

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
MINUTES
August 9, 2004 7:00 PM**

PRESENT: William Sullivan, Chairman, Virginia Bridle, James Workman
Cliff Pratt, Rick Griffin
James Barrington, Town Manager
Karen Anderson, Administrative Assistant

PUBLIC HEARING: The Board of Selectmen held a public hearing to take comments from the public in regard to the acceptance of easements as recommended by the Planning Board for the Bley subdivision. This is the second of two public hearings as outlined in the RSA 41:14-a process.

Mr. Arthur Moody, Thomsen Avenue stated that he spoke at the last hearing for this and said that he "was here to slam this idiocy". Mr. Moody said that RSA 41:14-a is enabling legislature that was adopted by Town Meeting through efforts of the Conservation Commission and it is now being used for things like this. Mr. Moody said that he understands that there may already be building going on at this subdivision and that a building permit has already been issued. His concern with the approval is that the Town is taking on a responsibility to maintain these easements if they are not maintained and it is a liability to the town. He added that if the property cannot support the number of units planned without the easement than the Planning Board should say no to the subdivision. Mr. Moody said that conditional approval is subject to approval of this easement. Mr. Moody told the Board that a similar easement was recently approved for a private street without this process being followed and he asked where the authority was for that action.. Mr. Moody told the Board that granting this easement will cause lower property values in that area and lead to a reduction in the tax revenue to the town and he urged the Board of Selectmen not to approve the requested easements.

The Board of Selectmen will take action on this matter on August 23, 2004.

I. SALUTE TO THE FLAG

Mr. Workman led the audience in the flag salute.

II. ANNOUNCEMENTS

Seafood Festival

Mr. Pratt reminded the public that the Seafood Festival is coming up and will begin on the Friday after Labor Day. He noted that the Festival is free to residents on Friday.

Sidewalk Sales

The downtown merchants will hold their Annual Sidewalk Sales this coming weekend and will feature a band concert at the Gazebo on Friday.

III. APPOINTMENTS

I. Mr. Robert Estey, Assessor, Re: Assessing Functions and Future Considerations

Mr. Estey told the Board that there are a lot of changes in the Assessing laws that he wanted to make the Board aware of. He explained that by statute the Board of Selectmen is the assessing official for the Town and with the addition of the education property tax and the appeal by the Coalition Communities the legislature has become more involved in the assessment procedures. There are two statutes that deal with the requirement that towns be assessed at 100% market value, RSA75:8 and 75:8-a. The State now verifies that towns are meeting the assessing requirements every five years, and Hampton was chosen to be in the first testing year, 2003, which was recently completed. Hampton's revaluations will be 2008, 2013 and continuing in five-year intervals. The cost for a private company to come in and do a full re-measure/re-list is approximately \$60 - \$70 per property, plus costs associated with renting space for the staff doing the work. Mr. Estey noted that the last full re-measure/re-list was done 15 years ago.

The law requires that the values be brought to 100% on the five year marks, and in between those dates the property valuations shall be adjusted if there is a material or physical change, an ownership change, zoning change or other change that will affect value of a property. Mr. Estey explained that it is important that the values remain reasonably proportional. If the Assessor recommends bringing the values back to 100% in between the five year certification years, the Board of Selectmen must vote to do so and hold a series of public hearings and provide a valuation notification booklet prior to the issuance of tax bills. The other option is that areas that are not in proportion to other areas of Town can be adjusted to come into proportion without bringing the entire town to 100% of market value.

Mr. Estey said that the State is now requiring the all assessors are certified and have continuing education requirements. He noted that both he and his Deputy are certified, although there may be a budgetary impact for continuing education for his department.

Mr. Estey said that the 2003 Certification that was done by the Department of Revenue was a critique of how the Assessing Department is doing. The requirements included sampling assessments to determine if the value fell between 90-110% of market value, with a 10% confidence level and that the assessments showed conformity with each class of property. The coefficient of dispersion, which measures that conformity rating needed to be under 20. Property cards were also selected at random for accuracy and verifications of proper documentation for exemptions and credits.

Mr. Estey said he was pleased to report that Hampton had a 94.2% assessment ratio so it passed and the coefficient of dispersion was 6.4. One area needing attention was with the documentation of Veteran's Credits. He explained that 36 random credits were tested and of those 10 were initially found to have errors and after a second review, 7 had errors to be corrected. Mr. Estey explained that at this time his department is reviewing all of the credits to be sure that the records are complete and the town is in compliance by the December 31st deadline.

