

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
April 25, 2005 7:00 PM**

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

I. SALUTE TO THE FLAG

Selectman Moore led the audience in the flag salute.

II. ANNOUNCEMENTS

The Board of Selectmen expressed their condolences to the family of life-long resident Peggy Grandmaison.

Mr. Pratt announced that the Historical Society had a successful fund-raiser for the barn.

III. APPOINTMENTS

1. Mr. Peter MacKinnon, Re: Cable Committee and Animal Control Matters

Mr. MacKinnon said that the Cable Committee is in the process of putting broadcast equipment in at the Police Station and at the same time is upgrading the equipment at the Martson School to a DVD format and will be coming to the Board with a combined request for equipment.

Mr. MacKinnon, Animal Control Officer, explained to the Board that the State will be testing a wider variety of birds this year for West Nile Virus as well as Equine Encephalitis beginning in June. They are trying to track the spread of the diseases.

Mr. MacKinnon said that as the season for rabies begins the State is seeing another outbreak with coyotes, fox and raccoons. He noted that Hampton has had 8 rabid raccoons and 3 rabid fox, but fortunately the animals that he has encountered have had "dumb" rabies, where the animals act friendly. In other areas the disease is causing the animals to act fierce. Mr. MacKinnon said that the disease is showing a little increase this year coming out of the winter and urged all residents to be aware of any animals that are acting erratic or strange. He asked that residents not panic, but notify the police immediately.

III. OLD BUSINESS

Town Manager's Report

Mr. Barrington expressed appreciation to Mr. Jim Parsons of Parson's Electric for taking down the town's Christmas decorations this year.

Retirement/Appointment

Mr. Barrington reported to the Board of Selectmen that Chief Wrenn is expecting to appoint a Detective upon the retirement of Detective Phil Russell. That will open a Police Officer position to fill.

Leased Parking

Due to some serious trash problems at Lewis Brown Park near the skateboard park, Mr. Barrington told the Board that it came to his attention that a number of Winnacunnet students are using that parking lot during the school day. We posted the parking area, announcing that it would be closed until it was cleaned up by the people who had trashed it. That sign resulted in a number of students volunteering to clean the grounds. This led to a discussion of perhaps revisiting the question of leasing parking spaces both there and at Tuck Field for high school students. Mr. Barrington told the Board that since he is working on the policy for

leasing on-street parking places, he wondered if the Board would be interested in broadening the question of leasing parking spaces at the parks?

Police Station Open House

The subject of the previously discussed Open House at the new police station was raised at last Tuesday evening's Budget Committee meeting. Chief Wrenn is concerned that the nature of the Open House will have to be severely curtailed due to budget constraints. While he had originally planned a number of demonstrations of specialty units (SERT, Mounted Patrol, Motorcycle, etc.) those would involve overtime that is no longer available. Further, building security considerations will require guided tours that will limit the number of police personnel that will be available. Chief Wrenn has suggested that a Saturday in July would probably best suit the conditions due to having extra, scheduled coverage to avoid the need for overtime.

Hurd Farm

The Manager reported that it was his understanding that the Hurd Farm easement has been signed and money has changed hands. He spoke with Mrs. Hurd about having them come to a Selectmen's meeting for recognition and thanks. They will get back to the Manager about the possibility of a future meeting.

Aquarion Water / Highland Avenue

Mr. Barrington reported that Aquarion Water has made a request to open 120' of Highland Avenue in order to replace a water line. Since it has been less than five years since that road was done the Board of Selectmen would have to waive the ordinance in order to allow the work to take place. Mr. Barrington said that it is not critical that a decision be made on that immediately, but Aquarion would like to do the work in the Fall.

Infrastructure Project

Mr. Barrington reported that infrastructure work will begin on Kings Highway in the near future and he asked if the Board of Selectmen would like to hold an open forum for the residents in that area, similar to what was done for the other areas. Mr. Barrington noted that the work will be from 12th Street, north and when completed will lift the moratorium in that area.

