

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
July 14, 2003 7:00 PM**

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

ABSENT: William Sullivan (vacation), James Workman

I. SALUTE TO THE FLAG

Mr. Charles Hayden led the audience in the salute to the flag.

II. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Warburton noted that former President Gerald Ford turned 90 today.

Mr. Pratt said that he and his wife Kate attended the first annual Tuck Family Camp Out on Saturday night. He said that about 25 people attended. Mr. Pratt thanked Rene and his staff for their efforts.

Mr. Pratt noted that "Bucky" has not been at his hot dog stand for a few days and wanted him to know that he was missed and if he was sick, he was wished well.

Mrs. Bridle announced that the 3rd Joint Relief Variety Show will take place on July 27th at WHS to benefit the Arthritis Foundation. She explained that this event started two years ago as a senior seminar project of Jon Rineman and he has continued on with it.

Mrs. Bridle reminded the public that the Board of Selectmen will not be meeting next week, and in their place the Hampton School Board will be meeting at the Town Office and will be broadcast live.

Mr. Warburton announced that Gloria Dion and her husband Jack celebrated birthdays on July 10th & 11th. He reminded the Board that Gloria was the reporter covering the Board of Selectmen for the Atlantic News for many years. He also announced that Shirley Stephen, mother of Asst. Commissioner of Safety Jon Stephen turns 60 this week.

Mr. Warburton noted that the 14th Annual Seafood Festival will be September 5-7, 2003. The Festival will be open on Friday from 2PM – 8PM, with fireworks on Saturday evening. Mr. Warburton pointed out that one of the reasons this event is successful is the number of volunteers involved. He pointed out that volunteers are still needed this year and those interested can call 929-0888.

III. APPOINTMENTS

1. Legislative Delegation – Update

The Honorable Sheila Francoeur, Michael O'Neil, Jane Kelley and Thomas Gillick joined the Board. Representative Francoeur thanked the Board for having them in to update the Board.

The Board was told that House Bill 608, the Education Bill has been passed into law, without the Governor's signature, and is beneficial to Hampton because the Education Tax rate will drop over the next two years. In 2005 Hampton will no longer be a donor town. Representative Francoeur cautioned the Board to keep aware of what goes on with the education funding because the Bill is only in effect until 2005. Representative Francoeur explained that a study committee will be put in place for this issue. Mr. Pratt said that he was glad to see these results. Mr. Barrington asked what the Board can do to help in the long run. Representative Francoeur said that it is important that the Town monitor the situation; she commended Mr. Ted Jankowski and the Coalition Communities for their efforts.

The Board was informed that the Master Plan Commission Bill has been signed and implemented. Mr. Warburton noted that Mr. Workman and Mr. Rice have been appointed by the Board of Selectmen to represent the Town on the committee. Mr. Gillick said that this is a very good step for the beach.

The Hampton Trust Fund Bill has passed and Representative Francoeur said that she believes that it will provide a good opportunity for Hampton to borrow from itself and she will be interested in monitoring that situation.

Representative Francoeur told the Board that \$165,000 was approved for a site plan and architectural study for the Hampton District Court and asked that if the Town would like the delegation to assist them in efforts to keep the District Court in Hampton to please let them know.

Representative Francoeur said that the other issue pending is the budget for the State. She explained that there is a continuing resolution in place until October 1st, which means that the State is operating on 3/12 of the House budget. The Delegation felt that the House wants to get the Budget completed and when everyone sits down at the end of September, it should be resolved. Representative O'Neil pointed out that within the budget is funding for dredging in Seabrook Harbor and there are current discussions with the State and the Army Corps of Engineers for that work. He noted that this is an important issue for the fishing industry.

Representative Kelley proudly announced that she recently won the overall prize for the Legislative Bake-Off. She also announced that she had recently been invited to Las Vegas to give a speech at the Teamsters Convention and as a result has been named an Honorary Teamster.

Representative Gillick told the Board that his first session has been a learning process and he has dealt with over 100 House Bills. He noted that after hearing about concerns all over the State he knows that Hampton is run very well. Rep. Gillick said that it has been a fun process and most of his work has been involved with zoning and default budgets. Mr. Barrington told the Board that during a recent appointment at the State House, he was told by NHMA Attorney Judy Silva that Representative Gillick has been a wonderful addition to the Legislature.

