

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
September 26, 2005 7:00 PM**

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

PUBLIC HEARINGS:

1. The Board of Selectmen will take comments from the public on four 2005 Homeland Security Grants in an amount up to \$77,517.30.

Deputy Silver and Chief Lipe were present to speak on these grants. Deputy Silver explained that four grants were approved, and one of the grants was determined eligible under two separate grants and a public hearing will also be needed for the second part of that grant. These are 100% grants that have been distributed to communities based on levels of threat and risk. Deputy Silver said that because Hampton has extensive disaster recovery plans, it was eligible under the All Hazards section of the application.

Mrs. Bonnie Searle, 16 Penniman Lane, asked if the public has a right to know the amounts of these grants and what they will be used for. Deputy Silver said that the grant requests follow a needs assessment as prepared by the State, and all purchases must be from lists approved by the State. Grant #1 is for \$41,452 and will be used primarily for communication, air monitoring and rescue equipment. Grant #2 is for \$3,550 for heating equipment for decontamination purposes. Grant #3 is for \$17,323.30 for stabilization equipment for vehicle, trench and building use. Grant #4 is \$15,192 which is one half of the cost for a long range search and rescue camera. The second half of the cost of the camera will be covered by a different grant.

Mrs. Searle asked if all of this equipment is for the Fire Department. Deputy Silver said that it was with the exception of the long-range camera which will be used by law enforcement as well. Mrs. Searle asked if this is new or replacement equipment. Deputy Silver said that it is a grant requirement that it is new equipment to enhance the capabilities of the department. Mrs. Searle said that as a result these grants will increase the town budget when the equipment wears out and needs to be replaced.

Mr. Moore asked if there were any recurring costs for the equipment being purchased through the grants. Deputy Silver said that the only cost will be for batteries, which is a minor cost. Mr. Moore asked if the equipment will be put out to bid. Deputy Silver said that they will follow the town's bid procedures, which match the States requirements. Mr. Pratt asked what the long-range search and rescue camera do. Deputy Silver said that the camera is based on the thermal imaging camera technology, which has been adapted for outdoor use and will be utilized in outdoor search and rescue operations.

Mr. Pratt MOTIONED that the Board of Selectmen accept the four 2005 Homeland Security Grants in an amount up to \$77,517.30.

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

Mr. Pratt MOTIONED that the Board of Selectmen hold a public hearing on October 3, 2005 to take comments on the acceptance of a grant in the amount of \$15,192 towards the purchase of a long range search and rescue camera.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

2. The Board of Selectmen will take comments from the public in regard to the amendment of the following town ordinances: **Article 5, Section 3:507 NO PARKING to add: Winnacunnet Road, North and South Sides, from Mill Road to Landing Road, Monday thru Friday, 7:00 AM – 3PM; Moulton Road, both sides Monday thru Friday, 7:00 AM – 3PM; Windmill Lane, both sides Monday thru Friday, 7:00 AM – 3PM.**

Mrs. Judith Park, Chairman of the Highway Safety Committee stated that the committee recommends that the signs on Winnacunnet Road read "No Parking, Standing or Stopping". She said that this is for safety reasons because it has been observed that many parents are stopping along the road to drop off students and the students crossing at any area. Mrs. Park said that she hates to penalize the residents by not allowing them to use the parking in front of their own property, but the Highway Safety Committee agrees with the recommendation that parking not be allowed during the school days.

Mrs. Bonnie Searle said that this takes care of daytime, Monday thru Friday, but said that the prohibition should extend into the evenings and weekends due to other activities at the school. She said that more thought needs to go into this ordinance change.

Miss Allison Hamel, 2 Bear Path, stated that she was a Senior Seminar student and she asked where parents would be allowed to pick up or drop off students. Mr. Barrington explained that the instruction from the school is that students are now to be picked up or dropped off at the front of the school.

Mr. Workman read a letter from Mrs. Susan Erwin, Winnacunnet Road asking that the Town work with the school and not make any changes to the ordinances in that area. She believes that the problem will correct itself with adequate parking and does not want to have signs installed along the road.

Mr. Moore said that it may be appropriate for the Board of Selectmen to wait to take action on these until after the appointment with Highway Safety Committee later in the meeting.

Mrs. Bridle-Russell said that she would go along with no parking, but is not in agreement with the addition of no standing or stopping. She said that is a problem in front of all of the other schools in Hampton and she does not think it is appropriate for the ordinance. Mr. Pratt said that he agrees with Mrs. Bridle-Russell, although he would like to see the students use the crosswalks. Mr. Griffin said that there is only so much that can be controlled by an ordinance and this should be kept basic so that everyone understands it.

Article 13 Section 3:1306 20 Mile Per Hour Limit to add: Winnacunnet Road, between Park Avenue and Jeffrey Drive between the times of 6:45 AM-7:30 AM and 2:00 PM – 3:30 PM.

Mrs. Park said that the Highway Safety Committee recommends that the 20 mph speed limit be posted with no day or time restrictions. If you put too much wording on the sign it can cause confusion. They also recommend that the town look into having the flashing lights for school zones for all the schools in the town, noting that there may be grant moneys available for that. The reduced speed limit would apply 24 hours a day, every day.

Mrs. Searle said that she thinks that this is a good idea and a flashing light is also a good idea. She urged the Board to look at the arrangement in Greenland at Central School which is located on a major road and do something similar in Hampton. She asked that the Board of Selectmen ask the police department to make the enforcement of these ordinances a priority.

Mr. Fred Rice, 15 Heather Lane said that it is impractical to have a 20 mph speed limit 24-hours a day and suggested that a simpler sign could read 20 mph 6-8 AM, 2-3 pm.

