

**HAMPTON BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
January 10, 2005 7:00 PM**

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

**I. SALUTE TO THE FLAG**

Catherine Redden, Library Director led the audience in the salute to the flag.

**II. ANNOUNCEMENTS**

The Board expressed condolences to Supervisor of the Checklist, Pauline Dwyer-Boyle on the recent loss of her brother.

**III. APPOINTMENTS**

1. Mr. Larry Bingaman, Aquarion Water Company

Mr. Bingaman and Mr. Shawn Bradford, Contract Manager for Aquarion Water updated the Board of Selectmen on the operations of Aquarion Water Company. Mr. Bingaman outlined the background of Aquarion and the areas that they currently operate in. He noted that there had been some concern that all four managers from the Hampton Office left Aquarion since August of this year, but he was pleased to report that Mr. Bradford, as Contract Manager and Mr. Michael Snedeker, Operation Supervisor will be overseeing the Hampton operation.

Mr. Bingaman told the Board that they are currently looking for a new location for their office building due to some concerns of abutters regarding the proposed construction on Mill Road. As a result, they will not be seeking to tie into the Hampton sewer system at this time. During the early part of February the Hampton Office will once again take all phone calls and payments, which had been a concern of the customers. Bill payments will continue to be accepted at the office in all forms of payment, but due to the low use of Hannaford as a payment center, payments will no longer be accepted there. Mr. Bingaman told the Board that they are currently looking for an alternate site for payments to be made.

Mr. Bradford gave an overview of the system and the capacity for the system to meet the demands of the area. He noted that most of the wells have been redeveloped and the increased capacity resulted in the D.E.S. moratorium being lifted.

Mr. Bingaman told the Board that the last rate increase case was in 1998 and since that time over \$6 million has been invested into the system. He outlined the improvements in the system as well as the many education, water conservation and community outreach activities that have taken place.

Mr. Bingaman said that he read an article about Hampton's possible proposal to ask the voters if they are interested in taking over Aquarion in the Hampton area. He outlined the legal proceedings that have taken place in Nashua with their efforts to take over the Pennichuck Water System. He explained that one of the questions Nashua has had is with the valuation methods of a water company, and one of the common methods is cost new, less depreciation. Mr. Bingaman said that there is substantial cost to replace old pipe, and Aquarion's goal is to continue to improve the system and meet the needs of the customers and the Board of Selectmen in Hampton. Mr. Bingaman urged residents or the Board members to call him direct if they have any questions of concerns they would like to discuss with him.

Mr. Sullivan asked what Salisbury, MA paid in legal fees and how long it took them to negotiate that acquisition from American Water Works. Mr. Bingaman said that he understands that American decided not to fight that acquisition very aggressively, but he was not sure what the cost was to Salisbury.

Mr. Griffin said that it is nice to see that Aquarion has listened to what the consumers are looking for. Mr. Pratt asked how many of the 8,300 Aquarion customers are in Hampton. Mr. Bradford said that roughly 6,000 are in Hampton year round, with an additional 1,000 seasonal hook-ups that are predominantly in Hampton.

Mr. Sullivan asked if Mr. Bingaman was familiar with a hearing scheduled to be held this week with D.E.S. regarding large groundwater withdrawal legislation that has been proposed. Mr. Sullivan said that he understands the focus is on large withdrawals, such as proposed by USA Springs and it applies to small communities. Mr. Bradford said that they received information from their attorney about that today and will be looking into it.

Mr. Bingaman said that they would like to meet with the Board on a periodic basis to keep the lines of communication open.