Transfer Station

Mr. Barrington said that there has been discussion about the Transfer Station being closed on Sundays and what access, if any, will be provided to DRED. Mr. Barrington said that in talking with Mr. Hangen he understands that DRED has historically been authorized to come into the Transfer Station on the weekends and in exchange they pick up the town's trash on the weekends. Mr. Hangen intention is to let them continue to do that. Mr. Barrington told the Board that the savings as a result of closing the Transfer Station on Sunday is from the overtime costs from our employees being available for the public. Mr. Barrington asked for the Board's thoughts on this.

Questions for the Manager

High School Parking

Mr. Moore asked about the letter from the parent in regard to the parking of high school students at Tuck Field. Mr. Barrington said that they believe that the students parking on town property have been largely responsible for the trash left in those areas. We have tried through the school administration and school resource office to communicate to the students that it is incumbent on them not to leave trash, but the only effective way we have had to control the trash has been to close the lots.

Police Facility Open House

The Board asked how much the overtime costs would be for an open house for the police station to be held in May rather than July. Mr. Workman noted that a July open house will impact the parking lot revenues.

Exeter Road Bridge

Mr. Moore asked if there has been any action on the easements for the Exeter Road Bridge. Mr. Barrington explained that Mr. Barry has reported that there are some issues on the State's part that will prevent the work from being done this fall. Some language changes have been recommended for the necessary easements and they are being finalized.

State Budget

Mr. Moore asked if the State budget passed and if so will the County be picking up additional costs that will impact the County tax. Mr. Barrington said that it has passed the House and there likely will be a larger County tax. Mr. Pratt said that the budget may get modified by the Senate.

Infrastructure Project

Mr. Griffin asked if there has been problems with the infrastructure project on Ashworth Avenue. Mr. Barrington said that the work is progressing as smooth as can be expected and the engineers and contractors have been trying to deal with problems as they come up. The paving began today and will continue throughout the week. Mr. Barrington said that there were a few issues in the Island Path parking lot with the asphalt grinding and that seems to be resolved at this time. Mr. Barrington reported that he has talked with Stan Carter, from Zoppo in regard to the insurance issue with the Tides Motel and he is going to continue to try and resolve that matter. Mr. Barrington said that he has been told that there may be a suit filed against the Town by the Royal family to try and halt the work near the Royal Market, but that has not been received as yet.

Transfer Station / DRED

Mrs. Bridle-Russell said that if the Transfer Station is open on Sundays for the State, will it also be open to the large businesses. Mr. Barrington said that he asked Mr. Hangen if the other businesses had been able to dump when the Transfer Station was closed and he said that they did not have that permission, although some may have gone in when the State was there. Mr. Hangen did suggest today that they could be open one-half day on both Saturday and Sunday and he is going to put the numbers together to see if it would be productive or not. Mrs. Bridle-Russell said that would create a bigger mess, but she understands that DRED needs to get in there on Sundays. Mr. Pratt said he does not have a problem with DRED accessing the Transfer Station on weekends. Mr. Workman said that when he voted to cut the hours at the Transfer Station it was to save overtime costs. He has no problem honoring the agreement with DRED as long as we are not manning the station. Mrs. Bridle said that if another business follows them in the Town should be notified. Mr. Moore asked if DRED operates the compactors. Mr. Barrington said that he understands that they just dump the materials into the hoppers.

Default Budget

Mrs. Bridle-Russell noted that with the lawsuits, grievances and retirement payouts, the town is not saving a lot of money in this default budget.

Mr. Pratt asked about the status for the raises for the Town Clerk and Tax Collector. Mr. Barrington said that he has implemented the 5% raise for the Tax Collector as budgeted and has held up the Town Clerk's 5% raise while we have worked out the employee's hours in that department. The reduction in hours for that department to 32 was found to cause the employees to not be eligible for the retirement system so further adjustments need to be made.

