

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
June 13, 2005 7:05 PM**

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

JOINT BOARD DISCUSSION

The Hampton Board of Selectmen and the Exeter Board of Selectmen continued their discussion of the relocation and/or consolidation of the Hampton and Exeter District Courts. Present from the Town of Exeter were Town Manager Russ Dean, Selectman Joe Pace, Selectman Lionel Ingram and Selectman Bill Campbell. Mr. Workman reviewed the prior discussion and the questions that were raised in regard to the possibility of a consolidated court.

Mr. Campbell said that the Exeter Board of Selectmen has a couple of concerns that they would like to have answered. He explained that he and Mr. Dean visited the Dover court house which is similar to what has been proposed for a Hampton/Exeter combined court. It was very nice and handles an annual case load of 7,000 cases. That courthouse serves three areas, Dover, Rollinsford and Somersworth. A combined court for this area would serve 14 towns, with a seasonal influx of cases from Hampton. Mr. Campbell said that these concerns are with the size that would be needed for that many towns, and if the location would be a burden to some of the smaller towns that are further out.

Mr. Pace said that it is a real benefit to have some of the other communities present at this meeting and he thanked them for coming out. Given the perfect world, if both Hampton and Exeter were asked if they wanted to have a separate court in each town, the answer would be yes. The Hampton and Exeter Board's of Selectmen concluded jointly that if there is going to be a single court, they would like to help determine the appropriate location and take part in the process. Mr. Pace said that the towns have reason to believe that the State is in favor of a consolidated court.

Mr. Peter Goodwin, Administrator of the State Bureau of Courts was present to answer questions about a facility that the state envisions building in the Hampton, Exeter, Seabrook area. Mr. Goodwin said that one comment that was made was in regard to the number of communities that would come into this court. The Plymouth District Court covers about 14 towns and that was the model that was used to build the courthouses in Dover and Jaffrey. Mr. Goodwin explained that when the State determines that it is going to build a court in an area, a committee is formed with representatives from the State and communities and five to eight locations are selected and then reviewed. The State does not come in and say where the court will be built, but rather wants the decision to be a joint effort. Mr. Goodwin pointed out that there are two State owned properties that have been determined to be adequate; one is on 101 near the D.O.T. Depot and the other is on Route 85 on Newfields Road. He added that the Hampton Board of Selectmen has offered the current location where the courthouse is and there are two or three sites in Seabrook that the town has offered to donate. There is site design money set aside for a Hampton/Exeter District Court, and it had been anticipated that the design work would have been done this year and they would have been breaking ground in August, but legislation was approved which put this on hold until 2006.

Mr. Ingram asked if there is space for a family court in this design. Mr. Goodwin said that there is a small court on the second floor in Dover that is a family court, but each time this design has been built, there have been improvements and one idea now is to move the sally port in the basement on order to make the family court space larger. Mr. Ingram noted that one of the concerns he has heard from police officers is with safety at the courthouse and he asked Mr. Goodwin if there have been problems. Mr. Goodwin explained the security procedures at the courts and was not aware of any concerns.

Mr. Dean asked if there is a sense that a centralization of a location within the district is important to the State and noted that Seabrook is a long way away for many of the towns and it would make sense geographically to locate the court along the 101/111 corridor. Mr. Goodwin said that when Governor Shaheen was in office there were efforts to try and build court houses in downtown areas, but that is not always possible and it has been necessary to move away from the center. He added that the consolidation process is difficult and noted that when Plymouth was consolidated with Lincoln, the new court location was 3 minutes away from Lincoln. Mr. Campbell said that transportation becomes an issue for many if an area does not have public transportation.

Mr. Pratt said that one argument that he has heard regarding a consolidation is that the magnitude of the cases would be too large for one court. He asked if this building would have to be a bigger than what has been built in the past? Mr. Goodwin's said that the State, through the Court Accreditation Commission, is the one that defines the size of the court that should be built. The State has three different size courts, and what is planned for this area is the middle size. The court in Carroll County is one of the largest courts. Mr. Goodwin said that the Family Court Division is going state-wide at designated spots and Hampton /Exeter has not been designated for a Family Court. Mr. Dean asked if there is minimum lot size the State would consider. Mr. Goodwin said that 3-4 acres would be the minimum and parking would have to be provided for the handicapped, some separation for staff parking and 60-70 spaces for court use. If someone is donating land, 4-5 acres is ample.