## 2. Mr. Cliff Sinnott Rockingham Planning Commission, Re: CMAQ Grant

Mr. Sinnott and Mr. Warren Bambury were present and gave the Board of Selectmen a copy of the grant application that was prepared for the CMAQ grant. Mr. Sinnott explained that this project is one piece of a larger project that was conceived in the mid 90's. This particular segment from Route 1, along High Street, Towle Avenue, and Winnacunnet Road to the beach is the second to last section that has received a commitment for funding from the State. It would design and construct a multi-use 4' shoulder along the route and will be striped and signed as a bicycle path. The last piece which has not been funded is the Exeter Road piece which will connect the route to Exeter. At that time there would be a completed loop through the Seacoast. It is estimated to cost \$751,000 total with the town raising 20%. It was first applied for in 1997 as a total project and that was not approved. It was then split into individual pieces and there was greater success with Exeter and North Hampton being approved earlier. It was approved in 2002 and scheduled for construction in 2005. The design and planning appears in the 2005 with construction in 2006 on the State's ten-year plan. Mr. Sinnott noted that the purpose of the project has both local and regional benefits by connecting Hampton center to the beach, and connecting the regional byway and the coastal byway that already exist. It has secondary benefits at the local level; improving safety for those walking or bicycling and it will correct problems that exist on the road shoulders such as weight loads and drainage concerns. The other secondary benefit is that it is a tourism attraction for Hampton and the region.

Mr. Sinnott said that he knows that there have been some contract concerns as the Board has looked to move forward with this. Based on his experience with municipal management of projects, which is becoming more common in New Hampshire, Exeter and Portsmouth have been successful with this process and the management of the project can be contracted out as an eligible cost. It gives the town more control over the design and the cost. The second issue is the upfront cost concerns. Technically, it is true that the town pays the cost upfront, but not all at once. He explained that what happens typically is that as the town incurs a cost, the first month work is paid and the invoice is sent to the D.O.T. and the town is reimbursed 80% of the cost. The outlay at any one time can be kept very small, no more than one month's expenses. If you were to hold all of the invoices until the end, you would be paying all of the expense and then receive 80% reimbursement. Mr. Sinnott asked the Board to keep in mind that these CMAQ grants are extremely competitive, it took six years for Hampton to get to this point. There is a long line of projects that are waiting to get the funds and it will be along time before Hampton gets another opportunity. He encouraged the Board to support the project and go forward with it.

## **V. OLD BUSINESS**

### Town Manager's Report

#### Town Report Photo

The official photos for the Board of Selectmen is scheduled for 6:00 pm on Monday, January 17 at Memories Studio.

Warrant Articles

The Board of Selectmen was reminded that a meeting has been posted for Tuesday, January 11, at 6:30 to consider any last minute petitioned warrant articles that arrive before the Budget Committee review of Warrant Articles.

Mr. Barrington told the Board that there were some difficulties with the publication of the legal notice for the January 17<sup>th</sup> hearing, and as a result the hearing needs to be held on 18<sup>th</sup>. The Board of Selectmen will also meet for a regular meeting on January 17<sup>th</sup>.

Infrastructure Project

Mr. Barrington told the Board that he has had a few concerns expressed to him about traffic patterns at the mergers of Ashworth Avenue and Ocean Boulevard. As a result, at the south end the town is putting up signage reminding drivers to stop for pedestrians in crosswalks, and we are increasing traffic enforcement. At the north end, we are expecting to convert A Street to two-way traffic starting on Monday to allow traffic in the Island Path area an easier means of egress from the construction zone.

Mr. Barrington noted that there was a gas line hit last week. It was where it was supposed to be laterally but was shallower than the gas company had reported earlier in the week. The gas company reported that the lines were 24" deep with a few locations at 18" and the pipe was hit at 12". Mr. Barrington noted that everyone is very thankful that no one was hurt from the explosion or related fire.

Mr. Griffin asked about the break on the gas pipe. He asked what the repercussions are. Mr. Barrington said that people will be asking who is at fault to determine who will pay for the damages to the excavator. He said that he does not see any fault on the part of the town, but there will be insurance companies and agencies trying to sort that out.

Beach Management Plan

Mr. Barrington reported that he and Ellen Goethel met Sue Manzi and others from the Seabrook Conservation Commission on the joint Seabrook-Hampton wetlands beach dune management application that has been the subject of several discussions before this board. Mrs. Goethel believes that with some slight modifications this could be a useful plan for the Town of Hampton and could form the framework of future amendments that could be even more useful to use (e.g. – dune management alone the front of the Island Area). Mr. Barrington told the Board that he would like the Board's authority to sign the application following review by the Conservation Commission provided that they approve.