Mrs. Bridle pointed out that \$170,000 has been budgeted for retirement payouts and to date \$120,000 has been spent, with more known retirements to come. Mrs. Bridle-Russell asked what will happen when that money is gone. Mr. Barrington said that based on the amount that is needed, it may be able to come from the contingency or the provision in the union contract to hold the payoff until the next budget year can be used.

Parsons Electric

Mr. Pratt requested that the Board of Selectmen send a thank you note to Parsons Electric for his assistance during this time of need with the Christmas lights.

Audit Services

Mr. Moore reminded the Board that two weeks ago they postponed the discussion of the RFP for the audit services until Mr. Workman was present. Mr. Barrington explained that the reason Mrs. Duhamel asked that the Board of Selectmen consider a one-year extension to the current contract is because we are in the process of changing financial software as well as the fact that there will be a retirement in that office this year. To assist with the transition, Mrs. Duhamel would be more comfortable with the same auditing firm this year. Mr. Workman said that his intent in requesting that an RFP be issued was to insure that there was no appearance of impropriety, and based on these circumstances he was fine to extend the contract for one year. The Board of Selectmen agreed.

Town Clock

Mr. Griffin said that he received a call informing him that the restoration of the town clock is coming along quite well and the group is getting ready to start fund-raising. They want the Board of Selectmen to consider a location for the clock. Mr. Barrington suggested that it be placed on the grassy area on the west side of the town office. Mr. Griffin said that an architect has offered to design the housing for the clock but needs to know where it would be located. Mr. Barrington said that he has seen a similar clock on Concord, and envisioning something of that size he thought of the side of the town office. Mr. Pratt will take a look at it and see what size area will be needed. Mr. Barrington also suggested it could be located at Five Corners, East End Schoolhouse Park or near the gazebo. Mr. Pratt said that he want to make sure it is an area with good security and visibility. Mr. Moore suggested in front of the Centre School may be appropriate.

Fuller Acres

Mr. Griffin reported that a chimney appears to have been thrown into the marsh at the end of Fuller Acres. Mr. Barrington said that if it is in the marsh it is generally reported to DES and he will follow up on that.

Sign Request

Mr. Barrington reported that he has had a request forwarded to him for a blue sign similar to what the town has for the high school to be located on Lafayette Road to direct people to the Sacred Heart School.

IV. NEW BUSINESS**1. Highway Safety Committee Budget Request and Alternate Position**

The Board of Selectmen reviewed the letters from Mrs. Park seeking to restore the money that was adjusted from their budget for a secretary to take minutes of their meetings. They are also requesting that Janet Perkins be appointed as an alternate to fill the current vacancy.

Mrs. Bridle-Russell MOTIONED that Janet Perkins be appointed to a three year term as an alternate to the Highway Safety Committee.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

There were no motions relative the budget request.

2. Heritage Commission

The Board reviewed the request from the Elkins Family and the Heritage Commission to install a monument stone at Founders Park. Mr. Moore noted that it has been recommended by the Heritage Commission and is at no cost to the town.

Mr. Moore MOTIONED that the Board of Selectmen authorize the installation of a monument stone for the Elkins Family at Founders Park.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

Mr. Moore MOTIONED that June Bean be appointed as a regular member of the Heritage Commission and that Brian Warburton be appointed as an alternate member of the Heritage Commission with terms to expire in 2008.

Mrs. Bridle-Russell SECONDED

VOTE: UNANIMOUS FOR

3. Scheduling of Grievance Hearings

Attorney Gearreald explained that four grievances have been brought forward to the Board of Selectmen and he has provided some thoughts for the Board on the processing of the grievances. He pointed out that for the two IAFF grievances, the Board of Selectmen has 7 business days to conduct a hearing and has the right to an automatic five day extension. Attorney Gearreald recommended that the Board of Selectmen request the five day extension in order to be timely with the hearing.

Mr. Moore MOTIONED that the Board of Selectmen hold the four grievance hearings on Monday, May 2, 2005.

