

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
March 20, 2006 – 7:00 PM**

PRESENT: Virginia Bridle-Russell
Bill Lally
Ben Moore
Jim Workman
James S. Barrington, Town Manager
Maureen Duffy, Administrative Assistant

REGRETS: Rick Griffin

Chairman Jim Workman called the meeting to order at 7:00 pm and introduced those in attendance.

SWEARING IN OF ELECTED OFFICIALS:

Town Officials were sworn into office by Town Clerk, Arleen Andreozzi in the following order:

- **Town Moderator** – Robert Casasa
- **Board of Selectmen** - James Workman and William Lally
- **Tax Collector** – Joyce Sheehan
- **Library Trustees** – Sara Casassa and Robert Frese
- **Planning Board** – Tracy Emmerick
- **Municipal Budget Committee** – Norman Siberdick and Michael Plouffe
- **School District Treasurer** - Ellen M. Lavin

REORGANIZATION OF BOARD OF SELECTMEN

Mr. Workman passed the gavel to Mr. Moore.

Mr. Workman MOTIONED to nominate Mrs. Bridle-Russell as Chairman of the Board of Selectmen. **Mr. Lally SECONDED.**

**VOTE: 2 FOR
(ABSTAINED – Mrs. Bridle-Russell & Mr. Moore)**

DISCUSSION:

Mr. Moore noted that Mr. Griffin was interested in acting as Chairman for the coming year.

Mr. Lally MOTIONED to nominate Mr. Moore as Vice-Chairman of the Board of Selectmen. **Mr. Workman SECONDED.**

**VOTE: 1 FOR
(ABSTAINED – Mr. Workman, Mr. Moore & Mrs. Bridle)**

SALUTE TO THE FLAG – Bill Lally’s Mother led the audience in the salute to the flag.

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Lally thanked all of his supporters during the election and he is looking forward to serving the Town on the Board of Selectmen.

Mr. Moore mentioned that there was an increase in voter turn out and thanked all Hampton citizens for coming out and voting.

Mr. Workman thanked all his supporters during the election.

Mrs. Bridle-Russell said that she is very excited about the results of the election. She believes that voters gave the Board a positive direction to go forward with. She also thanked the Winnacunnet High School students and parents who came out and voted. There were many young voters and parents as well as a wide variety of people who came out to vote.

Mr. Workman announced that the Troop 481 – Local Hampton Brownie, Girl Scouts will be selling cookies at Shaws in North Hampton from 3:30 to 4:30 pm this Thursday, March 23.

II. APPOINTMENTS

None

III. OLD BUSINESS

1. TOWN MANAGER’S REPORT

Summer Program Guide

Mr. Barrington announced that the Hampton Recreation & Parks, spring and summer program guide is available for pickup. He noted that the date for signing up for summer camp has been changed to April 5. The guides are available at the Recreation & Parks office.

Beach Infrastructure Update

Mr. Barrington said that Zoppo is planning on working Saturdays to stay ahead of their schedule to have the streets finished by Memorial Day. Mr. Barrington had asked to have signage put on the message board and has not yet confirmed if this has been done.

Verizon

Mr. Barrington spoke with Earl Pierce at Verizon to clarify the timing of the availability of their broadband service. Mr. Barrington was told that there would be direct mailings going out when the service is available, but that people can visit their website at www.verizonfios.com to sign up to receive e-mail notification when the service is available to their address. He indicated that the Town could probably expect to see such activity in the near future so they can begin to recover income on their investment. In approximately two to three months broadband service will be available. Mr. Barrington also discussed with Mr. Pierce about voice over network phone service and he was told that it is a non-regulated utility service and it appears that Verizon has competitive rates and may be one of the lowest prices available.

Fire Rescue Boat

At last week's Board of Selectmen meeting, there was a question about the fire rescue boat being seen on Thursday, March 9. Mr. Barrington was informed that the boat was out on a routine training and maintenance run.

Police Station Poles

During last month's windstorm, one of the light poles at the police station broke. Chief Sullivan reported that this will be covered by warranty. It seems that there are four poles designed to support one light fixture that are actually supporting two fixtures. This was one of them. The extra weight, combined with the strong wind caused it to fail. All four of the incorrect poles will be replaced under warranty.

Legal

Town Attorney Gearreald prepared two confidential memos for the Board to review.