CMAQ Grant

Mr. Barrington updated the Board on the status of the contract with DOT for the CEMAQ grant. The contract does now outline the ability to invoice on a monthly basis. It appears that the best way to approach the CMAQ grant is through one warrant article. In the event that the initial appropriation is passed and we spend \$40,000 of the federal money and then do not pass the construction appropriation in 2006, we would likely be liable to reimburse the \$40,000 of federal funds to the Federal Highway Administration.

Workers' Compensation

Mr. Barrington reported that the town received the invoice from the Local Government Center for our workers' compensation insurance for 2005. With our combined coverage's we are receiving a discount of \$61,488.13.

Financial Report Format

Mr. Barrington said that as we are finishing the financial reports for 2005 and at the direction of the Board the costs associated with the benefits to the individual departments. That was done for the budget and the question for the Board is if they want the monthly reports adapted to that same format or if the monthly report should stay the same. There will be some man-hours associated with setting up all the new accounts for the reporting purposes.

Mrs. Bridle-Russell asked if the plowing on the east end of Island Path has been straightened out. Mr. Barrington said that he talked with Mr. Hagen about that and there was some initial confusion on who was supposed to do the plowing in construction areas and that has been clarified.

#### Beach Management Plan

Mr. Pratt said that he is "OK" with approving the Beach Management Plan. The consensus of the Board was that the Town Manager could sign the Beach Management Plan and work with the Conservation Commission on the details of the project.

#### Financial Reports

The Board discussed the format of the monthly reports and agreed that they could stay in the current format, although the budget format should stay consistent from year to year.

#### Workers' Compensation

Mr. Workman asked what the original cost of the Workers' Compensation insurance was, if the discount was over \$60,000. Mr. Barrington said that the original cost was \$256,200.55 and the discount resulted in a cost of \$194,712.42

#### Selectmen's Meetings

Mr. Sullivan said that he has had some people express concerns to him that the Board of Selectmen are allowing the School Board to use their meeting room on the third meeting of each month and the Board meets off camera on those weeks. Mr. Sullivan stated that he does not feel that is a problem and he remains in favor of allowing the School Board to use the room once per month. Mrs. Bridle-Russell agreed and said that the public is welcome to come to the Selectmen's meeting when it is off-camera and many people have done that. Mr. Pratt said that the Board of Selectmen should decide that each year, but he does not have any problem with it.

#### Appeal on curb cut – P Street

Mr. Sullivan read the letter that the Board of Selectmen received from Mr. Henry Boyd, of Parker Survey. The letter indicates that the original survey done by that firm had an error with the location of one of the buildings and a site visit has confirmed that the current survey indicating the encroachment is correct. Mrs. LaMontagne said that when she bought the property she got papers that said she did not have any encroachments and she has been paying taxes on that land. She asked if the Board has come to any decision as far as her parking. Mrs. Bridle-Russell said that FST is paying Mr. Boyd for their services and it appears that there are two conflicting opinions. Mrs. Lamontagne said that when a person wanted to put a house on a lot it was based on the distance from the one-mile bridge and that is why some houses are on an angle. Mr. Barrington said that while one of the buildings does encroach onto the right-of-way, the town is not concerned with it. The concern at this property is with the parking that encroaches over into the town right-of-way. Mrs. LaMontagne said that there was a 1982 vote regarding encroachments and she asked if that still applies. Mr. Barrington said that the town is not doing anything about the encroachment of the structure.

Mr. Griffin asked what the Board can do for her parking problem. Mrs. Bridle-Russell said that adjustments have been made to accommodate other properties. Mr. Barrington said that there is not much that can be done as the property sits. Currently there is a shed on the property that when removed will allow the space for one car to park completely off the right-of-way. Assuming there were a legal parking places on the Ashworth side there would be two spaces, where she needs four. Mrs. LaMontagne said that the house has been there for 90 years and now they want to put a sidewalk in that no one will use and she will lose her parking. Mrs. Bridle-Russell said that there is an issue if nothing can be done. Mr. Barrington said that if you modify the plan there will be fifty others that will want the plan modified. Mr. Pratt said that modifications have been made to best accommodate most of the people. Mrs. LaMontagne said she will take her papers and go to a lawyer because the house is no good if she can't have a place for tenants to park.

