

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S CONFERENCE ROOM
MINUTES
December 20, 2004 6:30 PM**

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

I. OLD BUSINESS

Town Manager's Report

Tree Collection

The annual Christmas tree pickup will be on Monday, January 3 and Monday, January 10, 2005.

Warrant Articles

A revised list of proposed warrant articles was copied for the Board members. Mr. Barrington noted that this copy incorporates the changes made at the Board's last meeting and one additional article requested by Lane Memorial Library for your consideration.

Golden Corridor Donation

Mr. Barrington announced that the Town has received a check from Golden Corridor LLC for \$60,000 for their contribution to the boat dock project. The public hearing to accept this donation was held a couple weeks ago.

Parking Meters

Mr. Barrington said in relation to the proposed warrant article for parking meters, Recreation and Parks Director Dyana Martin has provided information on the cost of parking meters and installation. The letter, from Municipal Supply Sales Company was copied for the Board. Mr. Howe reports that there are 89 parking spaces on the lettered streets under the new design, with 16 of those eliminated on D Street until Ashworth Avenue is one-way. Based on 73 parking meters, and assuming the higher end costs for purchase and installation, Mr. Barrington said that the town would need \$31,025 to purchase and install the 73 meters. Based on \$1.00 per hour (DRED charges \$1.50 per hour) for 8 hours per day for 7 days per week and 16 weeks, the meters would generate \$65,408 in revenue. That is twice the initial investment. Mr. Barrington acknowledged that there would be costs of enforcement, but tickets for parking violations would also generate revenue.

District Court

Chief Justice Broderick hosted his meeting at the Hampton District Court on Thursday afternoon, with the committee deciding to immediately move the Exeter District Court to temporary facilities in the Brentwood Superior Courthouse. In the case of the Hampton District Court, they generally discounted all the sites that had been shown to them as temporary locations and noted that Seabrook has offered to give them both an unspecified temporary location and a permanent location on 100 acres of land, along with the courthouse itself. It appeared evident that the political wind was blowing toward allowing Seabrook to build a courthouse that would probably combine the Hampton and Exeter District Courts into the Seabrook District Court.

Bond Sale

The bond sale is scheduled for 11:00 a.m. on Tuesday. Finance Director Dawna Duhamel and the Town Manager took a phone call from the Moody Investors Rating agency on Thursday and learned that the Town has been given an A1 bond rating.

Temporary Construction Signage

Mr. Barrington told the Board that a signage issue came up on Friday afternoon when Mr. Jeff Angold decided to put up a large sign in the breakdown lane on Ocean Boulevard to direct traffic from Ocean Boulevard toward his businesses on Ashworth Avenue. The Building department properly took down the signage. Subsequently, Mr. Howe has had the variable message sign changed to inform the public that they may access Ashworth Avenue via the lettered streets. Mr. Barrington asked the Board if they are interested in making any allowances for signage during the construction period. Mr. Howe will be talking with D.O.T. about the directional signs that are often used on State roads to direct travelers to businesses.

Colony Motel

Attorney Al Casassa called the Town Manager regarding the offer by Dan Furden to sell the Colony Motel to the Town. He is asking \$2.3-million for the property. Mr. Barrington told the Board that he told Attorney Casassa that he didn't think the Town would be interested at such a price, and that he would see if the Board of Selectmen had any interest in making an offer.

Golden Corridor

Board of Selectmen have held two public hearings 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.

Mr. Griffin MOTIONED that the Board of Selectmen accept the easements and deeds relating to the Golden Corridor project from Mr. Mark Maynard and Golden Corridor, LLC.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

12 Shirley Terrace

The real estate transfer for the tax deeded property at 12 Shirley Terrace is scheduled for December 27, 2004. The deed has been prepared for the Board's signatures. Attorney Gearreald has recommended that the Board of Selectmen vote to sign the deed, but hold off on actually signing the deed until the closing.

Mr. Griffin MOTIONED that the Board of Selectmen approve the signing of the deed for 12 Shirley Terrace.

Mr. Workman SECONDED

VOTE: UNANIMOUS FOR

Curb Cut Appeal

Mrs. Bridle-Russell asked if an appointment has been scheduled with the resident with the curb cut appeal that the Board spoke about last week. Mr. Barrington said that he will contact the resident regarding an appointment on January 3rd. Selectman Griffin indicated that he would pick the resident up for the meeting.

II. NEW BUSINESS

Holiday Lighting Contest

Mr. Pratt said that the Recreation Director will be scheduling an appointment with the Board to announce the winners of the Holiday Lighting Contest that was recently conducted.

III. CONSENT AGENDA

- 1. Cemetery Deeds

Mr. Griffin MOTIONED that the Board of Selectmen approve the consent agenda.

Mr. Workman SECONDED

VOTE: UNANIMOUS FOR

IV. MINUTES

The minutes of December 13, 2004 were accepted as corrected.

V. PUBLIC COMMENTS

Mrs. Guzman-Scanlon, 4 J Street asked that the Board think about the parking meters and she stated that she was opposed to them. Mrs. Guzman-Scanlon said that meters would kill the resort community and are not in the best interest of Hampton Beach.

Mr. Andrew Guthrie asked how many parking spots are being lost on the side streets at Hampton Beach? He also asked how it is legal for the Board of Selectmen to put forward an article for parking meters when a similar article last year was ruled advisory only.

