

**HAMPTON BOARD OF SELECTMEN
TOWN OFFICE BUILDING
July 26, 2004 7:00 PM**

PRESENT: William Sullivan, Chairman, Virginia Bridle, James Workman
Cliff Pratt, Rick Griffin
James Barrington, Town Manager
Janet Perkins, Recording Secretary

PUBLIC HEARING: To take comments regarding the acceptance of easements at the Bley subdivision as recommended by the Planning Board. This was the first of two public hearings pursuant to RSA 41:14-a.

Mary Louise Woolsey, Little River Road asked for more specific information regarding the easement. Town Attorney Mark Gearreald explained that this easement is not a land purchase; these pertain to drainage and site distance easements. The easement will allow the Town access to the designated areas for maintenance should the responsible parties default on their responsibilities. He also added that the expense would be borne by the homeowner's association in the subdivision and that this easement acceptance is one of the approval conditions stipulated by the Planning Board.

Arthur Moody, Thomsen Road asked if there were any drainage pipes involved and if the taxpayers would be charged for DPW to clean out the drainage swales. Attorney Gearreald responded in the negative. Mr. Workman explained that the easement documents provide that the Town would be reimbursed for any services necessary.

Mr. Workman **MOTIONED** to hold the second required public hearing on August 9, 2004.

Mr. Pratt **SECONDED.** **MOTION PASSES UNANIMOUSLY.**

§ Mr. Pratt led the audience in the flag salute. Chairman Sullivan asked for a moment of silence in honor and memory of long-time resident Ruth Stimson.

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Beautification

Mr. Pratt thanked the volunteers for the beautiful gardens around town at the various intersections.

Tuck Museum

Mr. Workman announced that the museum has reopened after extensive renovations.

II. APPOINTMENTS

1. Chamber of Commerce, Seafood Festival

Judy Dionne and John Kane presented a synopsis of the 15th annual Seafood Festival. Ms. Dionne's PowerPoint presentation outlined the main events, expenses, and projected needs for the upcoming festival. One of the largest increases this year will be the insurance expense. She told the Board that the budget is not realistic in meeting all the expenses and asked for permission to charge admission. Ms. Dionne provided a list of admission fees charged at various festivals, fairs, etc., throughout the state. She reported that hotels from Seabrook to Portsmouth are 98% reserved at premium rates for the Seafood Festival weekend.

Ms. Dionne announced a ribbon cutting ceremony scheduled for Friday, September 10th at 4:00 p.m. to kickoff the Seafood Festival. She requested Board support for the following admission schedule: \$4.00 per adult per day or \$6.00 for a two day pass; those under age 12 would be free. She indicated that some of the proceeds would benefit the Special Olympics and the Rotary. There will also be continuous raffles for those who have paid admission. She told the Board that they have received support for the admission fees from the State's Department of Transportation, Parks and Recreation, Executive Council and Governor Benson.

Board comments followed with Mr. Workman expressing concern about charging admission to town property, i.e. those simply wishing to visit other areas besides the food and beer tents. Mr. Griffin questioned the collection locations. Ms. Dionne explained that wristbands would be provided to allow entry into the beer and food tents.

Mr. Pratt **MOTIONED** that the Board of Selectmen allow admission fees as outlined earlier be collected at the following locations: A through G Streets, and the northern and southern west side of Ocean Boulevard. Ms. Bridle **SECONDED. VOTE: 3 FOR; 2 ABSTAIN (Griffin and Sullivan). MOTION PASSES.**

2. Dyana Martin, Recreation Strategic Plan

Mrs. Martin was joined by Recreation Advisory Council members Bill Morrisey and Kim Warburton. She presented the Recreation and Parks Strategic Plan and explained the importance of such a plan as the community continues to grow. Mrs. Martin explained that the plan was based around the mission statement developed by the Department. The four goals outlined in the Strategic Plan were reviewed in detail during the PowerPoint presentation. Mrs. Martin told the Board that the department is also utilizing the town's web site to assimilate information regarding available programs, etc.