Chief Wrenn said that from an enforcement point of view, a flashing light makes the most sense, but in any case the signs must reflect what the ordinance states.

Mrs. Bridle-Russell said she stood at the crosswalk at Centre school and she has seen cars going very quickly by the students and would like to see flashing school zone signs.

Mr. Moore said that the town should apply for grants for flashing signs for all of the schools. Mr. Griffin agreed and said that the lights should only flash during the appropriate times.

Article 4, One-Way Streets, 3:401 - Park Avenue: the easterly leg of "Y" onto Winnacunnet Road

Mrs. Searle said that the reason she is speaking on these amendments is because she travels this road several times a day. There is no Y at this intersection, it is currently a T and this hearing is premature. Mrs. Searle said that she believes in taking responsibility for her actions and expects others to. She said that it is time for the Board of Selectmen to determine who authorized what, and who may have gone beyond the scope of their responsibilities. Whoever is responsible should repay Winnacunnet for the repair of this problem because this should not come out of any public funds. Mrs. Searle said that Public Works should be ordered to bring jersey barriers to Winnacunnet and block the new driveway and reinstall the spur.

Mrs. Park said that the Highway Safety Committee does not recommend that the spur be one-way, stating that it appears to be a rather hasty decision. Mrs. Park said that she does not believe that a traffic safety engineer reviewed any of the plans and until there is input from a traffic safety engineer she would not want to see anything done in that location. The Board of Selectmen voted to restore the spur road last week, she asked if that is the only thing that can be done or if the Board is open to other suggestions. Mr. Workman said that the motion was to have the WHS Administration restore the spur road and unless that vote is reconsidered, the spur will be put back. Mr. Moore said that it has to be restored because only Town Meeting has the authority to authorize the work.

Miss Courtney Peters, Evergreen Road, Hampton Falls asked that the Board of Selectmen allow the school to keep the new driveway open because it has solved a lot of the traffic problems on Park Avenue. She stated that the spur was also dangerous and she does not believe it should go back in.

Chief Wrenn said that putting the spur back in to use will create a dangerous situation, and making it one-way is going to create a back-up onto Winnacunnet Road. Chief Wrenn said that a traffic study should be considered before any action is taken. He noted that he had not seen the plan that was presented last week, and it appears to be a great plan. Chief Wrenn said that from a safety point of view there will be safety issues with the Y and traffic will back up as long as that driveway remains open. Mr. Griffin asked if the spur was a safety issue before the driveway was installed. Chief Wrenn said that it has been a safety issue for many years and the town has lived with it. He stated that there have been several accidents in that area because there were too many cars going in and out in a small area. T intersections are the safest intersections because the drivers have some order coming out of a sides street. A T intersection is also traffic calming. Chief Wrenn said that there was a problem at that intersection in the past with cars coming out of the spur because they only had to look over their left shoulder and most often cars did not slow down before pulling onto Winnacunnet Road. Mr. Moore noted that it isn't a clear T intersection at this point, and in reality the problem with the Y and school driveway is only for 90 hours per school year and it is important to make that intersection easier for everyone that uses it for the majority of the time. Chief Wrenn said that there are also some obstructions on private property that makes it difficult to see traffic coming easterly on Winnacunnet Road.

Mrs. Lynn Goodman, Exeter Road said that she has been reading about this problem and she sees it as a basic safety issue. She would hate to see Hampton take the approach of waiting for a major accident in order to take care of that intersection.

Mr. Rice said that he did not disagree with the Highway Safety Committee or the statutes that explain what can be done legally. He said he continued his research and believes that the road needs to be restored. Mr. Barrington had noted that nothing was discontinued or abandoned, which Mr. Rice said was correct because no legal action had been taken. Mr. Rice said that nothing should be done to a road until legal actions have been taken because it is unlawful to excavate or disturb an existing roadway. Mr. Rice said that the Board of Selectmen did the right thing last week to require that it be restored. Mr. Rice said that Town Meeting needs to first vote to discontinue the spur and then a plan can be devised that will fit well together. Mr. Rice recommended that it be one-way with a stop sign at the end of the spur, as it is on Winnacunnet Road, by Galley Hatch. Mr. Rice said that if the Board of Selectmen tries to make

adjustments to the road it will give the impression that a favor is being done for someone, and the Board has to treat all parties the same.

Miss Allison Hamel, speaking as a student that drives to Winnacunnet, stated that the new driveway has cut down on the traffic coming and going from the school. Putting the spur back on will cause heavier traffic onto Winnacunnet Road and will make the situation unsafe. The driveway helps with the traffic much more than the spur did.

Miss Marie Cushing, 395 Winnacunnet Road said that the spur used to have a stop sign at the end and it frequently was not obeyed. She said that the new driveway has been a big help, and if the spur had not been removed it is likely that this meeting would be to condemn Winnacunnet High School for creating a safety problem.

Miss Erica Michaud said that the spur was dangerous and the driveway has been a significant improvement. She said that people fought for so long for the improvements and things that have helped should not be changed.

Mrs. Park said that the Highway Safety Committee discussed this and it was the majority vote that the spur should be restored as it was, however they all recognize that restoring it will create a tremendous safety issue if the driveway is left open. Some of the recommendations were to eliminate one of the exit lanes in the driveway and the island separating the lanes so that the exit could be further from Park Avenue. Mrs. Park said that the committee feels that before anything is done, a traffic safety engineer should review it. They also recommend that there be a streetlight added to the end of the driveway and that there be a traffic control person funded by the high school to control traffic in the morning and afternoons, The Highway Safety Committee also recommends that the driveway be barred at night and that any non-school activities be required to utilize the Alumni Drive entrance. The solution is not to take away the driveway, because the two entrances have made safety improvements on Park Avenue.

