

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
MINUTES
December 6, 2004 7:00 PM**

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

PUBLIC HEARING

1. The Board of Selectmen held a public hearing to take comments from the public in regard to the acceptance of easements and deeds relating to the Golden Corridor project. The documents to be accepted include a fire lane easement deed, temporary construction easement, warranty deed to Town of Hampton and a road easement deed. The Planning Board and Conservation Commission are both in favor of these easements and deeds. This is the second of two hearings under the RSA 41:14-a process.

Mr. Arthur Moody, Thomsen Avenue asked if this would have Harbor Road remain as a private road. Mr. Barrington said that there would be no change in the status of the road. Mr. Moody asked if the road is to be paved to the town standards. Mr. Barrington said that he understands that the road is paved, the specifics of that was up to the Planning Board. Mr. Moody asked if the warranty deed being accepted is for the fire department boat pier and what the road easement deed is. Mr. Barrington said that the road easement is for the town's emergency vehicles to use the road. Mr. Moody noted that this easement is not for a public purpose and he questioned the use of the RSA 41:14-a process for this purpose. Mr. Moody cited case law that the Board of Selectmen cannot do something indirectly that they can not do directly. Mr. Moody asked what the fire lane easement is, since a fire lane is not mentioned in the RSA's. He added that a fire lane is under the building code and is not a police matter when it comes to enforcement.

Mr. Moody asked who is going to plow and maintain the road since it is private and the town should not be plowing it. He asked if the easement would mean the Town will maintain and plow the road. Mr. Barrington said that it is his understanding that the town will not be plowing or maintaining the road.

Mr. Moody stated that he does not think this has been thought through.

Mr. Barrington noted that this was the second of the required public hearings and the Board can vote on the matter on December 20, 2004.

2. The Board of Selectmen held a public hearing to take comments from the public in regard to the acceptance of easements relating to the Elmwood Corners development. The documents to be accepted include utility, sidewalk, and park bench easements. The Planning Board and Conservation Commission are both in favor of these easements and deeds. This is the first of two hearings under the RSA 41:14-a process.

There were no public comments. The second public hearing will be on December 20th.

I. SALUTE TO THE FLAG

Chief Hank Lipe led the audience in the flag salute.

The Board held a Moment of Silence in memory of Selectman Rick Griffin's mother who passed away last week and Highway Safety Committee member Robert Pratt who passed away this past weekend.

II. ANNOUNCEMENTS

Community/Senior Center Committee

Mr. Pratt announced that on December 8th the Community Center/Senior Center Committee will meet at 7:00 PM to share the results of the resident survey. A copy of the report is available in the town office.

House Majority Leader

Mr. Sullivan announced that Hampton's Mike O'Neil has been appointed as the House Majority Leader.

III. APPOINTMENTS

1. Mrs. Grail O'Connor – Re: 6 N Street Parking

Mrs. Judy McCarthy, Mr. Paul Houghton and Mrs. Grail O'Connor were present and gave the board a copy of a plan for the property at 6 N Street. Mr. Houghton explained that over the past 30 years they have observed families walking up and down N Street and from experience he can say that they will not be able to walk on a 5' sidewalk. Mr. Houghton suggested that a wider sidewalk be put on just the south side of N Street which would allow for the parking to continue in front of their property which they have known encroaches on the sidewalk. Mr. Houghton said that with a 50' lot, they knew there was no way they could have enough parking for the condo conversion they recently did, but had assumed that they could continue to use the parking in front of the property. Mr. Houghton noted that Church Street is heavily traveled and has a sidewalk on just one side so they would not be asking for a precedent to be set for a busier street. Mr. Houghton said that their revenue will be cut in half if the sidewalk is installed.

Mrs. McCarthy said that they had mentioned before that there were other properties with encroachments on N Street that are being left untouched, yet they are going to lose 4 parking places because they didn't put something permanent on the town property. She said that people will not rent their units without a place to park the car. The land use is the same as it has been for 40 years and it should be able to remain as it has been. Mrs. O'Connor asked that the Board of Selectmen consider their request to be treated the same as other properties are being treated on N Street because they will be losing half of their income. Mrs. O'Connor noted that their units have been family friendly and they cater to children and seniors. Mr. Sullivan said that they will be notified if there is any change in the Board's position.