Mr. Pace asked if there is any scenario that the State would consider to retain two courts. Mr. Goodwin said that he can not answer that due to the legislation in place. He added that the State had an answer to the concerns with the Hampton and Exeter District Courts and the towns stopped it. The legislation stated the Towns could come forward with a plan that is acceptable to the State for two separate courts; it doesn't mean that the state would pay for two courts. Mr. Pace asked if State would be paying for a consolidated court. Representative Michael O'Neil, House Majority Leader, confirmed that the plan was that the State would pay for a consolidated court, but if separate courts were proposed the cost would be the responsibility of the towns. Mr. Pace said that there are 12 other communities that need to be partners in the process. Mr. Dean asked about the number of cases from the two courts in comparison with the Dover case load of 7,000. Mr. Goodwin said that he would be able to compare and compile those figures for the Boards. Mr. Goodwin said that the Dover court was designed to include Durham, but there was legislation that exempted Durham from that District.

Representative O'Neil explained that in 1990 there was a Bill for consolidation of courts around the State and that was what was being looked at for Hampton and Exeter. In 2003, \$150,000 was budgeted for design work. Representative O'Neil pointed out that a courthouse was built in Newburyport, MA to cover 14 towns and cities. He urged the Boards to consider the long-range needs, this court will need to serve the area for 30-40 years. The 101 corridor is a good location and he urged the towns to get together soon and work on this.

Ms. Cora Stockbridge, Selectman from Seabrook thanked the Board for the invitation to attend this meeting. She explained that Seabrook has already voted to provide a location for a joint court. The area is on Route 107 and is 75-100 acres. Seabrook would welcome a joint or single court and has discussed asking the town to procure the bond to build the court and lease it back to the State. Ms. Stockbridge acknowledged that geographically they are not popular, but the site is less than one mile off Route 95.

Mr. Steve Fournier, Epping Town Manager said that his Board and his Chief of Police would ultimately like two separate courts, and any location further east than Route 101 would be difficult for them. The case load continues to grow in Epping. Mr. Fournier commended Seabrook for their offer but said that the location is not feasible for them.

Representative Matthew Quandt told the Board that he has worked in several courts around the State and said that it is not so much the distance to get to a court, but rather the time to get there. In his opinion, the court would probably be best situated on Hampton Road. He also said that it is important that the State

consider the weight of the cases, more than just the number of cases. Chief Kane of Exeter told the Boards that they have provided some additional information on parcels of land of Route 101. He explained that he understands the additional burden for the police departments that have to travel a distance to court. The towns will need coverage when the officers are out of town, and some of these small towns have difficulty with getting the manpower. Chief Kane said that he thinks a consolidated court can move ahead, in an appropriate location. He said the area chiefs met on May 5th at the Hampton Police Department and with 12 of the 14 towns represented, it was pretty unanimous that the preference is to stay with the original proposal of two separate courts because it is in the best interest of the people that are served and the communities. The issues that were discussed included the growing population of the districts and the increase in the case loads. Overtime considerations are real problems; there are minimum costs every time an officer steps through the door. Chief Kane said that from his perspective, just having to go to Brentwood once a week for the past few months, he has a problem finding people to cover the shifts. Chief Kane asked what the population is that is served by the Dover Court. Mr. Campbell said that in 2003 the population for the Dover district court was 40,000 in comparison to the 80,000 that the 14 towns that would be covered by a Hampton/Exeter consolidated court is.

Mr. Ingram asked why there has to be a wait to start the State's committee and asked if that process could be hastened. Mr. Goodwin said that he is willing to contact Judge Kelley if that is a request of the towns. Representative O'Neil said that he is not sure if the legislation gives authorization to proceed to that step, although the towns could start to provide input. Mr. Ingram said that every town has an idea, but there needs to be a process in where everyone can get together to start a dialogue. Representative O'Neil said that the towns have to decide if they want one court or two courts. If you can resolve that problem, you may be able to move forward.

Senator Martha Fuller Clark said that as elected officials, they could put together an ad hoc committee that would allow them to work on the issues. The ad hoc committee can reach out to representatives from each of the 14 communities and such issues as one court or two could be reviewed and the towns could determine if they would be willing to shoulder the costs.

Mr. Pratt asked Rep. O'Neil about the legislation to consolidate the courts. Rep O'Neil said that it was done in 1994 in regard to several court consolidations. The only court that has been able to opt out of the consolidation was Durham due to the unique considerations with UNH. Representative Sheila Francoeur said that there is nothing to stop the communities from establishing a committee to get these decisions made. With a June, 2006 deadline in place everything needs to be ready for funding in the next budget. It is not her desire to have store front court houses.