Mr. Gerry Dignam said that he agrees with Mr. Rice and is sick of hearing that a mistake was made. Mr. Dignam said that when you take someone's property without their permission, it is theft. The whole problem is that the unauthorized driveway comes on to one of the town's busiest streets. He understands that the driveway was opened to allow parents to bring students to school, but the taxpayers provide busses for students. Mr. Dignam said that first, Winnacunnet needs to return the Hampton property that was taken without authorization and close the driveway and then talk about changes over the winter.

Miss Courtney Peters said that as a student who aspires to be a lawyer, it appears to her that Winnacunnet took out the spur in the road based on someone's direction, and the Board of Selectmen is offended because they were not consulted. She does not believe the School Board's intent was to offend anyone, but rather to make the safest situation possible for both the students and residents that drive Park Avenue. Miss Peters said that people can still utilize the road, but in a safer manner than before.

Mr. Vic DeMarco, Vice Chairman of the Highway Safety Committee stated that the spur was changed to something close to a T intersection. If the spur is to be reinstalled, it should be one-way. The intersection was a problem to begin with, and other than 5-Corners, he believes it is the worst intersection in town. There are sight problems and the telephone pole is in a difficult location. If the spur is reinstalled the driveway should not be allowed to be used. Mr. DeMarco said that if standing or stopping is allowed, the problem will get worse. His recommendation is that everything be left as it is until Town Meeting. The School did not do anything intentionally and got a driveway permit from the Public Works Department. Mr. DeMarco noted that there has never been a second exit from that school and if the school needed to be evacuated, there would have been serious problems.

Mrs. Goodman asked the Board to consider what time frame the statute allows for the Board to correct the error. She asked if there is some flexibility as to when the work must be completed, and if it could wait until March for discussion at Town Meeting.

Mrs. Bridle-Russell said that when this plan was presented several years ago, she remembers it being discussed at the Budget Committee and a comment being made that the T intersection would be safer. When the construction actually took place, many people were surprised. As taxpayers, we all have a responsibility to look into the items we are voting on and sometimes we get excited by an overall project. Mrs. Bridle-Russell said that she agrees that a professional opinion should be sought prior to any work being done on that intersection. She does not want a reactionary plan, she wants a well thought out plan.

Mr. Moore said that he does not know if there is a timeliness factor for the restoration, and believes that it has to be restored as soon as the Town is aware of it. This is a situation that is out of control and actions were taken that did not have the proper approval. Mr. Moore said that he does not see any option other than having the spur put back in immediately. If the proper procedures had been followed, the 2005 Town Meeting would likely have approved the appropriate plan.

Mr. Griffin said that he agrees with Mrs. Bridle-Russell, but the Board needs to follow the RSA's and have the road restored to the way it was. The driveway does closely resemble a street and when that was allowed to go in, it was the beginning of the problem.

Mr. Pratt said that he agrees with Mr. Moore and until the Board is told that it has the legal right to do the work, the spur needs to be restored.

There were no further comments and the Public Hearings were closed at 8:28 PM.

I. SALUTE TO THE FLAG – Mr. Vic DeMarco led the audience in the flag salute.

II. ANNOUNCEMENTS

Mr. Moore announced that Ellen Goethel will be conducting a program for the Historical Society on Saturday at 2 PM about the salt marsh and looking at the tools that were used by the early settlers in the salt marsh.

Mr. Pratt announced that the First Congregational Church will be hosting a Ham and Bean Supper on Saturday.

III. APPOINTMENTS

1. Hampton Beach Village District Commissioners, Re: Fire Station

Commissioner Mike O'Neil introduced Commissioner Maureen Buckley, Chairman John Kane, and Attorney Sharon Cuddy-Somers. On behalf of the Commissioners, Mr. O'Neil wished Mrs. Anderson the best in her new position and thanked her for her work with the Hampton Beach Village District.

Mr. O'Neil explained that the lease agreement between the Town and the Hampton Beach Village District expires this year and the Commissioners would like some direction from the Board in regard to their plans for the future. Mr. Barrington said that the Board of Selectmen has not specifically addressed their intent, but efforts are going forward for a warrant article for a sub-station at the beach and improvements to the station up town. Mr. O'Neil asked what happens if the voters turn the article down. Does the Board have a contingency plan? He explained that the Commissioners are very concerned about fire service at the beach and were upset to learn that there was no ambulance service for most of the summer, beginning in July. The Commissioners have to do their planning for the future as well and would like to know that the Board of Selectmen is going to put forth a bond. Mr. Barrington said that even if the article passed, there would not be a new building in place for April 1st. Mrs. Bridle-Russell said that this Board has not talked about a plan or developed a time schedule and she has not heard any plan from Chief Lipe. Mr. Barrington said that Chief Lipe has been working on this, with the intention of presenting it to the Board during the budget process. Mr. Barrington said that he understands the Commissioner's concern and said that the Board may wish to request an extension of the lease. Mr. O'Neil said that based on their annual meeting vote of 2002,

they are not authorized to extend the lease unless a building is under construction. Mr. Kane said that at this point in time, the Town should have had a plan and financing in place and a shovel in the ground by March, 2006. Mr. O'Neil said that an alternative was offered last year, with a land swap that would have allowed the Town to continue to operate from the current building until a new station was built in the Precinct. Mr. Pratt said that the Board may have to move forward with the land swap if it is the only way to continue the fire service at the beach.