2. Mr. Richard Schuck – Re: Warrant Article for Parallel Parking

Mr. Schuck told the Board that he is a property owner at 18 Boston Avenue and he would like to follow up on a letter he sent to the Board requesting that the Board sponsor a warrant article to designate all parking in Hampton as parallel unless specifically noted by ordinance. Mr. Barrington said that the Board has the authority to regulate such parking regulations and after a public hearing they could make changes to the ordinance. Mr. Schuck said that his concerns are with the diagonal parking in some areas at Hampton Beach and when trying to see if it was allowed he learned that there was no article on the books to indicate that parking on streets is to be parallel.

Mr. Pratt said that Mr. Schuck is welcome to submit a warrant article with 25 signatures of registered voters. Mr. Schuck noted that he is a property owner, but not a registered voter. The Board took no action on this matter at this time.

3. Chief Hank Lipe, Report of the Fire Stations, Response Study, Ladder Truck

Mr. Sullivan said that he was not present at the budget committee hearing last week but did watch the replay and he commended the Chief and Deputies for maintaining their professional composure. Mr. Sullivan said that the motion to cut a million dollars from a public safety budget was irresponsible and he was glad to see that most of the members of the Budget Committee, including some of the more conservative members, also saw the motion as irresponsible. Mr. Sullivan said that he has never been deluged by people regarding the number of emergency vehicles that are sent to a call; the Board of Selectmen leaves it up to the professional staff to make the operating decisions of their department.

Chief Lipe said that the Board of Selectmen has been very responsible in their review of the budget and he will deal with whatever happens.

Chief Lipe told the Board that we wanted to make a presentation to the Board in advance of the discussion of warrant articles so that the Board has time to digest the information. Chief Lipe introduced Mr. Dick Landry and Mr. Rich Landry from Landry Architects who has been working on fire station planning for the town. Chief Lipe said that they entered into the project after two unsuccessful attempts for funding. The IAFF assisted with the response study and some limited funds were found for the architectural work.

Mr. Rich Landry explained the various options they have designed buildings for. One option is a headquarters at the beach, another is an expansion of the uptown station and the third option is a substation at the beach. Chief Lipe said that the theoretical location for a new building at the beach is where the old police station currently is. The front of the building would face Brown Avenue. Chief Lipe said that other than the red brick which maintains the traditional firehouse look, the building has been designed to complement the new police station and the reconstruction of the beach.

Mrs. Bridle asked how much the projects will cost. Mr. Landry said that the beach headquarters station is estimated to be about \$6 million and the uptown headquarters expansion would be approximately \$4.4 million. Mr. Sullivan asked if the building would have to be handicapped accessible if the public has no reason to access an upper level. Mr. Landry said that the entire building has to be accessible because there is always a chance that a firefighter or administrative person could become disabled and need access to a part of the building.

Mrs. Bridle asked Mr. Barrington if this was the scaled down version of what was originally presented. Mr. Barrington said that it was.

Chief Lipe said that the second part of this project was to determine the best location for the fire stations. The firefighter contacted the IAFF and they were able to review the call statistics, available staff and apparatus, the risks and hazards of the community and the types of calls that are handled and provide the Town with a report at no cost. Deputy Silver said that they are relying on the geographic statistics to make sure that they are considering the proper locations. Deputy Silver said that response standards have been based on 4 minute and 8 minute response times. Mr. Sullivan asked what Deputy Silver would say if someone claimed that the study was bogus because it was done by the firefighter's union. Deputy Silver said that there is enough data and statistics in the report to justify the standards and recommendations it makes. The report provides factual information as a back-up. Mr. Sullivan noted that the Fire Department has not requested any additional staffing for 2005. Chief Lipe said that they like to verify their assumptions when they are planning and they needed a second or third party verification for station location and this was provided at no cost to the town through the support of the two IAFF locals. Chief Lipe said that the report does verify the initiatives that are being planned.

Deputy Benotti explained that he has been working on the replacement of the Ladder Truck for three years. Chief Lipe acknowledged that the costs are very high to replace the fire station, but another top priority is the replacement of the ladder truck. Deputy Benotti told the Board the ladder truck was purchased in 1980 for \$160,000 and the projected cost of a new aerial tower is about \$850,000. In the last two years, over \$58,000 has been spent to maintain the current ladder and it has continuing problems due to its steel body being in the salt air of this area. Deputy Benotti said that there had always been two ladders in town, one as the main piece and a back-up and the department would like to be able to keep the current ladder as a back-up for at least five years. A new aerial would meet the new safety standards and would eliminate some of the call-back overtime. He added that the new ladder would have a bucket system rather than having a victim climbing down the ladder, which is safer for both the victims and the firefighters. Deputy Benotti said that the most cost effective way to acquire this would be a lease purchase for five years, which would be about \$179,000 for five years for a vehicle with a life expectancy of 30 years.

