlie Preston said that he is very passionate about the use of the parking meters and he thinks the State should be fair and supply the accurate hours of operation of the meters. Mr. Preston asked how many days the trash is collected by the beach and how many cans are involved, accounting for the \$40,000 cost. Mr. Barrington said that the \$40,000 was Mr. Hangen's estimate of the actual cost of the disposal and overtime involved to send the town people out at night to do the collections. Mr. Preston asked for the Board to consider the State's offer more, before saying no. He added that the merchants or volunteers may be willing to take care of the trash. Mr. Barrington said that the State's offer would have all the town taxpayers subsidizing those that would take advantage of the free parking. Mr. Barrington said that in his opinion it is not in the town's best interest to take advantage of the offer. Mr. Preston asked if the Board or Town Manager had read the deed between the State and the Town. Mr. Barrington said that he has read it and understands that the intent of the Beach Master Plan process is to determine what practices actually exist and what the parties want to see happen. Mr. Warburton said that he has not had a lot of people calling him to encourage the continuation of this effort, and the Board had said that this would be the last request.

Mr. Preston said that the Town should have a say with what the State does at the beach, such as determining if they can expand the camping sites. Mr. Preston said that the Board has requested the hours of the meter operation in their last two letters and has not gotten that information.

VI. ADJOURNMENT

Mrs. Bridle MOTIONED that the meeting be adjourned. (9:00 PM)

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

Chairman