During this five year period before the next revaluation, Mr. Estey said that he would like to update the values in the middle of that period. The question for the Board is whether a complete adjustment to 100% should be done or neighborhood adjustments should be made. He noted that one action is not any easier than the other, but when values are brought to 100% more frequently the changes are not drastic. He also recommended to the Board that a complete re-measure/re-list be done every ten years. Mr. Sullivan said that the Town is not required to hire a private company to do that; it can be done by certified staff of the town. Mr. Estey said that was correct. Mr. Sullivan said that if the assessing department had a data collector on staff, a percentage of the town could be done each year. Mr. Estey said that he called one appraisal company for an estimate of remeasuring a town of this size and the estimate was \$60-\$70 per parcel, totaling \$675,000 which includes renting space for the company. Lebanon and Dover and Rochester have data collectors on staff and the wage range is \$16.00 to \$20.00 per hour. Mr. Estey said that he would anticipate needing a full-time position at \$15.00 per hour plus benefits and mileage, at an annual cost of \$57,000. He explained that it is cheaper to hire an on-site person rather than having a company come in every ten years and he feels it would provide a better product in the long run because of the greater control over the process. Mr. Estey suggested that both options be put on the warrant this year and if both options pass, the in-house data collector will be chosen. He would like the voters to make the decision.

Mr. Estey noted that the two matters for the Board to decide are if they want him to do an update of values for 2005 or 2006 and if so do they want all values brought to 100% or neighborhood adjustments made; and if the Board wants re-measure/re-lists to be accomplished through an in-house data collector or by hiring a private company to do the work every ten years.

Mr. Pratt asked Mr. Estey to provide a final report on veteran's exemptions after the corrections are made. He noted that the exemptions that are granted pass additional costs onto other taxpayers. Mr. Estey said that he did not believe a record was being kept of the corrections that are being made to the exemptions/credits but that he would see that a report is generated at the conclusion

The Board indicated that they were reluctant to put both options for the re-measure/re-list on the warrant and would recommend one or the other. Mr. Sullivan said that if the data collector were to be a town employee he would like to see that a town vehicle be used. Mrs. Bridle said with the current economy today and opinion of the residents, getting the funding for a re-valuation for 2005 would be difficult.

2. Recreation Advisory Council, Re: Community Center Committee

The Community Center Committee requested to be postponed to the August 23rd meeting.

3. Mr. Paul Boudreau, Re: Munsey Drive Cell Tower Proposal

Mr. Boudreau was not present. Mr. Sullivan told the Board that he had spoken with Mr. Boudreau and did indicate to him that the Board of Selectmen was not in favor of the location of a cell tower on Munsey Drive.

III. OLD BUSINESS

Town Manager's Report

Financial Reports

Mr. Barrington reported that Finance Director Dawna Duhamel has placed the July financial statements in the Selectmen's boxes. Along with the regular reports, she compiled a summary report of overtime expenses to date.

MacRae Property

Attorney Mark Gearreald reported that the Planning Board and Conservation Commission have taken appropriate actions regarding the proposal by the McRae family to sell property to the Town for conservation land. The earliest schedule that would fit the requirements of RSA 41:14-a would have the Board of Selectmen holding public hearings on August 30 and September 13, with the Board taking action on September 27.

WHS Construction

Mr. Barrington told the Board that according to SAU 21 Business Manager, Fred Englebach, the WHS construction activities are scheduled to begin next week.

FEMA Grant

Mr. Barrington announced that the Town has received a 90/10 grant in the amount \$74,915 from FEMA to implement a mandatory wellness/fitness program for the Fire Department. If the Board of Selectmen is interested in receiving this grant, a public hearing could be held on August 23rd.

Mr. Workman requested that Town Manager provide documentation about the grant and its use prior to the public hearing.

Non-public – acquisition of property

Mr. Barrington requested to meet with the Board of Selectmen at the conclusion of the meeting for a non-public session Under RSA 91-A:3 II (d).

Mr. Pratt MOTIONED that the Board meet in non-public session at the conclusion of the meeting, not to return to public session under RSA 91-A:3 II (d).