Warrant Articles

The Board of Selectmen reviewed the warrant articles that have been added or amended since last week. Article "P" for the fire department ladder truck now includes the cost figures for the five year lease.

The Board of Selectmen agreed to eliminate the article for the Business License. Mr. Workman asked that the Town Manager follow up on determining how an ordinance can assist the police and fire departments with businesses.

**Mr. Pratt MOTIONED** that the Board of Selectmen forward to the warrant the alternate "Article N" for the CMAQ grant funding.

**Mr. Workman SECONDED**

Mr. Sullivan said that he has a problem putting this warrant article before the voters this year with the high cost. Mr. Workman said that there is a seven year history of this Board encouraging the acquisition of the grant. It should go forward and let the voters have their say.

**VOTE: 2 FOR (Pratt, Workman)  
3 OPPOSED (Sullivan, Russell, Griffin)  
MOTION FAILED**

Mrs. Bridle-Russell asked about the enforcement of the proposed trash collection ordinance. Mr. Griffin said that the current rules have not been enforced and he pointed out that condo's near him have not followed the rules but the trash has continued to be collected. Mr. Griffin stated that he is only in favor of this ordinance if it will be enforced. The consensus of the Board was to put the article forward.

Mrs. Bridle-Russell asked if the Town Manager had determined if any money from the Recreation SRF could be put towards the reconstruction of the tennis courts. Mr. Barrington said that it is possible to take some funds from that account, but he would not be comfortable taking any more than \$20,000. Mr. Barrington said that the programs that are run on the tennis courts are minimal in relation to the total use of the courts.

Mrs. Bridle-Russell asked if Mr. Hangen could eliminate either the salt shed or vehicle wash-down facility. Mr. Hangen said that he could not. Mrs. Bridle-Russell noted that she was pleased that Mr. Hangen had removed the article for the mechanized packer. Mr. Hangen noted that although he would like to move forward with the mechanized packer, he wants to do so in partnership with the Board, not in an adversarial manner. Mr. Hangen explained that the department almost ran out of salt on Friday and they keep coming close to running out of salt when there are icy conditions, due to the inability to store more than 200 tons at one time.

Petitioned Articles

**Mr. Workman MOTIONED** that the Board of Selectmen recommend the petitioned article for \$3,500 for the Christmas Parade.

**Mr. Pratt SECONDED**

**VOTE: UNANIMOUS FOR**

**Mrs. Bridle-Russell MOTIONED** that the Board of Selectmen recommended the petitioned article from Families First for \$2,000 for parenting classes.

**NO SECOND**

**MOTION FAILED**

Mr. Sullivan expressed concerns that the article indicated classes in the "Hampton area". The Board of Selectmen noted that amendments will have to be made at the Deliberative Session to add "raise and appropriate". The article will go forward as not recommended by the Board of Selectmen.

Article "P4" to raise and appropriate \$20,000 for the cemetery was reviewed. Mr. Sullivan said that it sounds that the trustees want to convert a part of the land that they own for additional lots, although there is no information with the article.

**Mrs. Bridle-Russell MOTIONED** that the Board of Selectmen recommend the cemetery warrant article.  
**Mr. Workman SECONDED** **VOTE: UNANIMOUS FOR**

**Mr. Workman MOTIONED** that the Board of Selectmen not recommend the petitioned article for \$150,000 to be added to the Conservation Land Fund.  
**Mr. Griffin SECONDED** **VOTE: UNANIMOUS FOR**

#### Court House

Mr. Pratt asked about the status of the court house. Mr. Barrington said that a lot of energy has not been spent on this last week with the need to prepare the warrant. He said that there has been some discussion on the use of the selectman's meeting room as a court room during the day. Mr. Sullivan said he was opposed to that as there are workers in the building to protect. Mr. Pratt said that the space is handicapped accessible and it would be a good gesture to the State to give them a space to use, and would keep the revenue coming into the town. Mr. Pratt said that the room off the selectmen's meeting room could be the judge's chamber. Mr. Barrington said that the IT person has an office on the other side of that room and while a judge could use the room, privacy could not be guaranteed. Mr. Pratt said that it seems like the space could be used temporarily for the court. Mr. Workman said that there are benefits and downsides to the use. He noted that the traffic in and out of this building is heavy at times and there would be security issues related to having a court in this building. Mr. Workman said that the Town needs to make it a priority to find a space for the court in Hampton. Mr. Griffin said that he agreed with Mr. Workman. Mrs. Bridle-Russell said that the court would need additional office space and she has security concerns with the use of the town office for the court. Mr. Sullivan said that he has a real problem with the security and the type of individuals that are coming in to a court house and securing a door for security eliminates a means of egress.