Representative Francoeur thanked the Board for this opportunity and noted that Hampton's Legislative Delegation has a good relationship with the Board of Selectmen and she hopes that the dialog continues as well as it has. Mr. Warburton said that working close together is a benefit for the Town of Hampton. Mr. Barrington said he personally wanted to thank the Delegation because every time he has called with a concern or request for assistance they have been very helpful.

Mrs. Bridle said that she is aware that 300 residents have presented Representative Bridle with a petition for a crosswalk to be added to Ocean Boulevard. Representative Francoeur said that she knows the location the residents are concerned with and will follow up with Representative Bridle on that.

Mr. Pratt asked if the State budget has any cutbacks that will affect the town and/or county budgets. Representative O'Neil said that it is too early to tell, but if there are cuts in Health & Human Services there will be a trickle down effect from a loss of Federal funds as well. He said that a lot of people are watching those accounts. Representative Francoeur said that the vetoed budget would not be detrimental to the town or county, but until the negotiations of a new budget are completed that cannot be determined.

IV. OLD BUSINESS

Town Manager's Report

Mr. Barrington thanked the staff for their efforts during his absence.

Mr. Barrington told the Board that Town Treasurer, Ellen Lavin has been elected President-elect of the NH Association of Certified Public Accountants.

Memorial Tree

Mr. Barrington reminded the Board of Selectmen that they had approved a tree to be planted in honor of Helen Hayden. Miss Ruth Stimson had called him last week about the tree and he learned that while it had been approved it had not been planted. Mr. Patch is now working with Miss Stimson on this and is planning to plant the tree at a dedication ceremony on August 26th at the 5 Corners Park.

Parking Lots

The Town Manager reported that the parking lot revenues are running slightly ahead of this time last year, despite the slow start to the season.

Rescue Boat

The new rescue boat arrived this week and Mr. Barrington told the Board that efforts are underway to acquire some federal funding for a dock. Mr. Barrington reminded the Board that several town officials will be in Washington in a couple of weeks and they will be meeting with Senator Gregg about that. Mr. Barrington said that he understands that the request is currently in the Appropriations Committee and they are hopeful that there are Federal funds that can assist the Town.

Congressman Bradley

Mr. Jeff Rose of Congressman Bradley's office will be holding a public meeting on August 7th at the Lane Library for anyone interested in bringing concerns to the Congressman's attention.

Gazebo

Recreation Director, Dyana Martin reported that she talked with Jude at the Chamber of Commerce about the Gazebo, and although there is still a question about an outstanding bill, the Recreation Department will assume maintenance of that area.

Maranatha Church Building

Mr. Barrington told the Board that he looked at the Maranatha Church building with Mrs. Martin, Mr. Schultz and Mr. Estey last week. The pastor was very candid about the building and noted that the growth in their congregation has been south of Hampton and they are looking at selling the building and re-building closer to the center of their parish. They need \$1.2 million to do so and if they are not able to sell the building for that amount they will remain in Hampton. Mr. Barrington said that there are advantages and disadvantages to the building for the town to use it as a Recreation/Senior Center. The parking is somewhat restricted, although parking for after school activities could likely be arranged at the junior high. The building is already tax-exempt, so there is no impact to removing the building from the tax roles. The location is more centrally located than the Drakeside Road location the Board considered last year. Mr. Barrington said that if the Board has any interest in this building he can look into it further.

Crosswalks

Mr. Barrington thanked Mr. Mellin for getting the uptown crosswalks painted before the Fourth of July. Mr. Hangen was on vacation last week and Mr. Mellin was filling in for him.

Highland Avenue

Mr. Barrington reported that a citizen called a couple of weeks ago concerned about the conditions of the new sidewalks on Highland Avenue. Mr. Barrington said that he looked at them with Mr. Hangen and it appears that portions may be spalling after one year. The contractor has been notified and they have suggested some testing be done of the concrete. The warranty period ends on July 17th, so all the legal notifications are taking place in order to protect the interests of the town.