Mr. Ingram summarized that there is one question; one court or two and the problem is how to make the decision. The Hampton and Exeter Boards of Selectmen met together and discussed it and the other towns were unhappy that they were not included. To save time, the State should be asked to put together a legal group to make the decisions about one court or two. In his opinion, it will have to be one court because the towns don't have the ability to funds this. Mr. Ingram said that it does not make sense to ask Hampton or Exeter to put this committee together, the ideal moderator of this committee should be the State.

Rep. O'Neil said that it would be in the town's best interest to call the Boards of Selectmen from the other towns and hold a meeting to decide one court or two courts. It may not be unanimous but it will provide a sense of what the other towns want, and if it is two courts they will have to see if they will be able to come up with the money. Mr. Dean said that the towns in the Exeter District were invited to this meeting and to share their comments. Mrs. Bridle-Russell said that in a perfect world we could afford two courts. There is no way she can see Hampton in the near future, or within the next 5 years, being able to afford a court house.

Mr. Pace said that if a request were sent out to the other communities, public meetings would have to be held and official votes should be taken. The concern he has in having an ad hoc process is if the State would give any credence to results that were obtained through that process.

Senator Maggie Hassan said that she understands that the Consolidation Bill includes a committee process as part of the existing legislation. The hold that was put on these courts, was through a request of constituents. The Boards of Selectmen never officially endorsed the legislation to put the hold on. It does not strike her that there would need official board action to release the State from that action. The advantage of an ad-hoc committee would be to get the buy-in from the other communities, but she does not think it is required. Rep. O'Neil said that the legislation was put in through the County Attorney and the local police chiefs. He said that it is important that the State listen to the Boards of Selectmen from the communities because the chiefs work for them.

Mr. Pratt recommended that a letter be sent to all the communities that asks them to vote a recommendation of one court or two and to forward that information to us. Mrs. Bridle-Russell said that the information about the cost impacts would have to be explained. She asked who is going to send out the letters and keep the tallies. Mr. Barrington said that if directed by the Board of Selectmen he would make that a priority on his calendar; Mr Pace asked if the hold on the consolidation bill prevents the consolidation legally to take place. Mr. Pace asked if the towns could get together and reach an agreement for a consolidated court, could that legislation be held and the committee started early. Senator Hassan felt that it could. Rep. Francoeur said that if the legislators could get some direction from the Board of Selectmen's they would work toward expediting the process.

Mr. Ingram recommended that the two Town Manager's write one letter to be sent to all the towns, stating those facts and describing what is needed is a decision at each town's level regarding one court or two courts. He asked the representatives who that compilation of information should be sent to. Mr. O'Neil recommended the letter be sent to Mr. Goodwin. Mr. Pratt suggested that the letter also request that the communities recommend a person to serve on the official committee. Mr. Pace recommended that the person should be an elected official, town manager or police chief. Mr. Dean said that the police chief's have said that they want to be active in the process. Senator Fuller-Clark noted that any proposed legislation to move this forward would need to be filed by September 1st. Mr. Pace recommended that the towns be asked to respond by July 31st. Mr. Pace asked if it were to be determined that a larger facility than what is in Dover is needed, would the State consider that or would the towns have to fund the difference in size. Mr. Goodwin said that if the towns determined that, they could present the case to the State for consideration.

The Board's will meet again in early August, with details to be worked out later in regard to the possible need for a larger facility. Mr. Workman thanked everyone for coming.

I. SALUTE TO THE FLAG – County Commissioner Katherin Pratt led the audience in the flag salute.

II. ANNOUNCEMENTS

Mr. Workman announced that there will be a meeting at Winnacunnet High School, sponsored by the Rockingham Planning Commission at 7:00 PM on Tuesday, June 14th regarding the future of Route 1.

III. OLD BUSINESS

Town Manager's Report

The retirement payout for Fire fighter Kevin Lemoine was \$24,107.10.

Mr. Barrington reported that that on Friday, the Town was served a suit from the Police Association attempting to have a court order the Board of Selectmen to provide monies for "private details". The suit has been copied for the Board. There is a hearing for a temporary injunction in this regard on Friday morning, so Attorney Gearreald would like to meet with the Board in a non-meeting at the conclusion of this meeting.

Boat Dock

The signed agreement concerning the boat dock was received today and authority has been given to Faye, Spofford & Thorndike to move ahead on construction of the dock.

