

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
November 3, 2003 7:00 PM**

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

I. SALUTE TO THE FLAG

Selectman Sullivan led the audience in the salute to the flag.

II. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Community Center Committee

Mr. Pratt announced that a Community Center Committee has been formed and will be chaired by Brian Leno. The first meeting will be held at the Library on November 25th at 7PM and the public is welcome to attend.

Police Mutual Aid

Mrs. Bridle told the Board that it was nice to see the Hampton Police Department, with the Mounted Patrol at the Whittemore Center to assist with crowd control this past weekend. She noted that the Ordination of the Bishop was a nice event.

Trick or Treat

Mr. Sullivan thanked all the children and parents that came through his neighborhood this past Halloween. He noted that he had approximately 200 children come by.

Get Well Wishes

The Board of Selectmen offered "Get Well" wishes to Conservation Commission and Highway Safety Committee member, Fred Palazollo.

CIP Committee

Mr. Warburton announced that the Capital Improvement Plan Committee has completed their review and the Chairman, Mr. Tom Gillick is scheduled to meet with the Board of Selectmen on November 10th to present the CIP for 2004.

Leaf Pickup

The curbside collection of leaves and soft yard waste will take place every Monday in November. Mr. Barrington emphasized that no limbs will be picked up and that leaves must be in biodegradable bags. Mr. Warburton asked that the leaf pickup be extended one Monday, to December 1st since the public may not have been aware that it started today. The Board agreed to extend the collection one week. Mr. Warburton also announced that the WHS Basketball Team is available to be hired to assist with yard work or other projects as a fund-raiser at \$20.00 for a team of two and anyone interested can contact the high school for more information.

Winter Parking Ban

The winter parking ban goes into effect on November 15th. Mr. Barrington noted that residents need to start planning for off street parking.

III. OLD BUSINESS

Town Manager's Report

Mr. Barrington announced that Hampton would be receiving 1st Place for the Annual Town Report and the Mr. John Holman will be recognized for his outstanding volunteer efforts here in Hampton.

Mr. Barrington said that he wanted to publicly acknowledge Karen Anderson's work on the Town Report. Mr. Sullivan asked that Mrs. Anderson be present at the Awards Luncheon to accept the award on behalf of the Town. The Board agreed and thanked her for her efforts on the Town Report. Mr. Barrington noted that in the twelve years that Mrs. Anderson has been handling the report, the Town has been recognized as having one of the top three reports in the State every year except two.

Workers' Compensation

Mr. Barrington explained that the Insurance Committee met last week with Tom Dunn, Shelley Walts, and Pam Fecteau of NHMA to review the Workers' Compensation contract that is set for renewal this year. The Committee discussed Hampton's claims history, service received, and the schedule for anticipated rate and modifier information. It is expected that the Committee will have the cost information available in mid-November and will meet again at that time. Mr. Barrington reported that there was also some discussion of health insurance, cost containment, and benefits, with some particular conversation about the announced change of some of the health incentive programs that have created a stir among a number of our employees.

Drakeside Road

The Town Manager and John Hangen met with Mr. Nigrelli this week to discuss the construction of the pump station on Drakeside Road. Mr. Barrington said that at the end of the discussion, Mr. Nigrelli agreed to certain modifications in the building and more importantly to a complete reconstruction of the foundation which the Town believes will produce a structure that is substantially in conformance with the original specifications and that will be acceptable to the Town.

Wastewater Treatment Plant – Charwill Construction

With the apparent demise of Charwill Construction, Mr. Barrington reported that the Town has sent letters to them and their bonding company to assert the Town's rights to their bond in completing the work at the wastewater treatment plant. People from Wright-Pierce are in town on Thursday to inspect and inventory so as to know what needs to be done immediately to get the project completed. In the meantime, the Town has been served with the first of what may well be multiple suits from vendors and sub-contractors of Charwill looking for payment for goods and services they provided and for which they allege non-payment.

Keymont - Blowers

The discussions with Keymont regarding the problems with the Blowers this week remained promising, so an extension to the tolling agreement was signed and another meeting was scheduled for this week.

Christmas Parade

Police Chief Wrenn brought in the parade permit for this year's Christmas Parade.