Mr. Moore asked for a copy of the original lease document. He said that a contingency plan will need to be developed on how the Town will operate without that station. Mr. Griffin said that originally the Precinct was started for fire service and he asked what the Precinct does now. Mr. O'Neil said the Precinct provides the promotion and entertainment for the beach and provides a playground and entertainment at the seashell. Last year the Precinct voters authorized a bond for streetlight infrastructure in conjunction with the town's infrastructure project. An emphasis on beautification is one of the Precincts interests. Mr. Griffin said that as a Precinct resident, he hears nothing but controversy about the Precinct. The tax payer's don't like the money going for promotion and entertainment and they are not allowed to vote on the decisions. He said that he did not mind paying the added tax for fire service, but there is a bigger problem now, and it makes it hard to determine what needs to be done.

Mr. O'Neil said that there are State laws that control who can vote at the Precinct meetings although the Commissioners have always allowed non-resident taxpayers to speak. Mr. Griffin asked what percentage of the budget is for advertising. Mr. Kane said that approximately 33% of the budget is for advertising. Mr. Kane explained the importance of the advertising and promotion for the beach because of the need to stay competitive with other beach resort areas.

Attorney Somers said that what is being discussed is a piece of property owned by the Precinct which is subject to a lease, that is due to expire in March, 2006. The Town and Precinct need to make some arrangements to set up a new lease or put into effect some long range planning for the public safety of town and beach residents. She urged the Board of Selectmen and the Town Manager to work with the Commissioners to put together a concrete proposal for a long-range plan. Mrs. Bridle-Russell said when the Town took over the fire service, an agreement was made to keep a fire presence in the beach and the Board does not intend to ignore the concerns of the beach residents. Mr. O'Neil said that the Commissioners would want to have something wrapped up before the beginning of December. Mr. Barrington said that it has been the Fire Chief's intent to bring this forward to the Board of Selectmen during his budget review. Mrs. Bridle-Russell said that this should be the first priority after November 1st. The Board of Selectmen agreed to meet with the Commissioners on December 5th to update them on the status.

2. WHS Administration –Park Avenue Intersection

Mrs. Sue Kepner, Winnacunnet School Board Chairman introduced Principal Randy Zito, Facilities Manager Dick White, Interim Assistant Superintendent Ralph Minichello, School Board members Brenda Quackenbush and Maria Brown and representing the School District for this matter, Attorney Dan Schwartz. Attorney Schwartz said that he does understand the RSA's in question and while reviewing them had hoped to find a magic bullet to undo this problem, but he was not able to do that. He explained that the School District took the steps that it did with Planning Board approval and with input from the Police, Fire and Public Works departments. The authorities that are charged with approving driveways knew all about this action and the School Board relied on those opinions. He said that he thinks that the spur does constitute a road because it was maintained as a road. He agreed that people have to take responsibility for their actions, which includes the Town departments and the Planning Board as well as the School District. Attorney Schwartz said that no one is in danger of going to jail if the area is not tarred immediately, but the matter should be brought to the voters. It does not make sense to tar the road prior to town meeting. If the voters say put the road back, that will be done. The voters may want to agree with the recommendation of a traffic engineer and the District is willing to pay for a reasonable traffic study. It would be very unwise to reopen the spur and leave the driveway intact, and it would be just as unwise to close the driveway.

Mrs. Kepner said that there will be a gate installed at the end of the driveway and they are willing to discuss with the Board appropriate times for the driveway to be gated. Mr. Zito said that for over thirty year's town representatives have advised the high school to have a second entrance/exit for the high school. At the time the land was purchased, there was no money to make the area a driveway and now that has been completed. Mr. Zito said that the voters did understand that there would be a new roadway, but the bigger issue for them was the new gymnasium and the additional 25 classrooms. The School Board only cares about being good neighbors and he suggested that the two boards work together to look for a common solution, based on an expert opinion so that money is not unwisely spent. Mr. Zito asked that the Board of Selectmen listen to the committees that they have appointed as well as the most important safety person, Chief Wrenn.

Mrs. Kepner said that she can remember discussion about trying to move the driveway as far south as possible. The first proposal that was put to the voters had the second entrance on Park Avenue, which would have been terrible. The School District also tried to get an access from 101, but the State objected. Mrs. Brown expressed the appreciation of the School Board that the Board of Selectmen is taking the time to resolve this issue. All the money that is spent is taxpayer money and she asked that the Board take into consideration the safety of the children and the residents.

Mrs. Bridle-Russell asked Attorney Gearreald what his legal opinion is of what was done last week or if the Board of Selectmen would be going to jail over this. Attorney Gearreald said that there are a lot of legal issues on various aspects of this. He explained that as far as the applicability of local land use regulations, governmental entities building structures are exempt from the local regulations, based on RSA 674:54. The exemption does not extend to the roads and written permission from the Board of Selectmen is needed based on RSA 236:9 to disturb the shoulders or embankments of roads used for travel. There is no question that the written permission of the Board of Selectmen was not obtained. Attorney Gearreald said that he spoke with Attorney Paul Sanderson, from the Local Government Center today and it is his opinion that the roadway needs to be restored to "the satisfaction of the authority empowered" which is the Board of Selectmen. Attorney Gearreald said that there is no time frame given, and the State leaves a lot of discretion to the Town. The motion made last week was one that the Board of Selectmen had the power to make.