Mr. Griffin asked about the lease purchase procedure. Deputy Benotti said that it would be a five year lease, similar to what was done with the rescue boat and the estimate is based on 4.5% interest rate. Mr. Sullivan asked where this was in the CIP. Chief Lipe said that it was scheduled for 2005 last year and this year it has been bumped to 2006. Chief Lipe said that they wanted to bring the Board of Selectmen up to date on the condition of that ladder and the importance of replacing this piece of apparatus as soon as possible. Mr. Sullivan said that he was not in favor of a new station on the 2005 warrant but was in favor of the ladder truck in 2005.

Chief Lipe told the Board that he endorses the land swap with the Precinct and is in favor of replacing the station with the new one which would be located behind the current station with the apron extending where the current station is. Mr. Barrington told the Board that he discussed this further with Mr. O'Neil today. Mr. O'Neil said that the Precinct is interested in the frontage on Ashworth Avenue and they understand the town's desire not to build a large parking garage in front of the new police station. Mr. O'Neil suggested that the Board consider trading the two parcels of land with the Precinct agreeing not to put a large facility in front of the police station and giving the town 20% of the parking revenue. Chief Lipe said that sounds promising and it would take the pressure off the town to replace that station at a time of economic difficulty. Chief Lipe said that there is enough room on the Precinct property to build either the headquarters or substation design.

III. OLD BUSINESS

Town Manager's Report

Cell Tower on Tide Mill Road

Attorney Mark Gearreald delivered a copy of the ruling on the Ann Carnaby appeal of the ZBA ruling on the cell tower on the Masonic property. The judge dismissed the appeal, which is a victory for the Town's position.

Shirley Terrace

The high bidders on the tax deeded property on Shirley Terrace came in this week with their deposit and signed the initial papers. Mr. Barrington told the Board that he expects a closing on that property before the end of the month.

Bond Counsel

Finance Director Dawna Duhamel, Ellen Lavin, and Mr. Barrington met with our Bond Counsel and Financial Advisor on Monday to discuss details and schedules for the impending bond sale. The actual sale will take place on December 21st. Mr. Barrington said that a majority of the Board will need to be available to sign the documents on December 24th or 26th.

Depot Square Easements

Attorney Gearreald reports that he has been in touch with Attorney Al Casassa concerning the Stan Brown easement, and we will be meeting later this week.

Grievance Hearings

Mr. Barrington reported that he conducted two grievance hearings this past week. Both involved the police department, but one was the Police Officer union and the other was the Teamsters. Both of the grievances were denied so it is possible that the Board of Selectmen will be receiving appeals of those decisions.

Holiday Hours for Transfer Station

The Transfer Station will be closed on Friday, December 24th and Friday, December 31st for holidays. The Transfer Station will open early on December 26th and January 2nd to assist residents.

Court Meeting

Mr. Barrington reported that Attorney Gearreald has been working with State and Local court officials about the conditions of the court and the accreditation committee will be meeting on December 16th at the Hampton District Court at 1:00 PM. The Board of Selectmen has been invited to attend the meeting.

Annual Review

Mrs. Bridle asked when the Town Manager’s annual personnel review take place. Mr. Sullivan said that he has not scheduled it yet.

IV. NEW BUSINESS

Grant Acceptances

- a. Rockingham County – Recreation Camp Scholarships in the amount \$16,000
- b. Public Safety Marine Docking Facility - \$483,854 from National Oceanographic and Atmospheric Administration (NOAA) and \$60,000 from Mr. Mark Maynard and Golden Corridor, LLC and Hampton Harbor Condominiums, LLC
- c. Police Grant from the Department of Safety for Seafood Festival - \$5,028.30

Mr. Workman MOTIONED that the Board of Selectmen hold public hearings to accept these grants on December 13th at 7:30 PM.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

CEMAQ Contract

Mr. Sullivan asked about the CEMAQ contract that was copied for the Board of Selectmen. Mr. Barrington said that the Attorney Gearreald is reviewing the contract at this time for the Board to take action next week. Mr. Barrington explained that Mr. Bambury spoke to the Board about this last week and the Board of Selectmen would be committing funds in 2005 and 2006 for the bicycle path.

IV. MINUTES

The minutes of November 29, 2004 were accepted as corrected.

VII. ADJOURNMENT

Mr. Workman MOTIONED that the public meeting be adjourned. (9:00 PM)

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

Chairman