Board comments followed with members expressing their appreciation to Mrs. Martin. They acknowledged the detailed, extensive plan which was obviously the result of hard work. Members applauded the department's posture in looking at customer satisfaction as one of its goals.

3. Arthur Moody, Sewer Ordinance

Mr. Moody appeared before the Board with his concerns regarding the proposed changes to the sewer ordinance which may be presented to the voters in March 2005. Mr. Moody pointed out that an amendment added in 1989 prohibiting other town's sewerage being connected to Hampton is not included in the proposed ordinance change. He said only the voters in March should be allowed to act on continuing that stipulation. Mr. Moody referenced RSA 149:I in discussing altering or substituting town records.

Mr. Moody next addressed the \$12 million beach infrastructure project. He asked questions about the need to replace sewer pipes on Church Street and Kings Highway when they are only 30 years old; that the pipes on Church Street were replaced in accordance with a town meeting vote. Mr. Moody said his research has indicated that funds (approximately \$200,000) being used this year should have lapsed at the end of 2003. He questioned why the funding is being encumbered again into 2004. Mr. Moody also spoke about maintaining sewer lines on certain properties, i.e., the Island section, instead of requiring them to be relocated onto the street. He said the town has had easements on both current and former leased land for drainage purposes and questioned why some of the funds are being used to move the lines onto the streets.

Mr. Moody discussed the \$12 million bond beach infrastructure warrant articles. While it was approved by the voters in 2003, Mr. Moody said wording changes at the 2004 Town Meeting from "rescind" to "reaffirm" render the vote not legally binding. He asked the Board to go back for another vote.

Mary Louise Woolsey, Little River Road, expressed concern about the \$12 million bond and potential problems with the bond counsel. She asked when the public would have a chance to see the complete proposed sewer ordinance change. Mr. Woolsey felt that this \$12 million expense and other needs of the town (fire station, senior center) are too much for the taxpayers to bear given the current economic environment. She said construction of large hotels will further burden the system and warned of a possible tertiary treatment plan. She felt the sewer ordinance revision and the \$12 million infrastructure project are inter-mingled and asked that the Board take a closer look in letting the public understand what is being done. Mrs. Woolsey asked, as a private citizen and one member of the municipal budget committee, for the Board to carefully consider their course as the public is nervous and unhappy.

4. Peter MacKinnon, Cable Committee

Mr. MacKinnon addressed the Board for an update. He reported that the cable operation is almost self-sufficient. Mr. MacKinnon talked about the increased coverage of the committee at various events throughout the town. He said the committee needs to purchase licensed music, editing equipment, lighting kits, a CD and DVD printer, and an audio system at a total cost of \$10,163. Mr. Sullivan pointed out that these funds do not come from taxpayers but from Comcast subscribers.

Mr. MacKinnon spoke about a need for additional cable volunteers. He said volunteers worked 28 hours for the public hearing at the high school and asked the Board to consider using some of the Comcast funds to employ someone to do editing, programming, etc. Mr. MacKinnon said they will continue to cover the football games but it takes many, many hours of volunteer time.

Board comments with Mr. Griffin asking if coaches use the football films for review. Ms. Bridle confirmed previous authorization for the Cable Committee to pay employees. Mr. Workman agreed that the Committee needs to own more of its own equipment instead of using Mr. Jett's.

Mr. Workman **MOTIONED** to authorize the payment of \$11,000 for the purchase of equipment.

Mr. Griffin **SECONDED**.

VOTE: MOTION PASSES UNANIMOUSLY.

5. Kevin Durant, Easement on Reddington Landing

Mr. Durant provided site plans for review. He pointed out the proposed addition to his home and its encroachment into the sewer easement depicted. He explained the history of the utility and sewer easements and asked the Board if they could remove the sewer easement from the plan. Mr. Durant told the Board he has attempted several different avenues and spoken with several town personnel in trying to build his addition. He expressed frustration in trying to bring this matter to conclusion. Mr. Barrington proposed that while the Town could ultimately release the sewer easement, only the town's portion of the utility easement would be released. Mr. Durant said he would accept that risk with the other utilities.