Mr. Moore said that it would be wonderful to know what really happened during this time frame, it appears there were at least three plans sent out for review and he is not sure what the Planning Board had approved. It is not right how it happened. Mr. Moore said that the people that gave permission on certain points of the plan did not have the authority to make that decision. There are two opinions, one that the Board of Selectmen has the authority and one that only Town Meeting has that authority. Mr. Moore said that he does not feel it is fair to ask the voters to approve something that has already been completed. Mr. Griffin said that he agrees that the road needs to be restored.

Attorney Gearreald said that RSA 236:9 says that the road it to be restored to "your satisfaction", referring to the Board of Selectmen. He said that it is not necessary to go to Town Meeting to reconfigure roadways, and if this was eliminating an intersection, it may need Town Meeting approval. Attorney Gearreald said that it is his opinion that Town Meeting approval is not required to reconfigure an intersection from a "Y" to "T".

Mr. Pratt said that he sees a problem at the intersection and would like to have a professional look at and make a recommendation. He can understand why the people in Hampton are upset because an intersection was changed and the proper procedure was not followed. He believes that it should go before Town Meeting, but he is not sure what should be done at this time. Mr. Griffin said that a traffic study is needed, but it should have been done before now. He added that if there is taxpayer money to be spent, it needs to be shared by the other communities of Winnacunnet, not just Hampton.

Mrs. Bridle-Russell MOTIONED that before any action is taken to restore the intersection, a traffic study be done by an impartial traffic advisor at the expense of the School District.

Mr. Pratt SECONDED

Mr. Moore said that the traffic study would defer any action because the asphalt plants will be closing around November 15th and the traffic study and evaluation would likely not be completed until after that date. Mrs. Bridle-Russell said that if it saves one accident or one life it is worth the wait. Mrs. Bridle-Russell said that the Police Chief said that it would create an unsafe situation if we reinstall the spur, and this needs to be considered a safety issue, not a concern about who did what and when. She strongly believes the traffic study should be done first and if any work has to be put off until spring, the Board will know that they made something safer. Mr. Moore said that if the spur is put back in, the driveway will need to be closed down.

Mr. Griffin said that there is no need to put a jersey barrier; a gate would work so that it could be opened for an emergency. Mrs. Bridle-Russell said that we should not put the spur back because if the traffic study says that the spur should be removed, it will have to be taken back up and more money would be wasted. The Board owes it to the taxpayers to make something safe and affordable.

Mr. Pratt said that he concurs with Mr. Moore that the Board tends to procrastinate decisions. The residents of Hampton have the right to have the spur back and if the driveway has to be closed for 6 months, so be it. Mr. Griffin said that if this waits and only Hampton has to pay the changes that will be a crime. Mrs. Bridle-Russell said that the residents she has talked to want to make sure that the intersection is safe. Mr. Griffin said that if we had been consulted at the beginning this would have worked out. Mr. Moore asked what the local definition of driveway is.

Attorney Schwartz said that he does not know what the benefit is of making the District put this back before the process is followed. Mr. Moore said that the intersection is difficult for residents to use now; making the left hand turn onto Winnacunnet Road from Park Avenue is manageable in a passenger car, but a commercial truck or school bus has a difficult time. Mr. Moore said that the school board acknowledged that the process was not followed, and just because there is no time frame in the statute it would not be honorable to delay it. If the spur was to be put back in, there is no one saying that Town Meeting would even approve it being taken back out. Attorney Schwartz said that he believes that the town voters will be able to make a decision whether or not to have the spur without it being put back in first. Mr. Workman noted that the Board of Selectmen took a vote last week and one of the points in that motion was that action would be taken prior to September 21. He asked if any action had been taken and he was told that it had not.

**VOTE: 2 FOR (Bridle, Pratt)
3 OPPOSED**

3. Mrs. Judith Park, Highway Safety Committee

Mr. Vic DeMarco and Mrs. Park were present. Mrs. Bridle-Russell asked who was present at their meeting today. Mrs. Park said that including herself there was Mr. Ross, Mr. Wardle, Mr. Lonergan and Janet Perkins as an alternate for Mr. DeMarco.

Mrs. Park said that she wanted to discuss the parking in Tuck Field and Eaton Park as well as the safety changes. One of the major concerns of the Committee in both parks is the liability of the town for allowing the parking of students. Mr. Workman said that the lease will have insurance requirements and indemnification for the Town. Mrs. Park said that one of their members has monitored the number of cars that were in the parks and the way the traffic flowed in and out of the parking areas. Mrs. Bridle-Russell asked which member and was told that it was Mr. Lonergan. Mrs. Park said that Tuck Field was nearly filled to capacity each day as was Eaton Park; he observed that the students were using the "in" driveway to exit, even though it is a one-way. A concern was also voiced that at Eaton Park, the exit is almost directly across from the exit of Alumni Drive, creating a dangerous intersection. A lot of trash was observed that resulted from the students parking there. He observed them coming in with their coffee and cigarettes, both of which ended up on the ground. Mr. Workman said that the trash is addressed in the agreement which has not been signed as yet. Mrs. Park said that due to the proximity of the driveway to Alumni Drive and potential wetlands concerns with snow removal on the dirt area of Eaton Park, the Highway Safety Committee is recommending that no parking be allowed in that area. If the parking is supervised, including the arrival and departure of the students from Tuck Field, to insure that the one-way direction is followed

the Highway Safety Committee would have no objection. She also requested that the Board of Selectmen make it clear that students would not be able to park at Lewis Brown Park, which they have been known to use in the past. Mrs. Park also re-emphasized that the Highway Safety Committee stands by the recommendation of no parking, standing or stopping on Winnacunnet Road.