Attorney Sharon Cuddy-Somers has requested a joint non-meeting with the Board of Selectmen and Precinct Commissioners to discuss a lease extension on the beach fire station.

Zoning Board of Adjustment Secretary

The secretary for the Zoning Board of Adjustment has given her notice. We are advertising for a part-time secretary to take minutes for the Zoning Board of Adjustment. Notice of the position has been posted on the Town website, if there is no response then the position will be posted in the newspaper.

Unitil

A fax from Unitil was received today (included in your packets today) that announced a 34% rate increase. This is for residential and small commercial users. Finance Director Dawna Duhamel has run an estimate based on 2005 actual expenditures that projects an additional \$177,185. He also pointed out that "large business customers who take Default Service energy supply from Unitil will see a decrease of about 33%.

SELECTMEN'S RESPONSE TO THE MANAGER'S REPORT

Mr. Workman asked if there could be further discussions with Zoppo to ensure road conditions are graded in the beach area. He mentioned that G, K and Church Street need attention.

Mr. Moore mentioned that the Town should check with Verizon to see if the 911 service will work on Voice Over Network (VON). Mr. Barrington said that he had talked to Police Chief Sullivan and he was told that it does work. The problem with the 911 service through VON services is when traveling with it. Cell phones or computers are registered at your home address. When people dial 911 and the dispatcher will think you are at home. The Verizon 911 service works when using a landline phone.

Mr. Moore asked if an update on the District Court could be added to agenda. Mr. Barrington had talked to Russ Dean in Exeter who has been having conversations with Senator Maggie Hasson. It is her understanding that a committee was about to be formed. It is on Mr. Barrington's calendar to pursue.

Mr. Moore said that the budget is not on the agenda. It was added under new business as item #4.

IV. NEW BUSINESS

1 - SCHEDULE PUBLIC HEARING FOR CONSERVATION COMMISSION – APRIL 3

Mr. Moore MOTIONED to hold a public hearing for the Conservation Commission grant application on April 3. Mr. Workman SECONDED.

VOTE: UNANIMOUS FOR

2 – APPOINT SELECTMEN REPRESENTATIVES TO BOARDS & COMMITTEES

Budget Committee:

Mr. Lally

Alternate – Mrs. Bridle-Russell

Planning Board:

Mr. Workman

Alternate – Mr. Griffin

Heritage Commission:

Mr. Moore

Recreation Advisory Council:

Mr. Lally

Alternate – Mr. Griffin

Cable Advisory Committee:

Mr. Griffin

Alternate – Mr. Lally

Insurance Review Committee:

Mr. Moore

CIP Committee:

Mr. Moore

Alternate – Mr. Lally

3 - APPOINTMENTS TO BOARDS & COMMITTEES

Mrs. Bridle-Russell listed the Boards and Committees along with the various names of people who have volunteered. She encouraged people to write to the Board of Selectmen if they are interested in volunteering for the committees with vacancies.

Conservation Commission:

Two Vacancies

Mosquito Control Commission:

Mr. Workman MOTIONED to appoint Ann Kaiser to the Mosquito Control Commission. **Mr. Moore SECONDED.**
VOTE: UNANIMOUS FOR

Highway Safety Committee:

One Vacancy

Leased Land Real Estate Commission:

Mr. Workman MOTIONED to appoint Glyn P. Eastman to the Leased Land Real Estate Commission. **Mr. Moore SECONDED.**

VOTE: UNANIMOUS FOR

Shade Tree Commission:

Mr. Workman MOTIONED to appoint Marilyn Wallingford to the Shade Tree Commission. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

Recreation Advisory Council:

Two Vacancies

Mr. Lally MOTIONED to appoint Darold Mosher to the Recreation Advisory Council. **Mr. Workman SECONDED.**
VOTE: UNANIMOUS FOR

Cable TV Advisory Committee:

One Vacancy

Mr. Workman MOTIONED to appoint Peter MacKinnon, Charles Tyler and Tom Harrington to the Cable TV Advisory Committee. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

Heritage Commission:

One Vacancy

Mr. Workman MOTIONED to appoint Fred Rice to the Heritage Commission. **Mr. Lally SECONDED.**
VOTE: UNANIMOUS FOR

Insurance Review Committee:

Once Vacancy

Mr. Workman MOTIONED to appoint John Tortorice and William Hayes to the Insurance Review Committee. **Mr. Moore SECONDED.**

VOTE: UNANIMOUS FOR

4 – BUDGET

Fiscal sheets were provided to the Board of Selectmen for their review. Since the Town vote staff have been considering and analyzing what we can and cannot do with the appropriations available under the default budget. Finance Director Dawna Duhamel has prepared, and distributed, a February Expenditure report with a “working 2006 budget” column that reflects the 2005 budget plus and minus the adjustments made for the default on the State DRA form. It is clear that the Board of Selectmen will be setting the ultimate policy and budgetary line items.

Mr. Barrington noted that the default budget that was supported by the voters does not include many items and services such as additional firefighters, increase in utilities and additional hours at the transfer station. Mr. Barrington said that this is the third consecutive default budget and the Board needs to consider the decisions made today will impact the future. Mr. Barrington has talked to his Department Heads and requested that they modify their budgets accordingly. In addition, they were to think about what would be given up without significantly damaging the overall department. Mr. Barrington said that he would take the direction of the Board back to his staff.

Mr. Moore suggested that Department heads give the Board a list of what they are not going to provide or how they are going to shuffle their budget. Mr. Moore said that at this point he has no direction to give the Department heads.

Mr. Lally said that the \$1.4 million spending in December was a major topic of the elections. Mr. Barrington said that a significant amount of that was capital projects delayed until the end of the year. Decisions were made last year that were at the expense of personnel positions. Mr. Barrington encouraged the Board to carefully consider any decisions as it will impact what happens in 2007 if there is another default budget. The Town can give up capital projects but each delay in purchasing capital assets just means that it will need to be purchased later.

It was the consensus of the Board that they would like to wait and see what the Department Heads have to say.

Chairman Bridle-Russell requested that any Department Heads on vacation need to be aware of this request. She would like to know which departments have held off hiring positions. She also said that the non-profit health and social services agencies need to know when they will be receiving the warrant article money that was approved by the voters. Mr. Barrington believes that the Town will need to borrow money soon and the intention is to pay them around the middle of the year.

Chairman Bridle-Russell said that she would like to set up a meeting with Town Attorney Gearreald and Elizabeth Bailey with the Board of Selectmen addressing the issues Attorney Gearreald had outlined in his memo.

V. MINUTES MARCH 13, 2006

Page – 5 – At the top of the page – Mr. Workman’s comments need to be clarified.

Mr. Workman MOTIONED to accept the minutes as amended. **Mr. Moore SECONDED.**

VOTE: UNANIMOUS FOR

VI - CONSENT AGENDA

1. 2005 Sewer Abatement

Mr. Workman MOTIONED to accept the consent agenda. Mr. Moore SECONDED.

MOTION WITHDRAWN

Discussion:

Mr. Moore mentioned that the abatement amount has not been included. Item will be added to next week's agenda.

8 PM - PUBLIC HEARING – LOADING ZONES AND PARKING REGULATIONS ALONG ASHWORTH AVENUE AND ON A THROUGH D STREETS, INCLUSIVE

Michael Scanlon addressed the Board of Selectmen with a point of order. On the 2004 Warrant there was a private citizen petitioned article that was approved by the voters, stating that two sided parking would remain in the beach area after the infrastructure project was complete. He said that the Board needs to put an article on next year's warrant addressing parking in the beach area. He said that the Board needs to follow the direction of the voters who supported the Article two years ago. He said that he has taped and watched every Board of Selectmen's meeting and he does not believe that the Fay, Spofford & Thorndike report was approved by the Board.

Town Attorney Gearreald responded to Mr. Scanlon's comments by saying that the warrant article that he is referring to would be considered an advisory article and is not legally binding. According to Attorney Gearreald, State law (RSA 40:11) enables the Selectmen the right to govern what happens on Town rights-of-way and it does not apply to the Town meeting. It was the opinion of the Town Attorney to go forward with the public hearing.

Mr. Hangen believes that the Town has tried hard to communicate through hosting public hearings with Hampton residents. He recommended that each street and repeal or amendment be dealt with individually.