Arthur Moody v. Zoning Board of Adjustment

Mr. Barrington told the Board that the town has received notice that the Arthur Moody v. Zoning Board of Adjustment suit was dismissed. Mr. Sullivan asked about the town recovering costs involved in that matter. Mr. Barrington said that would be up to the Board to discuss; the request for costs was part of the pleading but was not part of the notice.

Stan Brown Easement

Chairman Warburton asked the Town Manager to update the Board on the status of the Stan Brown easement for Marelli Park. Mr. Barrington said that after checking with John Hangen, the invitation for bids will go out this week and it is expected that the bids will be opened in about 3 weeks. Depending on the weather and the bids, the work will be done either this fall, or next spring.

Drakeside Road

Mrs. Bridle said that six years ago the Drakeside Road sewer project began with Mr. Nigrelli and she feels that the town has been very patient. She stated that she wants the work done exactly as the town asked. Mr. Barrington said that he discussed that with Mr. Nigrelli and the modifications that were made to the roof were due to the original specifications not meeting the building code. The change that was made in the

wall construction was the use of 2 x 4's where 2 x 6's had been stipulated. The modification that has now been approved is that Mr. Nigrelli will add additional supports and insulation to those walls. Mr. Barrington said that a specific completion date has not been requested at this time. The pumps and generator have been stored in the building and Mr. Nigrelli is making plans to move them in order to get the work completed. Mrs. Bridle said that she wants a "drop dead" date with penalties if it is not done. Mr. Barrington said that he does not know if they can institute penalties, but there is a bond that is callable. Mr. Barrington said that the changes are beneficial to both parties. Mrs. Bridle said that half of that development would not be there if the town hadn't agreed to the sewer pump station. Mr. Barrington said that the development would likely be there, but it would have had to be done differently, and as a result the town will now have the sewer line in place. Mr. Barrington explained that originally a compromise with Mr. Nigrelli had been in regard to the design of the pump station, allowing an attractive wood structure, rather than the standard masonry block building the town uses for pump stations. Mr. Nigrelli understands that the foundation needs to be replaced and is willing to take care of the other concerns. Mr. Sullivan said that the Planning Board has been accommodating with Mr. Nigrelli as well. Mr. Barrington said that he does not have any occupancy permits for the new phase and they will continue to be withheld until completion of the pump station.

Outstanding Volunteer Award

Mr. Warburton announced that Mr. John Holman would be recognized as an Outstanding Volunteer by the New Hampshire Municipal Association. Mr. Warburton noted that Mr. Holman was instrumental in developing Baby Land at the High Street Cemetery, volunteers extensively at the Lane Library and does an outstanding job with educating the residents about the History of Hampton through his numerous articles. Mr. Warburton noted that Mr. Holman is a quiet volunteer that does so many things behind the scenes.

Workers' Compensation

Mr. Warburton said that upon review of the Workers' Compensation experience reports, he was pleased to see that the town's exposure has been very low and he commended the manager for that. Mr. Warburton said that Mrs. Walts presented some additional information on the health insurance utilization that was also good information and he asked that the Board be provided copies of that information. Mr. Barrington publicly acknowledged Hampton's union leadership on the education and efforts they have made to help keep the costs down in the insurance programs. Mr. Barrington said that all of the employees work hard in this area. Mr. Barrington noted that the PFFNH is currently holding a Health Care Summit to further their efforts in controlling health care costs. Mrs. Anderson was able to attend the summit and has brought back some important information regarding how the rates are structured.

Mr. Warburton reminded the Board that the Property-Liability insurance contract was for three years and it will be appropriate to begin looking at that coverage this summer.

Coalition Communities Funding Request

Mr. Warburton reminded the Board that the Town Manager was asked to see if the funds requested by the Coalition Communities could be found within the 2003 budget. Mr. Barrington told the Board that in the 2003 budget, the line item 4220.6.430 – Fire Alarm Maintenance was approved at \$10,800 while at the 2003 Town Meeting, Article 53 created the Fire Alarm Fund as a special revenue fund. Consequently, the operations and maintenance of the fire alarm system has been paid for through the special revenue fund. That line item is Zero for the 2004 budget proposal, and the \$10,800 in the 2003 budget would otherwise become part of the un-obligated surplus at the end of this year. If the Board wishes to contribute the additional \$10,000 to the Coalition effort, he would propose that the expense be charged to account 4153.1.323 – Town Council Fees, thereby overspending its \$1 budget amount, but off-set it with the \$10,800 available in line item 4220.6.430.