Mr. Vic DeMarco said that if the students follow the correct exit path, there would be about 40 cars going by Kids Kingdom, which is separated by a split rail fence and that is a problem directly across from the spur of Landing Road. There is a small person's playground adjacent to the entrance of Tuck Field that is used by toddlers. Mr. DeMarco asked if that spur is reinstated, will the Chief be allowed to make the determination that the intersection is unsafe and close the intersection until Town Meeting. The easiest solution with that driveway is that the School Resource Officer be instructed to be at the intersection at the appropriate times to control that traffic.

Mrs. Park said that it appears that the spur road is going to be restored so the driveway should be gated and not be used. She also recommended that a traffic engineer come out and look at the situation, keeping in mind that Winnacunnet referred to the previous data collection as a traffic study, and draw up some plans for what would be a safe intersection. She urged the Board to be very specific on what is being requested for a traffic study. Mrs. Bridle-Russell asked if a traffic study has been done regarding the sidewalks and curbs at the beach. Mr. Barrington said that traffic professionals designed the project. Mrs. Bridle said that we may want to refer the comments regarding Eaton Park and Tuck Field to the WHS Principal. Mr. Moore said that one of the things that the Board was trying to do was to alleviate a one-year parking problem for Winnacunnet.

Mr. Barrington said that if the area is a school zone, citizens would have the common sense to know when the lower speed limit is in affect. Mrs. Bridle stated that the Highway Safety Committee would be looking into the grant opportunities for flashing lights.

Mr. Moore asked if the Public Hearing will remain in effect if a vote is not taken at this time. Mr. Barrington said that as long as the action matches the hearing, the Board of Selectmen can act at any time.

Mr. Griffin said that Portsmouth High School is having a similar problem for parking and the students are charged \$200.00. It may be worthwhile to communicate with Portsmouth about what may be fair.

4. Mr. David Lang & Union Representatives, Re: Offer of Assistance

Prior to Mr. Lang speaking Mr. Workman made the following statement: "The PELRB recently issued a ruling between the town and one of the Collective Bargaining Units regarding communication outside of the collective bargaining units. This ruling indicated that communication outside the parameters of the CBA constituted an unfair labor practice. Cognizant of that decision and on advice of counsel, we must be wary of committing any such action. Accordingly, the Board agreed to hear your appointment but with the following caveat: Any and all ideas, suggestions or comments in any way related to wages, hours or working conditions must be heard by and brought through the negotiating teams appointed by the respective entities and cannot and will not be entertained this evening."

Mr. Lang introduced members that represent the leadership of the employees of this community. He stated that the employees provide the services of the town and they are proud to do that. When they go to work they do so for the right reasons. They have watched the struggle with the second default budget and can see the impacts on the streets, in the town office, in the police station and the fire stations. He said that they are seeing taxpayers being forced to make decisions that they do not want to make, based on dollars. The employees have worked tirelessly through all conditions to be there for the citizens. Mr. Lang said that he understands the opening remarks and why Mr. Workman had to say them. It seems like we are getting in to a litigious relationship. Mr. Lang asked if it is wrong for the employees to say that they want to help. The unions are offering to take the signature page of the current contracts and extend them, as is, for two years in order to give the taxpayers a break for two years, to steady the course and move ahead. Mr. Lang said that the employees are hoping that their offer will be considered sincere and will be embraced with open arms. This is a collaboration and they hope that the Board of Selectmen will consider the offer and agree that all employees, union or not will maintain the status quo for two years.

Park Avenue

Mr. Barrington asked that the Board of Selectmen waive the formal bid process in order for him to be able to meet the October 21 deadline for reinstalling the spur. He also asked for clarification regarding reinstalling exactly what existed before or if the alternate “Y” based on his discussion with Stephen Pernaw, with a right-turn only lane and maintaining a 200’ space from the driveway was to be installed,

Mr. Moore said that intent was to reconstruct what was there, but in the discussion, the Board discussed seeking comments about making the spur one-way and narrower than it was before. Mr. Moore said that it is unclear to him that if they build the exact roadway again if it could then be painted with the different configuration. Mr. Moore said that he believes that it should be the same footprint. Mrs. Bridle-Russell asked why the Town is getting the bid for the work. Mr. Barrington said that the motion last week directed him to do the work if the School District had not taken action by today’s date.

Mr. Moore MOTIONED to waive bid requirements for the restoring of the Park Avenue intersection.

Mr. Griffin SECONDED

**VOTE: 3 FOR
2 OPPOSED (Bridle. Pratt)**

III. OLD BUSINESS

Town Manager’s Report

Luncheon

Mr. Barrington announced that the staff will be having a farewell luncheon for Karen Anderson at noon on Monday, October 3. It will be a pot luck format. We certainly hope the Selectmen can make it by for lunch and fellowship. Mr. Barrington said that Karen has positively affected the lives of many of our citizens during her time here in Hampton.

High School Parking

Mr. Barrington reported that the Board received the WHS parking proposal recently, and it was copied again behind Attorney Gearreald’s memo. The school proposes to collect \$75 from each student and pay \$50 of that to the Town, with the balance being used by the school for snow plowing. The spaces they are requesting in the Eaton Park parking lot would only be located on the dirt area between the gate and the culvert. This would prohibit student parking in the Kid’s Kingdom paved parking lot. It appears to be a reasonable approach to get through this school year until the additional parking spaces can be provided on the school property at the conclusion of the construction project.

Engine 2

Fire Chief Lipe reported that Engine 2 was returned today and is back in service.