Police Facility

Mr. Barrington explained to the Board why the contract has not yet been signed with the contractor for the Police Facility. He pointed out that initially the contractor did not provide the correct levels of insurance that were specified in the contract. After some negotiations, the insurance has been provided. The contractor has been asked to provide information on value engineering, to be reviewed by the Town and

Architect to determine if more economical options will result in a savings to the Town or to the Contractor. That has not yet been received and Kaestle-Boos has sent out an e-mail, putting the Contractor on notice that the value engineering must be completed by August 1st. Mr. Barrington said that he notified Kaestle-Boos today that the August 1st deadline was not acceptable to the town and suggested to the Architects that they may be representing their best interests, instead of the Town's. A meeting of all parties has been set for Thursday, July 17th and it is hoped that the contract can be signed at that time. If not, the meeting will be to determine why a contract has not been signed. Mr. Barrington explained that there are a couple of problems with moving on to the next low bidder, Hutter. With Hutter's bid, the Town is no longer available to afford the outbuilding; but without the outbuilding, Kelly then becomes the low bidder. Mr. Barrington told the Board that if negotiations with Whichter do not materialize, he intends to have both Hutter and Kelly do their value engineering and will make a decision based on that. Mr. Barrington said that he has repeatedly referred to the contractor working on the WWTP and the difficulties that the Town had at the beginning of that contract. Mr. Barrington said that he will keep the Board informed as the week progresses.

Mr. Pratt said that it seems to him that there are already problems with this Contractor and there hasn't been a nail driven. He has concerns that there will be problems throughout the project. Mr. Barrington assured the Board that he is at the point that if he does not feel good about the contract, he will walk away from Whichter and go to the next contractor. He does not want to walk into a problem, knowing that he is walking into a problem. Mr. Warburton said that he understands that these problems come up and he appreciated the manager keeping the Board informed about the status.

Memorial Tree

Mr. Pratt asked if there would be any identification with the tree to be planted in honor of Helen Hayden. Mr. Barrington said that it would be appropriate for a small plaque to be added.

Maranatha Building

Mr. Warburton said that the Maranatha building is a good location and opportunity for the Town, but he cautioned the Manager that with after-school activities, there is not a lot of parking available at the Junior High.

CDBG Entitlement County

Mr. Barrington told the Board that Mrs. Pratt informed him that Rockingham County has now been designated an Entitlement Community and as a result, Hampton will no longer have to compete for CDBG grants outside of the county. Mr. Pratt said that he believes this makes more money available in the community. Mr. Warburton suggested that Commissioner Pratt be invited to meet with the Board to update the community on the activities of the County. Mr. Pratt said that there is only one other County in New England that is an Entitlement Community. Mrs. Bridle said that Mrs. Martin should be looking into ways that she can tap some grant funds for acquisition of the Maranatha building. Mr. Warburton said that the people that work the hardest on grants are successful.

No Parking - F Street

The Board reviewed the subsequent request of Funarama for a No Parking space adjacent to their exit door on F Street.

Mr. Pratt MOTIONED that the Board of Selectmen hold a public hearing on July 28, 2003 to take comments from the public on the addition of a No Parking space on F Street, by the exit door of Funarama.

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

V. NEW BUSINESS

Memorandum of Agreement – DRED/DOT/TOWN

Mr. Warburton asked if this is something the Board has done before. Mr. Barrington said that it was started during the Master Plan process. Mr. Barrington explained that Selectman Workman was going to be presenting this and in his absence he wanted the Board to have a chance to review what is being developed.

This Memorandum of Understanding will put in writing what is actually taking place at the beach today. Mr. Barrington said that during the Beach Master Plan process it was learned that there were many things that were being done that may or may not have been put in writing over the years. When this document is completed it will go through the Attorney General's office for review. Mr. Barrington asked that the Board review this, based on what is being done now, and to also consider what the Board may want to see changed in the future. Mr. Warburton said that this is important because there is a lot of misunderstandings of who has jurisdiction over what at the beach.

Appointment of Alternate to Heritage Commission

Mr. Pratt MOTIONED that Mr. Hollis Blake be appointed as an alternate to the Heritage Commission for a three year term to expire in March, 2006.

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

Parking Lot Ordinance

Mr. Barrington explained that there have been violations of the policies and procedures of the town parking lots, particularly with overnight parking, and the current ordinances do not provide for enforcement. Overnight parking is prohibited in town lots and this ordinance change will allow the town to ticket, tow or boot vehicles that park overnight without a leased space.

The Board agreed to schedule a public hearing for July 28th. Mr. Barrington said that Mrs. Martin will be present at the meeting to answer any questions.

