

**HAMPTON BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
June 6, 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

**PUBLIC HEARING**

The Board of Selectmen held a public hearing to take comments from the public in regard to the acceptance of a grant from the Department of Homeland Security, FY 04 Assistance to Firefighters Grant in the amount of \$67,378.00 for the Fire Department for a Wellness Program. The town's share of this project is 10% or \$7,486.00.

Chief Hank Lipe explained that this is the project that the Town was awarded the grant for in 2004. The appropriation of the expenses was included in the 2005 proposed budget, but as a result of the adjustments that were made to meet the default budget, this amount needs to be appropriated through this public hearing.

Mr. Moore asked for a summary of what the money would be spent on. Chief Lipe said that the original grant was based on 51 members and covers a complete medical exam, immunization and infectious disease screenings, strength and resistance training equipment and the training of a person to oversee the fitness program. Chief Lipe added that this program meets one of the strategic goals established at a national level to reduce firefighter deaths. The equipment costs are \$14,226 with the balance for the training and medical services. Mr. Moore asked if this is a new cost that will re-occur in the budget. Chief Lipe said that the initial costs are the first year screenings, which will establish baseline data and subsequent costs are estimated at \$20,000 annually. Mr. Moore asked where the fitness equipment is going to be used or stored. Chief Lipe said that they will be using an area behind the apparatus, where the small boat has been stored at the beach fire station. Mr. Moore asked if there would be any requirements or enforcement of the aspects of the program to determine if progress is being made, and how the staff at Station II would be able to use the equipment. Chief Lipe said that the fire fighters rotate three times a year between the stations, and there will be some cardio vascular equipment located at Station II and the equipment will be available for the members to use on their own time as well. He explained that as far as monitoring progress, the information that is received from the medical director will be department based and confidential as to the individual, so progress reports will also be departmentally based.

Mr. Griffin asked if the present fire fighters have gym memberships. Chief Lipe said that 18 to 20 members do, however they are not provided by the town. Mr. Griffin asked if this is the first time this program has been proposed. Chief Lipe said that he has been an advocate of this program for several years, but this is the first time a program such as this has been endorsed by the IAFF. Mr. Pratt asked if the program is mandatory for the firefighters. Chief Lipe said that the only mandatory component is the medical exam and consultation with the medical director, but the use of the equipment is voluntary. Mr. Moore asked if the mandatory exams and consultations will be subject to overtime. Chief Lipe said that they would, although he believes that those costs have been included in the grant funds. Mr. Pratt noted that there would be an additional cost of \$20,000 in future budgets.

**Mrs. Bridle MOTIONED** that the Board of Selectmen accept the fitness grant from the Department of Homeland Security, FY 04 Assistance to Firefighters Grant in the amount of \$67,378.00 for the Fire Department for a Wellness Program.

**Mr. Griffin SECONDED**

**VOTE: UNANIMOUS FOR**

**I. SALUTE TO THE FLAG** - Captain Sullivan led the audience in the flag salute.

**MOMENT OF SILENCE:** A moment of silence was observed in recognition of the 61<sup>st</sup> anniversary of D-Day, the Invasion of Normandy.

## II. ANNOUNCEMENTS

The Historical Society will be hosting a program at the Lane Library on June 15<sup>th</sup> at 7:00 PM on World War II- At Home.

The James House Association will be hosting a presentation on June 12<sup>th</sup>, at 1:30 PM in the WHS Auditorium on the archeological findings at the James House property.

The upcoming recreation programs were announced, with special notation on the concerts that will take place at the gazebo.

Mr. Pratt noticed people putting flowers in front of the courthouse and fire house and he thanked them for their efforts.

The American Legion will be conducting the annual flag burning ceremony to properly dispose of torn or damaged flags on June 14<sup>th</sup> behind the fire station on Winnacunnet Road.

## III. APPOINTMENTS

1. Ms. Grail O'Connor, Mr. Paul Houghton and Ms. Judith McCarthy, Re: Parking curb cut for 6 N Street  
Mrs. O'Connor noted that they have owned their property for thirty years and they will be losing parking spaces as a result of the sidewalk being installed and they are not happy about it. They understand the reasoning behind the curb cut they have been given, but are requesting that it be bigger. Mr. Houghton said that they have been following the progress of the construction and they have requested their curb cut be increased from 30' to 50' since they have seen other properties on Ashworth Avenue with more generous curb cuts that will also resulting cars extending into the right-of-way. He said that their situation does not seem fair; adjustments have been made throughout the beach area for structures that were in the right of way but no adjustment has been made for their situation. Mr. Moore asked if anything has changed since December 6<sup>th</sup>. Mrs. McCarthy said that the engineers came out and reviewed the site again and Mr. Barrington then sent a written statement saying that no adjustments to the curb cut could be made. Mrs. McCarthy said that they have 8 units with 4 legal parking spaces and no one will rent or buy the units without parking and they feel that they are being put out of business. Mr. Barrington said that the issue is the size of the parking space, there is not enough depth for the cars to park in front of the building without extending over the sidewalk. In the other areas that has not been a problem, although he acknowledged that they are looking at a situation at Richmond Suites. Mr. Barrington noted that other unit owners at 6 N Street have contacted the Board in regard to leasing parking spaces from the town. Mr. Houghton said that if the curb cut is not granted the leased space issue will go away. He said that there are some solutions that can be worked out, but he said that it seems like the town is not willing to fine tune this plan.