Mr. Workman SECONDED

VOTE: UNANIMOUS FOR

Trash Collection

Mrs. Bridle asked for an update on the trash collection ordinance enforcement. She said that many people feel that this is only for the beach, and many people are concerned that they don't have space for storing trash cans. Mr. Barrington said that the enforcement is not just at the beach and he noted that he has met

with an uptown business with the same concerns. He assured the Board that this is not isolated to any particular neighborhood. Mrs. Bridle said that she had had concerns expressed to her that the covers were being required on the barrels but efforts were not being made by Public Works to put them into or back onto the barrels. Mr. Griffin said that it appears that people are making an effort to come into compliance, although today he saw a property on Ashworth Avenue with a mattress out with the trash. He agreed with Mrs. Bridle that it does not appear that the collection crews are making any effort to put the lids into the barrels. Mrs. Bridle asked if this is first step towards going with the mechanized trash collections. Mr. Barrington said that was not the intent, he stated that the ordinance has been in place since 1996 and the enforcement was being done to improve the cleanliness of the town and the safety of the employees. Saying that, Mr. Barrington added that a mechanized system could save the town money in the long run and could be a very positive step for the town. Mrs. Bridle asked if the Town Manager is planning to put that in the budget this year. Mr. Barrington said he suspects the Board will see a request for a new packer this year, whether or not it is for a mechanized system.

Mr. Pratt said that the Board of Selectmen had concerns with all of the trash at the beach and progress has been made, and while he doesn't like to enforce ordinances, this is one that needs to be enforced. The result is that the beach looks better already and this is to clean up a problem that the Board of Selectmen had a lot of complaints about. Mr. Griffin said that he has heard a lot of positive comments about this enforcement. The State is also doing a better job on the beach itself.

Marelli Squar Eaements

Mr. Workman asked what the status was with the easements and work at Marelli Squire. Mr. Barrington said that Public Works is working on getting the concrete sidewalk installed.

Wastewater Treatment Plant Repair

Mr. Workman asked if the mixing arm at the wastewater treatment plant had been repaired. Mr. Barrington confirmed that it had been replaced.

Water Damage

Mr. Workman asked when the water damage at the base of the cellar stairs in the town office is going to be repaired. Mr. Barrington said that he will take care of that.

Lafayette Road

The Board noted that the grass strip along Lafayette Road in some areas needs to be maintained. Mr. Workman said that he thought that it was agreed last year that the Recreation Department would maintain the grass strip in the locations that the abutters were not taking care of it.

Uptown Police Coverage

Mr. Sullivan asked Mr. Barrington to insure that there would be a police officer uptown on Friday's and Saturday's.

Election Site

Mr. Sullivan asked with the Primary Election on September 7th if the Town was going to be capable of putting lights in the voting booths. He noted that the poor lighting has been a concern he has heard for several years. Mr. Barrington said that the town also has the letter from the state about the ADA issues and he hopes to get a meeting with the moderator and school officials to clarify the specific needs and see what can be done.

Ice Cream Vendors

Mr. Griffin told the Board that he has received calls from residents complaining about ice cream trucks in the Plance Cove area. It appears that the ice cream vendors are not adhering to the request to limit the number and length of time of their stops. The Board of Selectmen agreed to hold a public hearing to add Beach Plum Way as one of the prohibited streets on Hawkers and Peddlers ordinance.

Employee Concerns

Mr. Sullivan said that he has the greatest amount of respect for town employees and for free speech. He stated he would not be berated by town employees and if they have concerns they have department heads and union representatives through which to voice their concerns.

V. NEW BUSINESS

Overtime Review

Mr. Barrington noted that the Board requested a summary of the overtime status and he asked if the information provided by the Finance Department met their needs. Mr. Sullivan told the Board that the fire chief gave him a comparison of his department’s overtime from last year to this year and he noted that the overtime is down from the previous year. Mr. Sullivan said that he would provide copies of that summary for the other Board members. Mr. Barrington asked if the Board would like a similar report from the other departments and they said that they would.

Mrs. Bridle said that she would expect that the police department overtime accounts would be over budget due to the failure of the special revenue fund. Mr. Sullivan asked if funds had been transferred into those accounts during the establishment of the default budget process. Mr. Barrington said that typically the police department uses more overtime during the summer and it is not uncommon for them to be a little ahead this time of the year.

Schedule RSA 41:14-a Process – MacRae Property

Mr. Barrington told the Board that the Conservation Commission and Planning Board have recommended the purchase of the MacRae Property and the Board of Selectmen can now schedule the required public hearings in conjunction with the RSA 41:14-a process.