Mrs. Bridle MOTIONED that the Board of Selectmen hold a Public Hearing on July 28th to take comments from the public on the proposed changes to the Town Ordinances for the municipal parking lots.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

Right to Know Law Request – B. Searle

Mr. Barrington referred this request to Attorney Gearreald. Attorney Gearreald is of the opinion that the document being requested is a work paper and is subject to revision several times before it is final and it is not appropriate to release before it is finalized. Mr. Barrington said that the courts have generally interpreted the exemption of releasing work papers by weighing the benefit of releasing the information to the person requesting it, against the impact to all the citizens. Mr. Barrington said that it could be disturbing for someone to see that the assessed valuation of their property has been increased without being able to see the Town's total appropriation and actual impact. Mr. Barrington said that the new assessments will become a public document at the time that Mr. Estey forwards the MS- 1 to the Board for approval. Mrs. Bridle said that a response should be sent, certified mail, to this tax payer with the opinions of Mr. Estey and Attorney Gearreald. Mr. Warburton noted that Mrs. Searle is the one who has requested this information and he agrees that a formal response should be sent to her. Mrs. Bridle said that the new assessment and impact to an individuals property tax is the number one concern of residents in Hampton. Mrs. Bridle said that it also may be appropriate for the Board of Selectmen to consider increasing the Elderly Exemption rates this year.

Sun Valley

Mr. Barrington said that in response to Mr. Hayden's letter, he called Judy Dubois of DRED and was told that the State has enough lifeguards and they will be providing life guards in the Sun Valley area. Mr. Hayden said that there were none there on Sunday. Mr. Warburton said that unleashed dogs are continuing to be a concern at that beach as well as all of the town beaches. He said that the public needs to be made more aware of the ordinances about dogs on the beach. Mr. Warburton said that he understands Mr. Hayden's concerns with jet skis, but it is difficult to compare the prohibition of jet skis at Canobie Lake with a State Beach.

Larry Falloni

Mr. Warburton noted that Coach Larry Falloni's autobiography "My Way" is scheduled to be released shortly. Mr. Falloni was congratulated on his accomplishment.

Tax Warrant

Mr. Warburton told the Board that the Tax Collector informed him that the first-half tax warrant, that was due July 1st, is 94% collected.

VI. MINUTES

The minutes of June 30, 2003 were accepted as written.

VII. CONSENT AGENDA

1. Current Use Application
2. Elderly & Disabled Tax Deferral Application
3. Use of Patio for Outside Dining – Sweetwater Cafe
4. Entertainment Permit – Atlantic Grille
5. Hawkers & Peddlers Permit – Sonny Boy Ice Cream, King James Ice Cream
6. Dance Hall Permits
7. Pool Table Permits
8. Theater Permit
9. Parade Permit – Children’s Parade
10. Cemetery Deeds
11. Raffle Permits – Act One Theater

Mrs. Bridle MOTIONED that the consent agenda items be approved.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

Mrs. Bridle thanked the Town Transfer Station employees who worked hard over the Fourth of July.

PUBLIC COMMENTS

Mr. Charlie Hayden requested a new sign of Beach Rules at the end of Portsmouth Avenue in Sun Valley. He showed the Board a picture of the sign that shows the rules of the beach and how it is in need of replacement. Mr. Hayden said that the lifeguards used to control the surf casters and keep them in one area to protect the children. He said that this past weekend a young baby put a fishing knife in his mouth that was found on the beach. Mr. Hayden showed the Board a box of items that had been collected from the beach just this summer that contained knives and other dangerous fishing items. Mrs. Bridle said that it is a problem at all of the beaches. Mr. Hayden said that something has to be done because there are people fishing in the area where children are playing and he does not want to see any of his grandchildren hurt. Mr. Hayden said that he feels that the town caters to the tourists but the residents pay the price of the heavy traffic, high taxes and the trash that is left on the beach. Mr. Warburton said that large numbers of people are difficult to control in any area, and it is impossible to say that it is just the tourists that are leaving the trash behind. Mr. Warburton said that he does not know what the answer is. Mr. Hayden said that the beach clean-up crew does a nice job, but the problem is with the fishermen who don’t attempt to locate the items that they may drop and/or lose in the sand.

Mr. Richard Reniere, Highland Avenue said that Mr. Hayden had some very good comments. He noted that that there are many people who do clean up after themselves at the beach, but the barrels always seem to be overflowing. He suggested that the State be nudged to pick up the trash more frequently.

VI. ADJOURNMENT

Mr. Pratt MOTIONED that the meeting be adjourned. (8:50 PM)

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

Chairman