Mr. Griffin asked when they thought the problem began. Mrs. McCarthy said that when they bought the property they had 8 numbered spaces that had the vehicles extending into the right of way, but there was no problem with that. Mr. Griffin said that he thought the Zoning Board of Adjustment noted that the parking had to be contained on their own parking when the condo conversion was done a couple years ago. Mrs. McCarthy said that the numbers had to be removed, but they did not think the location of the spaces had to change. Mr. Guthrie spoke from the audience about the parking and the laws regarding the type of ownership involved. Mr. Griffin said that he remembers that the Zoning Board of Adjustment had an issue with the parking. Mr. Workman said that the issue was discussed at the Planning Board as well. Mr. Pratt said that the Planning Board required the elimination of the parking spaces in front of the property. Mr. Houghton said that the front spaces did not meet the required parking space size so the references to them had to be removed from the site plan. Mr. Pratt said that the practice of the Planning Board has been to deny condo conversions if there is not the required amount of parking.

Mr. Griffin said that when his property was before the Planning Board over 30 years ago he had to have enough on site parking.

Mrs. O'Connor said that they did not know that it was town land in front of their property; they did not have it surveyed. Mrs. Bridle-Russell pointed out that some people are getting surveys done and finding that they are not in agreement with those being done for Faye, Spofford & Thorndike. Mrs. Bridle-Russell said that when people bought many of the properties at the beach, parking was allowed in front of them. Mr. Griffin said that what he sees is that some people may have been allowed to do things, where others have not been. Mrs. O'Connor said that this is putting people out of business.

Mr. Workman said that the Board of Selectmen does not appear that it will make any changes in the curb cut, but there will be some further discussion on the leasing of spaces. Mrs. McCarthy said that they would like to see the sidewalk put on the other side of the street. Mrs. O'Connor said that this issue affects them for 7 weeks of the year, and the cars would extend just a couple of feet over the sidewalk. Mr. Griffin asked if the parking regulations will be enforced when the infrastructure work is all done. Mr. Barrington said that they would.

#### **IV. OLD BUSINESS**

##### Town Manager's Report

##### Infrastructure Project

Mr. Barrington reported that work is progressing on Ashworth Avenue and the lettered streets. The painting of the stripes was complete on Ashworth this morning, and paint striping on Ocean Boulevard was expected to be complete today.

##### Joint Board Meeting

Mr. Barrington told the Board that he received a phone message from Senator Martha Fuller Clark acknowledging that she will be in attendance for the Board's June 13 meeting on the District Court(s) situation. She also invited the Board to a meeting she is having at the Lane Library at 6:00 PM this evening to talk and listen about the State budget, education funding, shipyard issues, and whatever other issues constituents would like to discuss.

##### Default Budget Suit

The Board has received copies of the judge's ruling that dismissed the suit against the Town relative to the default budget.

##### Kings Highway Project Area

There will be a "come and go" meeting on Wednesday, June 8, from 4:00 PM until 8:00 PM at the Beach Fire Station to invite citizens to come in and discuss loading zone issues. The plans will be on display, and citizens are encouraged to bring ideas on how to make the best accommodation for loading zones consistent with the Hampton Beach Master Plan. Comments and input from that meeting will be passed on to the Board prior to the June 20 Public Hearing on the loading zone ordinance.

##### Town Planner

Mr. Barrington told the Board that he expected John Harwood to return to duty as Town Planner today, although he was not in. In order to bring some stability to that office, he proposed a restructuring of two part-time clerical positions into one full-time position.

##### Labor Issues

The Friday afternoon mail brought the PELRB notice of the Police Association's filing of an alleged improper labor practice and a notice that 2664 has sent one grievance to the American Arbitration Association requesting arbitration. The Town paid just over \$14,000 for the May legal expenses associated with the labor issues.

Surplus Auction

The Board had determined that the surplus auction could be held on June 18<sup>th</sup> or June 25<sup>th</sup> and Mr. Barrington recommended that the auction be held on June 18<sup>th</sup>.

Ocean Boulevard Crosswalks

Mrs. Bridle asked who is responsible for painting the crosswalks on Ocean Boulevard. Mr. Barrington will remind the Dept. of Transportation. Mrs. Bridle-Russell said that it was dangerous this past weekend.

Aquarion Water

Mr. Moore asked if there has been any resolution with the Aquarion situation on Kings Highway. Mr. Barrington said that there have been some conversations regarding that with the PUC and he understands that it is a budgetary matter with Aquarion, but he is concerned because it could result in the same problem that the Board is now looking at on Highland Avenue. Mr. Griffin asked if we can tell them to repave the whole road if the work is done at a later date. Mr. Barrington said that he is not sure of the town's rights with a water utility.