Tax Rate Setting

Superintendent Gaylord reported that the SAU 21 financial information was to be delivered to DRA on September 23rd. Mr. Barrington said that he hopes to schedule the Town’s tax rate setting during the week of October 10. Mr. Barrington added that he expects to be able to give the Board the latest, best estimates of revenues next week for approval in final preparation for the tax rate setting.

Default Budget

Mr. Barrington said that Mrs. Duhamel has been attempting to put together an early estimate of the default budget, and has found that there are simply too many variables at this time to provide a number that would be meaningful in any way. Therefore, he requested that they be allowed to present an appropriate number, based on actual facts, at the appropriate time. On another financial report issue, Finance Director Duhamel is finalizing numbers on the requested report for the status of the Infrastructure contracts and progress.

Health Insurance Rates

At the Insurance Committee, the Town was informed that it can expect information on the health and dental insurance rates for 2006 in early October. This is early as compared to recent years and will allow the Finance Director time to post actual rates before the budget leaves the Board of Selectmen review phase.

Transfer Station Holiday Schedule

Mr. Barrington told the Board that he enclosed a memo from Public Works Director John Hangen concerning the proposed holiday schedule at the Transfer Station for the balance of the year. It appears appropriate, but if the Board feels any modifications are needed or desirable, they should be discussed.

Mrs. Bridle-Russell said that only being open on weekends on Saturday from 8:00 AM to Noon will be difficult. Mr. Barrington said that was a Board decision when the default budget was being formulated.

Vacuum Truck

Mr. Hangen asked that the public hearing for the acceptance of the grant for the vacuum truck be held next week.

Building Department Position

Mr. Barrington reported that the amount needed to fund the part-time building inspector position that the Board discussed last week is \$26,562.

Ball Field Lights

Mr. Barrington explained to the Board that Granite State Electric is holding a contest to give away a free set of ball field lights. Mr. Barrington noted that no one has asked permission to put lights on Tuck Field and he wanted to be sure that the Board of Selectmen has some input on this. In the past, there was a proposal to put lights on that field, but there was opposition from the residents of the senior housing and the Board chose not to allow the lights. Mr. Barrington said that new technology does allow the lighting to be directed away from the residential properties, but there would still be a noise factor from activities taking place at night. If the Board is not interested in putting lights on that field, the process can be stopped. If the Board of Selectmen is interested, there are efforts that can be made to increase the number of signatures and qualify the Town for the next phase of the contest.

Administrative Assistant

Mrs. Bridle asked when the Town Manager expects to have the new administrative assistant in place. Mr. Barrington said that the deadline for applications is Friday; he expects to conduct some interviews later this week and hopes to make an offer some time next week.

Invitation to LGC Committee

Mr. Barrington told the Board that he has been invited to be a member of the Municipal Advocacy Committee of the Local Government Center and would like the Board's endorsement of his participation. Mrs. Bridle-Russell asked Mr. Barrington if he feels he will have the time to take on this committee with the with the reinstallation of the spur, a default budget, and the infrastructure project. Mr. Barrington said that he does not believe that the timing of these meetings will be at his peak busy times and he believes it will be a good thing for the Town. Mrs. Bridle-Russell said that as long he feels he can handle everything, she does not have a problem with his participation.

Mr. Moore said that he has no objection to the transfer station hours or Mr. Barrington's appointment to the committee. Mr. Griffin said that participating in this committee is fine with him if Mr. Barrington thinks he has the time. Mr. Pratt also agreed.

Infrastructure Project

Mr. Moore reviewed the infrastructure financial update and said that it was very clear and understandable. Mr. Moore noted that there is a pending change order for S. Zoppo. Mr. Barrington said that they are

meeting on that next week. Mr. Moore asked when more paving is going to be done on Kings Highway. Mr. Barrington said that there is underground work that still needs to be done prior to paving.

Mr. Moore said that the lights seem nice, but he feels that there are several issues to be considered including utility costs and maintenance. He is in favor of moving forward in the contest, understanding that there will be more discussions.

Building Department Budget

Mr. Moore MOTIONED that the budget for the Building Department be increased by \$26,562 for a part time inspector, effective April 1st.

Mr. Griffin SECONDED

Mr. Pratt said that he has a hard time with this addition because public safety is a big concern and he does not know that this will add much to public safety. Mr. Barrington said that if you don't have good inspections, the building conditions will lead to disasters. Mr. Workman said that he does not doubt that the department is overworked, but we can't keep adding to the budget and then hope it will pass.

The new total for that department is \$216,394.

Mr. Griffin said that if you look at the damage from the hurricanes it is clear that there are many things that need to be inspected. Mr. Workman said that if inspections are so vital, why did the Board of Selectmen eliminate the secretary for the fire inspectors, reducing their time to do inspections.

**VOTE: 3 FOR
2 OPPOSED
(Pratt, Workman)**

Private Detail Vehicle Rate

Mr. Barrington reported that Chief Wrenn was in favor of increasing the private detail rate to \$14.35 in accordance with the FEMA rate.

Mr. Pratt MOTIONED that the Board of Selectmen authorize the increase of the private detail, vehicle rate to \$14.35 per hour in accordance with the FEMA rate.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

Mr. Griffin told the Board that he talked to Mrs. Fallon and she reported that the "No Parking" signs still have not been replaced on Ocean Drive.

Mrs. Bridle asked if the Board of Selectmen is going to discuss the letter from Holmes & Ells. Mr. Barrington said that it will be discussed next week.

Mr. Griffin asked about the memo from Foss regarding the bankruptcy. Mr. Barrington said that the Town is just behind the IRS as a priority with the bankruptcy laws and it is his understanding that Foss intends to pay the taxes in October. There is a phone conference that Attorney Gearreald will be taking part in next week. Mr. Barrington stated that Foss has been a good corporate citizen and they have paid their taxes.