**Mr. Pratt MOTIONED** that the court be allowed to use the selectmen's meeting room for court purposes.  
**NO SECOND** **MOTIONED FAILED**

Mrs. Bridle-Russell asked if the health insurance rates have been received for 2005. Mr. Barrington said that they had and that adjustments were made during the budget process. Mrs. Bridle-Russell asked what percentage increase is being given to the non-union employees. Mr. Barrington said that a 3% COLA will be given. Mrs. Bridle said that the Board requested several weeks ago a list of what would be cut for a default budget. Mr. Barrington said that he has been working on that, but ultimately it is a decision of the Board of Selectmen. He would like more specific direction from the Board. Mr. Pratt said that he would like to see how a \$3 million reduction would be accommodated; the specific number of personnel that would be cut based on that estimate. Mr. Barrington said that he will provide a sample memo of what could happen, but in an actual event it would be important to know what else passed or did not pass.

#### Drakeside Road Development

Mr. Sullivan told the Board that he received a call from a resident on Drakeside Road that told him that the residents are going ahead with their court case against the Nigrelli development. Mr. Sullivan asked if the Board of Selectmen has any interest in pursuing the matter any further. Mr. Pratt said that it is a Planning Board matter now. Mr. Workman said that he has an aversion to one Board suing another Board in town. The Board agreed that they will take no further action regarding the Zoning Board approval for the proposed development on Drakeside Road. Mr. Griffin noted that there are other projects coming forward in that area as well.

## V. NEW BUSINESS

### Town Clock

Mr. Pratt told the Board that he looked at the progress the Webber's are making on the town clock and it is coming along pretty good and he appreciates the efforts being put into it. Mr. Pratt added that he is going to get some of the parts sandblasted.

## I. MINUTES

The minutes of January 3, 2005 were accepted as written.

Mr. Sullivan reported that he has received a letter from the Hampton Police Association indicating their intent to negotiate a new contract.

## VIII. PUBLIC COMMENT

Mr. Cliff Sinnott said that he understands the difficult decisions that the Board of Selectmen has to make about finances, and while he is disappointed with the vote he asked that the Board of Selectmen request a one-year delay from the State in order to keep the project and funding in the ten-year plan. Mr. Sinnott said that if it could be communicated to the State that the decision was based on the fact that the Town expected this project to be funded in two years. He added that the RPC will do everything it can to demonstrate that this is a need for a delay, not the end of the project. If the warrant article passes to create the funding stream that could be another reason for the delay.

Mr. Warren Bambury said that the warrant article for the \$5 surcharge on motor vehicle registrations in Hampton would generate \$100,000 per year and it would take effect in July, 2005 and by the end of the fiscal year 2006 there would be enough to pay the 20% of the grant and would also allow the community to take part in other transportation grants.

Mr. Peter Olney said that the merits of the project are evident and he feels bad that he was not able to show how important this is for the town.

Mr. Brian Warburton said that he had a question on the Board's input on the Charter Commission. He was unclear if the nine members were going on the ballot. He was told that they were. Mr. Warburton said that he is in favor of having the School Board meetings televised, however he would like to see if they could go on another night so that the Board of Selectmen could be televised each week.

Mr. Warburton complimented Mr. Workman on his input on the CMAQ grant. Mr. Sinnott from the RPC is present and because of the relationship the town has had with RPC, many projects have been able to be brought to fruition. Mr. Warburton said that the article should be put forth and this is an excellent opportunity for the town.

## VIII. ADJOURNMENT

**Mr. Sullivan MOTIONED** that the meeting be adjourned. (9:40 PM)

**Mr. Workman SECONDED**

**VOTE: UNANIMOUS FOR**

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**Chairman**