Attorney Gearreald said releasing any easement is a potential change in the Planning Board process and would require its involvement. This would ascertain if the easements as recorded still have any functional value. He said other utilities and property owners would also be notified following this procedure. Mr. Sullivan agreed and advised Mr. Durant to have his attorney communicate with Attorney Gearreald.

III. OLD BUSINESS

1. Town Manager's Report

Litigation

Mr. Barrington informed the Board of two lawsuits, one from Seacoast United Soccer and the other from Tom Moulton. He requested a non-public meeting after the regular one to discuss these items and the Charwell issue.

Cell Tower

Mr. Barrington reported a telephone call from Tower Ventures regarding their interest in putting a cell tower on town property at 11 Munsey Drive. They will submit a formal letter of interest with details.

Authorization to sign construction contract

Mr. Barrington discussed signing the Zoppo Construction construction contract. He has asked them to do value engineering and after discussions to cut costs, the sidewalks, granite curbing, and drainage and pavement reconstruction in the Island area will not be done. Mr. Barrington confirmed, however, that the sewer work will proceed as planned. He said the contract could be signed with almost a \$.5 million contingency; it still needs to be determined how much can qualify for the SRF. Mr. Barrington said the more that is qualified by the SRF the better it is for the Town, although there may be portions that would be bonded so as to take advantage of the entire amount. He told the Board, if eligible and covered by the bond, the amount could qualify for 20% of the state-aid grant. Mr. Barrington expressed confidence that the funding was appropriated legally and can be spent on Ashworth Avenue as intended.

2005 Budget

Mr. Barrington talked about the upcoming budget process. He questioned how the Board wants to allocate retirement and other personnel costs, by each department or separate totals for each category. Board comments with Ms. Bridle confirming the Budget Committee's preference that all department costs (including retirement) are shown for each department. Messrs. Workman, Pratt and Griffin agreed.

Mr. Pratt asked for the cell tower location on Munsey Drive. Mr. Griffin was not in favor of a tower on Munsey Drive but on other more appropriate public land.

Ms. Bridle reiterated that anyone wanting an appointment with the Board should make sure the manager gets the request personally.

Mr. Workman **MOTIONED** to go into non-public session after the regular session to meet with the town's attorney regarding litigation. Ms. Bridle **SECONDED**. **VOTE: MOTION PASSES UNANIMOUSLY.**

Mr. Barrington confirmed Board authorization to sign the contract with Zoppo Construction. Mr. Sullivan clarified that the contract is value engineered and does not prohibit the town from changing construction plans as they may show at this time. Mr. Barrington explained that the contract can be amended if the Town reduces or increases the amount of sidewalks and/or curbing. Ms. Bridle confirmed that the contract is contingent upon obtaining financing. Mr. Barrington said he expects to sell bonds before the end of 2004; \$5 million for the SRF and \$7 million for the bond.

Trash Collection

Mr. Barrington explained the trash program and guidelines for continued trash collection. All trash must be in an enclosed, covered barrel not larger than 32 gallons and weighing not more than 75 pounds. He said barrels up to 45 gallons can be used as long as they do not weigh more than 75 pounds in order to accommodate and compromise with residents. Mr. Barrington said the size and weight limits were approved by the appropriate union representatives. He will provide Board members with the policy before the next meeting.

Mr. Workman stressed the importance of also addressing issues for the rest of the town area. He felt the Board should have balance and be able to multi-task other items needing attention, i.e. Marelli Square, west side sewer study, High Street parking lot, Route One drainage.

IV. NEW BUSINESS

1. Letter of support for Hampton Falls grant entitled *Continued Wetlands Assessment, Inventory, and Prime Wetlands Designation in Hampton and Hampton Falls*. Mr. Pratt **MOTIONED** to sign the letter as requested. Mr. Griffin **SECONDED**. **VOTE: MOTION PASSES UNANIMOUSLY**.
2. NH HHS Funds Grant Notice. Ms. Bridle asked that this be researched. Mr. Barrington agreed.