Attorney Gearreald explained that three of the four grievances were denied by the Town Manager based on threshold issues; that they were either not timely or not subject to the grievance procedure. Attorney Gearreald recommended that the Board of Selectmen only hear the threshold issues and determine at that time if the grievance is to be remanded back to the Town Manager for further action. One of the grievances has been denied on its merits and the Board of Selectmen should hear that.

Mr. Workman SECONDED

Mr. Workman said that Attorney Gearreald makes a valid point, that the Board review the threshold issues first and then the grievance could come back to the Board of Selectmen after the whole matter has been heard at the Town Manager’s level. Attorney Gearreald stated that the three hearings with threshold issues will be noticed to discuss that part of the grievance only, and the fourth will be heard in its entirety.

VOTE: UNANIMOUS FOR

Mr. Barrington said that the letters to the two fire unions will include a clause asking for the five-day extension, which either party is entitled to automatically. The Board of Selectmen is timely with the hearing for the Police Association.

4. Authorization to Initiate Litigation – 147 North Shore Road

Attorney Gearreald explained to the Board that the premises at 147 North Shore Road is a single family residence that for some time has been rented. A Certificate of Occupancy has not been issued due to septic issues and other internal issues. He said that the town sewer line runs by the premises but the property is not connected. The owner was given a deadline of February 18, 2005 to apply for a permit to hook into the sewer and March 1, 2005 to obtain a Certificate of Occupancy for the property. On February 18th a sewer permit was applied for, but the connection has not been completed and the town continues to get complaints regarding the foul smell from the property. Attorney Gearreald asked the Board of Selectmen for authorization to file legal action in the Rockingham Superior Court. The property has been posted since September, 2004 as unfit for occupancy, but it has continued to be rented.

Mr. Pratt said that the town is fighting a lot of battles right now and he feels that this needs to be done even though he doesn’t want another battle. Mr. Workman said that he understands the hesitancy, but the Board has to enforce the town’s ordinances.

Mr. Moore MOTIONED that the Board of Selectmen authorize Attorney Gearreald to initiate litigation against the owner of 147 North Shore Road.

Mrs. Bridle asked if one more week can be given to the owner and court action could be filed next week. The Board agreed that legal action would be delayed one week.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

Default Budget Suit

Mr. Griffin said the people are wondering about the lawsuit that has been filed in regard to the default budget. Mr. Barrington said that the Town has not been served at this point, although he was able to obtain a courtesy copy today and would like to discuss this with the Board in a non-meeting at the conclusion of this meeting.

Dunes

Mrs. Bridle-Russell said that the town usually works with DRED to prepare the beach at the end of Boston Avenue each year. Mr. Barrington said that he talked to Mr. Warburton today about that and as soon as DRED gets clearance from Fish & Game regarding the status of the Piping Plover nesting they will do that.

Contract Negotiations

Mr. Pratt said that the Board of Selectmen should think about meeting some Saturday soon to start brainstorming some ideas for the upcoming contract negotiations. Mr. Barrington said that some time in early June would be appropriate to do that. The department heads will be submitting their recommendations to the Town Manager by June 1st.

Mutual Aid

Mrs. Bridle-Russell asked if Chief Lipe prepares a report on how many times surrounding towns have to help Hampton with mutual aid. She requested a report to see if Hampton is using an inordinate amount of mutual aid in comparison to what it is providing.

V. MINUTES

The minutes of April 11, 2005 and April 18, 2005 were approved as presented.

VI. CONSENT AGENDA

1. Coin Operated Machine Permits
2. Road Race Permits
3. Hawkers & Peddlers Permit
4. Regular Abatements – 1008, 1009

Mrs. Bridle-Russell MOTIONED that the consent agenda be approved.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

VI. ADJOURNMENT

Mrs. Bridle-Russell MOTIONED that the meeting be adjourned. (8:10 PM)

Mr. Moore SECONDED

VOTE: UNANIMOUS FOR

Chairman