Default Budget Law Suit

Mr. Griffin asked if there were expense regarding the default budget law suit. Mr. Barrington because we have Attorney Gearreald in house, the cost is controlled and there were little direct costs. Mr. Griffin said that people have raised the concerns to him in regard to the legal expenses the town is incurring. Mr. Griffin commended Attorney Gearreald and Mr. Barrington for their efforts with this matter. Mr. Pratt concurred with the job well done and said that he is also concerned with the labor relations legal costs and is afraid that it will result in a need to look at the budget again. Mrs. Bridle-Russell asked what the Board expected would happen when the cuts were made. She added that the only way the employees can make sure that the letter of their contract is followed is by filing a grievance, and they have the right to file grievances when they feel that the contract is not being followed. Mrs. Bridle-Russell said that the Board has to live with these results and she feels that both sides can take some blame for the \$14,000 expense.

Planning Position

Mr. Moore stated that he had no problem with the combining of the two part-time positions for the planning secretary. Mr. Pratt agreed and noted that Ms. Renaud has been doing a good job with both positions.

**Mrs. Bridle-Russell MOTIONED** that Town Manager be authorized to combine the two part-time clerical positions in Building and Planning to one full-time position.

**Mr. Moore SECONDED**

**VOTE: UNANIMOUS FOR**

Mrs. Bridle-Russell asked that the Board of Selectmen be kept informed as to the status of the Planner.

Summer Meeting Schedule

Mr. Barrington pointed out that for the past five years the Board of Selectmen has had a reduced summer schedule. Due to commitments already made, it is necessary for the Board to meet on all of the Mondays in June. Mrs. Bridle-Russell said that she does not agree with a reduced schedule. Mr. Workman said that the Board has always reserved the right to call a meeting on the "off week" if needed. Mr. Moore noted that the June 20<sup>th</sup> meeting will not be televised and will be held on the first floor of the beach fire station.

**Mr. Moore MOTIONED** to accept the summer schedule as prepared, subject to modification as the need arises.

**Mr. Pratt SECONDED**

**VOTE: 4 FOR  
1 OPPOSED (Bridle-Russell)**

Church Street Parking Lot

Mr. Griffin asked about the status of the resident parking lot on Church Street. Mr. Barrington said that he has received a few calls about the availability of that lot, and unfortunately the residents will not have access to that lot this summer. The decision to use that lot for the equipment staging was in the best

interest of the taxpayers, rather than using a lot that generates revenue for the Town.

**V. NEW BUSINESS**

- 1. Acceptance of Gift from Crime Line to Police Department – Electronic Equipment

**Mr. Moore MOTIONED** that the Board of Selectmen hold a public hearing on Monday, June 27<sup>th</sup> to take comments from the public on the acceptance of a gift of electronic equipment for the police department from the Crime Line.

**Mr. Pratt SECONDED**

**VOTE: UNANIMOUS FOR**

**VI. MINUTES**

The minutes of May 23, 2005 were reviewed.

**Mrs. Bridle MOTIONED** that the Board of Selectmen accept the minutes of May 23, 2005 as prepared.

**Mr. Moore SECONDED**

**VOTE: UNANIMOUS FOR**

**VII. CONSENT AGENDA**

- 1. Leased Land Sales Agreements: 22 N Street; 16-20 N Street
- 2. Nursing Home Referral

**Mr. Pratt MOTIONED** that the consent agenda be approved.

**Mrs. Bridle SECONDED**

**VOTE: UNANIMOUS FOR**

**VIII. PUBLIC COMMENT**

Mr. Andrew Guthrie told the Board that the loading zone discussion has revolved around the businesses at the beach, but he wanted to note that most of the business at the beach are small business owners of cottages and they are not affected by the loading zones, but rather by the sidewalk installation. He said that he understands that the sidewalk width is being done for ADA requirements. Mr. Barrington clarified the width required for ADA. Mr. Guthrie said that he understands why a larger curb-cut can't be granted for 6 N Street, but he doesn't understand why a curb-cut can't be granted for Mrs. LaMontagne's property. He noted an area on Ashworth Avenue where there is a pole in the middle of the sidewalk and not all of the sidewalks are 5'. Mr. Barrington said that the poles are not necessarily in the final locations at this time. Mr. Guthrie said that the loading zones are a concern to him because they would eliminate even more parking. Mr. Guthrie said that the Board of Selectmen has not looked at any individual's situation as they said they would do at the public hearing held last year.

Grievance Hearings

The Board of Selectmen went into a previously voted non-public session to hear five grievances brought forward from the Hampton Police Association. Mr. Workman noted that the Firefighter's Local 2664 and 3017 have indicated that they were not available for their scheduled hearings.

**Mrs. Bridle MOTIONED** that the Board of Selectmen go into a non-public session under RSA 91-a:3 II (c) at the conclusion of the grievance hearings.

**Mr. Moore SECONDED**

**VOTE: UNANIMOUS FOR**

**VIII. ADJOURNMENT**

**Mr. Moore MOTIONED** that the meeting be adjourned. (8:10 PM)

**Mr. Pratt SECONDED**

**VOTE: UNANIMOUS FOR**

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Chairman