Mrs. Bridle said that her request had been to determine what could be given up in 2003 to provide the additional funding. The funds from the Special Revenue Fund would have been going back to the voters, and nothing is being given up. Mr. Barrington said that at the end of each year the town always returns some money to the voters, so if we give back \$10,000 at the end of the year it is a mute point what line it

had been in. Mr. Barrington said that he has identified a sufficient amount of money that he knows will not be spent if the Board desired to make the contribution to the Coalition Communities. He added that he would not be comfortable if there was less than \$10,000 remaining at the end of the year.

Mrs. Bridle said that she is willing to take the \$10,000 from the surplus, but she does not want to specifically designate money that was earmarked to go back to the voters. Mr. Pratt said that he feels the Town should send \$10,000 to the Coalition Communities to help eliminate the unfair school property tax that has burdened the Hampton voters. Mr. Workman said that he understands Mrs. Bridle's concern, and added that it was his understanding that the court fight is done. Mr. Barrington said that was his understanding as well and these funds are to be used to assist with developing legislation to resolve the education funding issue. Mr. Workman said that he is less willing to support the lobbyist efforts to fight this than he would be to assist with the court fight. Mr. Sullivan said that he sees the need as Mr. Pratt does to continue to assist with this and the last word he heard from the residents was that they wanted the Town to remain involved with the Coalition Communities.

Mr. Pratt MOTIONED that the Town Manager be authorized to send \$10,000 from the General Fund to the Coalition Communities on behalf of the Town of Hampton.

Mr. Sullivan SECONDED

VOTE: UNANIMOUS FOR

Revenue Opportunities

Mr. Barrington explained the spreadsheet that Finance Director, Dawna Duhamel put together to quantify potential revenue sources. Mr. Barrington gave the example of the eleven pool table permits that the town bills \$5.00 for which actually costs the town more than the fees are worth. Mr. Barrington said that if the Board is interested in continuing that fee, it should be increased to be even with the Coin Operated Amusement fee of \$25.00 per establishment. The Coin Operated Amusement fee has been discussed over the past few years and several of the operators of numerous machines spoke in opposition to an increase so the decision was made not to change that fee. Mr. Barrington asked if the Board had any interest in revisiting any of the current fees. The worksheet presented outlined proposed increases for parking lot leases, sewer permits and report copies. The proposed changes would generate approximately \$47,900.00, which would be a \$0.021 impact on the tax rate. Mr. Barrington said that he wanted some direction from the Board on how to proceed. He suggested additional revenues could be generated with the addition of business licenses, home occupation licenses, and parking ticket increases. Mr. Barrington said that there are also a number of areas with Planning Board and Zoning Board of Adjustment fees where the town does not recoup the costs associated with publications and mailings, each year the town's cost of doing business goes up but the fees have not kept pace. He suggested that a method be instituted to regularly adjust those fees.

Mr. Pratt said that he would be in favor of increasing the parking leases, sewer permit fees and report copy fees as outlined. He added that he has a hard time subsidizing someone's sewer permit fee because the town is not charging enough to cover the costs. Mrs. Bridle said that she had no comments. Mr. Barrington explained that he understands her concerns with putting forward a large number of warrant articles and at this point he is not recommending any new fees that would require a warrant article to institute. Mr. Pratt said that increasing the storage fee for a car in the Ashworth Lot is appropriate and some of these fees have not been changed in years. Mr. Workman said that he agrees with Mr. Pratt and it is important that the fees cover the cost. Mr. Sullivan said that as long as the State operates without an income tax or sales tax, he is in favor of increasing user fees so that the end user has to pay. He feels the three chosen to start with are good fees to start with. Mr. Warburton concurred with the Board members on the proposal that was presented. He said that he is not in favor of increasing fees that are limited in scope, or that would target just one business. Mr. Warburton asked Mr. Barrington to explain the philosophy of some of the new fees. Mr. Barrington said that he has tried to think about fees for services that benefit a small number of individuals, rather than a service that a significant number of residents benefit from. The cost for those services should remain part of the property tax.

Mr. Sullivan said that if the Board wants to adopt two or three new fees, the Town Manager should ask Attorney Gearreald if they could all be considered on one warrant article. Mr. Barrington will follow up on that. Mr. Barrington said that if the Board agrees to increase existing fees there only needs to be a public hearing. The Board will consider the current fees and confirm which ones to bring to a public hearing on November 24th. Mr. Barrington said that he is not sure that all of the information would be ready that quickly and suggested that a hearing be held during December for fees that would be effective on January 1st. The Board agreed to that schedule.