IV. NEW BUSINESS

Fire Department Grant

Mr. Pratt MOTIONED that the Board of Selectmen hold a public hearing next week to take comments on the acceptance of a grant to cover the second half of the cost for a long-range search and rescue camera.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

WHS Student Parking

Mr. Barrington said that after checking on the cost of plowing, the school is suggesting that they will collect \$75.00 with \$50.00 being turned over to the Town and the balance used towards plowing. Attorney Gearreald said that there should be some indemnification language added to the agreement and he suggested that the agreement be tightened up in regards to the cleaning of the lots. Attorney Gearreald said that there is also a clause that the police department will be patrolling the lots. Mr. Workman suggested adding “in accordance with the towns regular patrol duties” in that clause. Mr. Barrington said that it is difficult for Mr. Zito to take any action on students that may be leaving trash or driving inappropriately until the agreement is signed and stickers can be issued. Attorney Gearreald asked if the Board wanted to allow the parking at Eaton Park. Mr. Barrington said that there was a concern about snow removal from that area of Eaton Park in conjunction with wetlands issues. Mr. Zito said that they would work with the town to remove the snow in the correct way. Mr. Zito said that when parking on site is available, he will relocate the students in that section first. Mr. Zito said that the students that get stickers will be committing to 4 clean-up sessions. Mr. Moore said that he has a concern that the lease shows more parking spaces than may actually be available. Mr. Zito said that the number of spaces was given to him by Captain Sullivan and the number will be adjusted. Mr. Zito asked if Mr. Barrington could be authorized to sign the agreement after it is corrected to note the snow removal costs at Eaton Park and the correct number of spaces. Mr. Griffin asked if Mr. Zito was aware of the parking problems at Portsmouth. Mr. Zito said that Portsmouth charges \$50 per semester for a \$100 annual fee, which was a small increase for that school. It was a large increase for WHS to go from \$35 to \$75. Mrs. Bridle-Russell asked why the Board is discriminating against WHS students and charging them to park, but not charging others that use those areas. Mr. Zito said that Mr. Barrington recommended that the school make a financial proposal to the town. He added that the school does not charge the Recreation Department to use the gym and fields or the Town to use the auditorium. Mr. Barrington said that in this case, the Town had prohibited the students from parking because of the trash and vandalism problems in the past and he views this as a good faith effort which will make the students more responsible. Mr. Zito said that the seniors pay \$75 to pay on campus; this fee will allow funds to paint lines and repair holes. If students lose their parking privilege they are not refunded the fee. The parents will also have to sign the same document, indicating that they understand the rules.

Mr. Pratt MOTIONED that Mr. Barrington is authorized to sign the agreement on behalf of the Board when the changes have been made.

Mr. Moore SECONDED

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

Public Hearing Actions

Article 5, Section 3:507 NO PARKING to add: Winnacunnet Road, North and South Sides, from Mill Road to Landing Road, Monday thru Friday, 7:00 AM – 3PM; Moulton Road, both sides Monday thru Friday, 7:00 AM – 3PM; Windmill Lane, both sides Monday thru Friday, 7:00 AM – 3PM.

Mr. Moore MOTIONED that the Board of Selectmen adopt the change with the addition of no standing or stopping on Winnacunnet Road.

Mr. Workman SECONDED

Mr. Griffin said that he does not know if this is something that can be easily enforced and there is a danger of making rules that can’t be enforced. Mrs. Bridle-Russell agreed with Mr. Griffin. Mr. Barrington said that all enforcement is a function of what an officer sees; this is enforceable and if you post the sign that way, honest citizens will use the mechanism in place.

**VOTE: 2 FOR
3 OPPOSED
(Bridle, Griffin, Pratt)**

Mr. Pratt MOTIONED to accept the amendment as written.
Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

Article 13 Section 3:1306 20 Mile Per Hour Limit to add: Winnacunnet Road, between Park Avenue and Jeffrey Drive between the times of 6:45 AM-7:30 AM and 2:00 PM – 3:30 PM.

Mrs. Bridle MOTIONED that the Board of Selectmen adopt the amendment as written.
Mr. Pratt SECONDED

Mr. Griffin asked if there will be a blinking light. Mr. Barrington said that there will not be any lights at this time.

**VOTE: 4 FOR
1 OPPOSED (Griffin)**

Article 4, One-Way Streets, 3:401 - Park Avenue: the easterly leg of “Y” onto Winnacunnet Road

Mr. Moore MOTIONED that the Board of Selectmen adopt the amendment as written.
Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

Budget Review –Public Works

Due to the late hour, Mrs. Bridle-Russell suggested that this review be postponed until next week.

Mr. Pratt MOTIONED that the Public Works budget review take place next week.
Mr. Moore SECONDED

VOTE: UNANIMOUS FOR

V. MINUTES

The minutes of September 19, 2005 were reviewed.

Mr. Griffin MOTIONED that the minutes of September 19, 2005 were approved as corrected.
Mr. Moore SECONDED

VOTE: UNANIMOUS FOR

Page 5: Correct date from September 27th to September 26th.

VI. CONSENT AGENDA

- 1. Request to remove streetlight – 703 Ocean Boulevard

Mr. Moore MOTIONED to approve the removal of the streetlight contingent on the relocation of the fire alarm box at Mr. Radkay’s expense.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

VII. ADJOURNMENT

Mr. Pratt MOTIONED that the meeting be adjourned. (11:37 PM)
Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

Chairman