Mr. Pratt MOTIONED that the Board of Selectmen hold public hearings to take comments on the purchase of the MacRae property on August 30th and September 13th with the Board taking action on September 27, 2004.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

Request to Use Town Office Parking Lots for Seafood Festival Shuttle

Mrs. Bridle MOTIONED to authorize the Chamber of Commerce to utilize the Town Office parking lots for the Seafood Festival Shuttle service.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

Infrastructure Project

Mrs. Bridle asked if the \$12 million dollar infrastructure project includes the funding for the relocation of the utilities underground. Mr. Barrington said that the relocation of the utilities is being scheduled with the utility company and is done at their expense. The utilities are not being located underground at this time due to the costs.

IV. MINUTES

The minutes of July 26, 2004 were accepted as written with one spelling correction. The minutes of July 12th will be reviewed next week.

V. CONSENT AGENDA

1. Use of Town Office Parking Lot for Fundraiser
2. Parade Permit – Rotary 5K Road Race
3. Raffle Permit – Sacred heart School
4. Mortgage Discharge – 15 Boston Avenue

- 5. Land Rent Abatement – 6 James Street
- 6. Deed/Termination of Lease/Declaration Consideration – 11 Epping Avenue
- 7. Signing of Approved Discretionary Barn Easement
- 8. Hawkers & Peddlers Permit – Happy Treats Ice Cream
- 9. Pool Table Permit – Casino Mini Golf
- 10. Assignment of Lease/Termination of Lease/New Lease – 33-35 Dover Avenue

Mr. Workman requested that the raffle permit for Sacred Heart School be pulled from the consent agenda.

Mr. Workman MOTIONED that the Board of Selectmen approve the remainder consent agenda.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

Mr. Pratt MOTIONED that the Board of Selectmen approve the raffle permit.

Mrs. Bridle SECONDED

VOTE: 4 FOR

1 ABSTAIN (Mr. Workman)

VI. PUBLIC COMMENTS

Mr. Ed McDonald thanked the Board of Selectmen and the Town Manager for providing the bids for the infrastructure improvements. He said that while Zoppo’s cost may be higher, he agreed that it made sense to go with Zoppo based on the proposed time schedules. Mr. McDonald said that he was surprised that there were only two realistic bids submitted and asked if the request was advertised in anyplace other than the Portsmouth Herald. Mr. Barrington confirmed that it was advertised in the Construction Summary, Dodge reports and Union Leader. Mr. MacDonald asked when the Board is going to have another public meeting such as was held on July 12th. He said he thought it would be appropriate now that the contracts have been approved. The Board agreed to have on the agenda for August 30th a discussion of another meeting. Mr. McDonald asked if there has been any thought to re-advertising the project, now that the project has been reduced in size, to see if there are other firms that may now be interested and if a final cost figure had been agreed to between the Town and Zoppo. Mr. Barrington said that while the number has been resolved he did not have that with him. He added that the wording in the contract is being finalized at this time and he expects that to be completed this week. Mr. Barrington said that he did not intend to have the project re-bid.

Mr. McDonald said that he understands that the concrete sidewalks in the Island area have been eliminated and he asked if the sidewalks have been completely eliminated or the sidewalks will be bituminous. Mr. Barrington said at this point the sidewalks and curbing have been eliminated from the Island area; there are contingency funds within the contract that may be looked at later in the schedule of projects to determine what may be done. Mr. Sullivan told Mr. McDonald that the Board of Selectmen voted several years ago that all new sidewalks would be concrete and a vote of the Board would be needed to change that. Mr. McDonald said one of the issues discussed has been the traffic and the making of Ashworth Avenue two-way. He noted that a round-about planned for the end of Ashworth Avenue will impact the traffic flow. Mr. Barrington said that the round-about is not included in the current contract; although the prices have been bid and obtained. To-way traffic on Ashworth Avenue is contingent on the round-about being built.

Mr. McDonald said that he was pleased with the way the Board discussed the trash ordinance at this meeting, with the emphasis being that it was for the whole town and not just the beach. He added that he had been concerned with the comments made previously about too much time being spent on the beach. Mr. Workman said that as a member of the Hampton Beach Master Plan Committee and the Hampton Beach Commission, he has spent a great amount of time on the beach issues over the past five years and the point made last week was that the Board is charged with looking at the entirety of the town.

VII. ADJOURNMENT

Mr. Pratt MOTIONED that the meeting be adjourned. 9:15

Mr. Workman SECONDED

VOTE: UNANIMOUS FOR

Chairman