Special Revenue Fund-Recreation

Mrs. Bridle asked what the recent large expenditure was from the Recreation Special Revenue Fund. Mr. Barrington said that the van has been purchased and the withdrawal amount is the difference between the revenue received that month and the cost of the van.

IV. NEW BUSINESS

Health Van

Mr. Warburton noted that the Board of Selectmen had received a letter from Families First requesting permission for them to use the Island Path Parking Lot for the Health Van on a weekly basis. The Board agreed to allow the daytime use of that lot during the winter months upon receipt of a Certificate of Insurance and Hold Harmless Agreement. Mr. Sullivan asked if the lot will need to be plowed as a result. The Board agreed that an area can be kept plowed for this important purpose.

Mrs. Bridle MOTIONED that the Board of Selectmen authorize the use of the Island Path Parking Lot from October 1st to May 1st by Families First for the Health Van.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

Department of Safety

Mr. Sullivan announced that Mr. Don Bliss has left the Department Of Safety and Mr. Bruce Cheney has been appointed the Director of Emergency Management. Mr. Sullivan said that he hopes these changes at the State level do not effect the safety at the Seabrook Station. Mr. Barrington said that he has discussed this with Chief Lipe and they have taken the position that requests for reports and other information will be handled upon the receipt of the funding to do that.

Bourn Avenue

Mr. Sullivan acknowledged the letter the Board of Selectmen received from Mrs. Peggy Smith concerning the flooding that has been going on for years on Bourn Avenue. He noted that this has been a longstanding problem and creates a horrible situation in front of several properties including Representative Malcolm's. Mr. Barrington said that there was a possible solution proposed that required an easement and the owner of that property was not willing to provide the easement necessary to correct that drainage. Mr. Sullivan said that he would like to see an attempt made to correct that situation.

Water Moratorium

Mr. Warburton told the Board that he has been in conversation with Eileen Nevins regarding a situation she has had with Aquarian Water and the DES regarding her need to hook into the water system. Mr. Warburton explained that Attorney Nevins had a well drilled that became contaminated with salt water and she has run into a lot of roadblocks in hooking into the water system due to the moratorium. Mr. Warburton asked the Board's permission to have Mr. Barrington look into this to see if there is anything the Town can do to assist. Mr. Sullivan said that he would think that the State would provide an exception for this situation due to the contamination. Mr. Barrington will follow up on this for the Board.

V. MINUTES

The minutes of November 3, 2003 were accepted as written.

VI. CONSENT AGENDA

- 1. Parade Permit – Christmas Parade
- 2. Land Lease and Termination of Lease – 26 River Avenue

Mr. Sullivan MOTIONED that the Board of Selectmen approve the Consent Agenda.

Mr. Workman SECONDED

VOTE: UNANIMOUS FOR

VII. PUBLIC COMMENT

Mr. Charlie Preston told the Board that he wanted to discuss off-street parking as was brought up earlier in the meeting. He requested that the town consider plowing the CPA lot at the beach this winter. Mr. Warburton said that Mr. Preston is discussing this with the Town Manager at this time and it is not fair to bring it to the Board while Mr. Barrington is currently looking into it. Mr. Warburton told Mr. Preston that Mr. Barrington would get back to him with the answer. Mr. Preston said that he is not asking for an answer to that question tonight, rather he would like to make suggestions to the Board for consideration. Mr. Warburton said that he would not entertain that issue this evening. Mr. Preston said that he has spoken to the State Officials and was not allowed to speak at the State Commission meetings either. Mr. Warburton told Mr. Preston that Mr. Barrington will speak with Mr. Mattson and report back to the Board. Mr. Preston said that he will wait until he talks to the Manager and will then ask to be on the agenda to discuss the result with the Board. Mr. Warburton said that after discussion with the Town Manager there will not be a need for an appointment.

EPA Regulations

Mr. Warburton told the Board that he received a memo from a resident, Bob Sullivan, regarding a press release in the USA Today outlining EPA regulations that are being changed. This will be copied for the Board to review.

VIII. ADJOURNMENT

Mr. Sullivan MOTIONED that the meeting be adjourned. (8:30 PM)

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

Chairman