Mrs. Bridle-Russell said that the Board of Selectmen has not determined if the article for meters will be put forward but she was not in favor of it. Mr. Sullivan stated that he was also not in favor of parking meters.

Mr. Christenson advised the Board that the large sign entering the beach from the Seabrook bridge has been turned, likely by the wind, toward the harbor. Mr. Barrington will follow up on that.

PUBLIC HEARING – 7:00 PM

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 second of two hearings under the RSA 41:14-a process.

Mrs. Judith Beaulieu, Leavitt Road asked how Elmwood Corner is granting these easements to the town when the understanding is that the area belongs to the Town and the Town has always maintained the area. She was concerned how Elmwood Corner obtained title to the property.

Attorney Mark Gearreald noted that Attorney Ells, representing the owner of Elmwood Corner's is also present to answer any questions. Attorney Gearreald explained that the strip of land appears on a subdivision of Kelly in 1953, as a road that was to go out to Winnacunnet Road. The road was not developed within the 20 years allowed by statute, although a sidewalk and park bench was installed. Attorney Gearreald said that it is debatable if that would constitute ownership by the town. Elmwood Corners is willing to give the town easements to the sidewalk and park bench, based on the quitclaim deeds they have. Attorney Ells explained that the owner of the Elmwood Corner property has deeds to what is the lower level road, and while they feel that they have superior title they are willing to grant permanent easements to the town to what the town has a prescriptive right to use. The right-of-way was planned for the specific development of a road out to Winnacunnet Road, which will not be done and much of that land has been used for parking for Elmwood Inn. The easements will protect the walkway, sidewalk and park bench. Attorney Gearreald stated that the easements are in perpetuity and Elmwood Inn will continue to have ownership of the land.

Mrs. Beaulieu asked who has been paying the taxes on the property. Mr. Barrington said that there were no taxes while it was carried as a right-of-way. Attorney Ells said that he believes that the current owner has been paying taxes on the property for the past few years.

Mr. Pratt said that the town has lost any rights to the property because it was never finished as a road within the twenty year period. Mrs. Beaulieu said that she is concerned that people will be driving over the foot path. Attorney Ells said that use of the property is a Planning Board matter, but Mr. Davis has not plan to provide access to the Inn from anywhere other than Winnacunnet Road.

Mr. Brian Leno, Leavitt Road told the Board that Mr. Davis, the current owner has told him that he would like to use the walkway area to put a tractor to be used for plowing. Attorney Ells stated that the Planning Board and Zoning Board hearings are the forum for the use of the area. Mr. Leno asked for confirmation that the approval of these easements will not give up the town's rights to the 50' strip of land. Attorney Gearreald said that the town retains their rights to use the walkway, park bench and the utility easements. Mr. Leno asked if approval of these easements will allow the property owner to include that footage in the lot size. Attorney Gearreald said that in theory there can always be a dispute over who owns the strip of land, but with these easements the town retains the rights it currently has. Attorney Ells confirmed that this would clear away an issue of the town's rights.

Mr. Beaulieu asked what the owner's intentions were in regard to the 100 year old Tulip Tree. Attorney Ells did not know and would look into that for the abutters.

Mr. Leno asked the Board if they had reviewed the memos generated during the past few years regarding this matter. Mr. Sullivan confirmed that they had. Mr. Leno said his concern is that the town attorney has changed his opinion on this matter. Mr. Pratt said that the easements are the best thing for the town as a whole, and a court battle could result in a loss of that use. Mr. Barrington said that after meeting with Attorney Ells and looking at the overall picture of the matter, it was felt that the only right that the town would be losing through this agreement was the right to build the road out to Winnacunnet Road and this is not something the town is interested in doing. Mr. Leno asked why the town just doesn't take any action. These easements will cause a hardship on a lot of people. Attorney Ells said that the ownership decision will be decided one way or another and this is the simplest, easiest way to resolve this.

Mrs. Claire Hamel, 97 Leavitt Road said that the walkway is only 17' wide, although Mr. Davis is claiming it is 50' wide. She added that he wants to put in a driveway to a new house and that does not seem feasible because there is 12' of her property that he claims is his. Mr. Sullivan said that the driveway location and development of the lot are Planning Board issues. She noted that there are no streetlights on that end of Leavitt Road.

Mrs. Beaulieu noted that the easements do not include "use of the walkway". Mr. Barrington will have that amended.

Beverly Gamache, 94 Leavitt Road said that the walkway is used by the high school students to access Winnacunnet Road and the Senior Walkers use the walkway on a regular basis.

Mr. Leno said that it is important that the Board of Selectmen think about giving an advantage to one taxpayer while causing a hardship to others.

Mr. Sullivan said that if there were to be legal action on this it would not benefit either part. The owners of Elmwood Corners are granting the town easements for the items that are concerns to the Town of Hampton. The Board could decide to go to court and could lose everything.

Mr. Leno confirmed the process for a citizens petition to bring this to Town Meeting. The Board agreed that they needed to consider the information that they have heard prior to making a decision at the January 3rd meeting.

VII. ADJOURNMENT

Mr. Griffin MOTIONED that the public meeting be adjourned into a non-public session. (8:05 PM)

Mr. Workman SECONDED

VOTE: UNANIMOUS FOR

Chairman