Staffing Announcements

Mr. Barrington reported that he has hired Mr. Jamie Steffen as the new Town Planner for Hampton. Mr. Steffen comes to Hampton from the City of Somersworth, where he has been Town Planner for 16 years. Mark Fougere has agreed to continue to provide coverage for us through the July 6 meeting of the Planning Board, and Mr. Steffen will be here for the July 6 meeting.

Mr. Barrington told the Board that he is in the process of filling three Fire Alarm Operator positions in the Fire Department and is about to begin advertising for a Payables Clerk in the Finance Department. These are positions being vacated due to retirements.

Special Revenue Fund - Details

Mrs. Bridle-Russell noted that the current Special Revenue Fund shows receipts of \$24,708 for private details and she asked why there is revenue for something we are not doing. Mr. Barrington did not know and he will follow up on that, but speculated that it is revenue from the first part of the year.

Personnel Matter

Mr. Griffin said that several people have asked him if there have been some policemen let go. Mr. Barrington said that two police officers have been put on paid suspensions and he has received a recommendation from the Chief to terminate both the individuals. He will be holding hearings with each of the officers during the last week of the June. Mr. Barrington noted that if, after that process, the employees are not satisfied with the outcome, the matters may come before the Board.

V. NEW BUSINESS

Mr. Pratt noted that the grievance hearing has been cancelled.

State Budget Concern

County Commissioner Katherin Pratt was present and explained that the "pass-down" from the State to the County in regard to surcharges on Old Age Assistance and Aid to the Permanently Disabled is still in the budget and it will be going to a Committee of Conference. Mrs. Pratt urged the Board to speak to the State Representatives and ask them to take this item out of the state budget. She explained that this is an increase to enhance state revenues from local property taxes. For Rockingham County it would be \$500,000 from county taxpayers, and Hampton would see 7% of that cost. Mr. Workman urged voters to share their thoughts and concerns as well with the representatives.

Grievance Hearings

Attorney Gearreald told the Board that there are three grievances that need to be scheduled for hearings; two are police matters that were filed on June 6th regarding staffing during an event at the Club Casino and other is in regard to filling a detail for the Wrecker Rodeo. The Board's time limit to respond allows for the hearings to be on June 27th.

Mr. Pratt MOTIONED that the Board of Selectmen hold hearings for the two police grievances on June 27th beginning at 7:00 PM with the public meeting to begin at 8:00 PM.

Mrs. Bridle-Russell SECONDED

VOTE: UNANIMOUS FOR

Mr. Workman asked if a quorum of the Board is adequate to hear these grievances. Attorney Gearreald said that it is. Attorney Gearreald said that the third grievance that needs a hearing re-scheduled is with Local 3017 regarding station coverage. The union has suggested it be held on June 20th, prior to the Board's regular meeting. Mr. Workman said that it is highly impracticable for him to get here before 7:00 PM but if this can be done, he would go with the will of the Board.

Mr. Pratt MOTIONED that the station coverage grievance with Local 3017 be held at 6:00 PM in the precinct meeting room on June 20th.

Mrs. Bridle-Russell SECONDED

**VOTE: 3 FOR
1 ABSTAIN (Workman)**

Attorney Gearreald explained to the Board that Local 2664 has filed a similar grievance with the Board regarding station coverage on April 29th. He noted that it was filed with the Board on June 2nd, which was not timely and no extension was requested. Mr. Pratt said that he would prefer to waive the deadline and hear the grievance. Mrs. Bridle-Russell said that both sides are playing a game and she wants to know when it is going to end. She would like to meet with them next week for both hearings. Mr. Griffin agreed and said that there is a need for better communication.

Mr. Pratt MOTIONED that the Board of Selectmen waive time frame for the station coverage grievance from Local 2664 and hear that on June 20th at 6:00 PM in the Precinct Meeting Room.

Mrs. Bridle-Russell SECONDED

**VOTE: 3 FOR
1 ABSTAIN (Workman)**

VI. MINUTES

The minutes of June 6, 2005 were reviewed.

Mrs. Bridle-Russell MOTIONED that the Board of Selectmen accept the minutes of June 6, 2005 as prepared.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

VII. CONSENT AGENDA

- 1. Dance Hall Permits
- 2. Pool Table Permits

Mr. Pratt MOTIONED that the consent agenda be approved.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

VIII. ADJOURNMENT

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

Mrs. Bridle-Russell SECONDED

VOTE: UNANIMOUS FOR

Chairman