V. MINUTES – July 12, 2004 – tabled until next meeting.

VI. CONSENT AGENDA

Mr. Sullivan asked that the letter from the Downtown Destination Committee be added to the consent agenda. The request is for the annual sidewalk sale scheduled for August 13, 14, and 15 from 9:00 a.m. to 6:00 p.m. which includes a band concert Friday, August 13th at 7:00 p.m. and a flea market/yard sale by the Lions Club on Sunday, August 15th.

Mr. Workman **MOTIONED** to add this to the consent agenda.

Mr. Griffin **SECONDED**.

VOTE: MOTION PASSES UNANIMOUSLY.

1. Mortgage Discharge – 703 Ocean Boulevard
2. Assignment of lease, deed real estate transfer, tax declaration of consideration, termination of lease, and Notification to Seller – 6 James Street
3. Lien Release – Volume 3229, Page 1497
4. Parade Permit – PFFNH Pipe and Drum – August 23, 2004
5. Coin operated Amusement permit – 7A Street.
6. Sidewalk sales/band concert/flea market

Mr. Workman **MOTIONED** to approve the consent agenda.

Mr. Griffin **SECONDED**.

VOTE: MOTION PASSES UNANIMOUSLY.

VII. PUBLIC COMMENTS

Ed MacDonald, 21-25 Epping Avenue

Mr. MacDonald told the Board he thinks signing the contract with Zoppo Construction tomorrow is a mistake. He expressed concern about the whole project and referenced his letter sent to Mr. Barrington last week which was not found until earlier today. Mr. MacDonald relayed his meeting with Mr. Jenkins from Faye, Spofford & Thorndike regarding their alternative analysis they are doing as a result of Mr.

MacDonald's suggestions from the July 12th public hearing. He said the analysis won't be completed for 30 days. Mr. MacDonald suggested that the trenchless method of construction would work better for Ashworth Avenue; he questioned whether the town would have to pay for materials Zoppo purchases that may not be used; why the process seems to be on such a fast track; and why the Town can't wait 30 days.

Mr. Barrington responded that the Town is trying to minimize the amount of disruption to those whose business relies on a short season; any delays will carry over into next summer.

Mr. MacDonald next spoke about his inability to obtain information of the bids for this project. Mr. Barrington told Mr. MacDonald that divulging that information at this time would compromise the Town's negotiating ability. He explained that the selection criteria was based primarily on qualification; since awarding the contract to Zoppo the Town is continuing to negotiate the cost down. They have been asked to do value engineering, look at ways to reduce their overhead, contingencies and reduce other costs in hopes of doing the work for the Town.

Mr. MacDonald asked why, under RSA 91, he could not obtain a copy of the requested bid. Mr. Barrington again explained that it would compromise the Town's position in negotiating cost reductions and at this time, the "contract" is a "working paper". He added that it is in the public's best interest to have certain information confidential that could impact the Town's ability to negotiate with the bidder. It does not become a public record until the contract is awarded and Mr. MacDonald can have a copy at that time. Attorney Gearreald stated that he was satisfied with Mr. Barrington's response.

Steve Wilbur, 45 Anne's Lane addressed the Board regarding the trash collection policy. He questioned how the weight and size limits were established. Mr. Barrington confirmed that the union representatives were involved in established that criteria. Mr. Wilbur spoke about the health impact of lifting 75 pounds and 55 gallon containers. He asked the public to consider the health of the men and the Town to reconsider the 45 gallon, 75 pounds limit. Mr. Barrington talked about the benefits of a fully mechanized system as it will reduce workers compensation claims and the injuries Mr. Wilbur and others experience.

Ms. Bridle **MOTIONED** to adjourn.

Mr. Workman **SECONDED. VOTE: MOTION PASSES UNANIMOUSLY.**

Meeting adjourned 10:08 p.m.

Chairman