Fred Rice, Chairman of the Hampton Beach Area Commission addressed the Board. He has done some homework in reference to the minutes from the 2004 Deliberative Session Town. He quoted warrant article #32: *"On petition of at least twenty-five registered voters of the Town of Hampton: That the Town of Hampton vote to keep all existing two-sided parking on all Hampton Beach Streets including lettered streets and to vote to not allow metering of these streets. No additional funding is required."* In addition, Mr. Rice said that in the minutes it states, *"The article was declared illegal and the Town Attorney explained it is illegal because it seeks to exercise authority on the part of the Town Meeting that is vested in the Board of Selectmen. The following paragraph stated, "Michael Scanlon motioned to amend the article by adding to the end "This is non-binding and advisory only". Seconded by Kim Baroni. The Scanlon amendment passed and the Moderator declared the article would go on the ballot as amended."* The results of the balloting on March 9, 2004 was Yes: 2386 and No: 1086 – The article passed. Mr. Rice reiterated that this article has no weight in law.

Mr. Rice said that Fay, Spofford and Thorndike (FST) presented their visioning sessions at the Hampton Beach Area Commission meetings. Mr. Rice said that the FST report was to be a guide and does not need to be adopted as it is subject to changes as events happen over time.

Mr. Rice said that the intention of having parking on one side of the lettered street is to open up the area and improve traffic flow. Mr. Rice said that we need the space for fire safety and emphasized the importance of having emergency vehicles able to access the area. On behalf of the Hampton Beach Area Commission, he said they endorse the findings of the FST report and did formally vote to support it. He also said that there is a need for a parking garage to be built in the area to provide additional parking.

Peter Howe, Engineer for FST lead the public hearing discussion.

To Repeal at Sec. 3:507B Loading Zones:

ASHWORTH AVENUE – ~~EAST SIDE of ASHWORTH AVENUE at Number 93, the Tides Motel,~~

Mr. Howe said that the loading zone on the east side (located at the corner of H Street and Ashworth) conflicts with the current plan and he recommends to eliminate this particular loading zone.

The owner of #93 Ashworth Avenue (Sunset Chalet), addressed the Board. He said that he applied for a loading zone years ago to accommodate his guests at the hotel. His hotel business needs a space for people to pickup the key and drop off luggage.

Mr. Howe said that the problem with the loading zone in front of the hotel is that there is a crosswalk and loading zones must be 20 feet away from them and suggested putting it through to the other end.

Mr. Howe said that the current cross section of Ashworth is a 38 foot section, which is being laid out for an eight foot shoulder on the west side, 13 foot travel lane on the west side of the center lane, a 12 foot travel lane on the east side of the center lane and a five foot bicycle lane on the east side of the roadway. He said that it is very undesirable to have people using the bicycle lane as a loading zone because it creates a safety issue for cyclists swerving around the parked vehicle and into traffic. If the Town would like to consider eight foot loading zones on each side, it would eliminate the bicycle lane.

Michael Scanlon talked about some pictures that he took during the summer of traffic in front of the Royal Market. He said that there was an injunction filed and the judge decided that if the business owners in the area could prove that they have lost money as a result of the beach infrastructure project he would reconsider the injunction.

Mr. Hangen and the owner of the Sunset Chalet discussed potential loading zones for his hotel. A loading zone located around the corner and some space on his property, were considered.

Andrew Guthrie asked when the dimensions for the cross section for Ashworth Avenue were voted on. Mr. Howe said that it had to do with when the Board had decided to eliminate the two way option for Ashworth Avenue. Mr. Guthrie believes that the Town is not helping the people in the area.

Mr. Rice believes that one way traffic on Ashworth was recommended by FST and that was when the dimensions were agreed upon. Mr. Rice recommended that effort should be made to accommodate business owners and residents but also consider traffic volume in the summer.

Dan Traficante (81 Ocean Boulevard) suggested a loading zone on the other side of the street for the Sunset Chalet.

~~A STREET – On SOUTH SIDE in front of Number 7 (Hollingworth Hotel) for a distance of 40’, as designated by signs~~

Geannina Guzman-Scanlon inquired about the length of A Street. Mr. Howe said that it is approximately 450 feet. According to Mrs. Guzman-Scanlon the loading zone signs go beyond 80 feet. Mr. Barrington said that it is possible that it is not correct and it is something that needs to be resolved when the ordinances have been resolved.

~~B – STREET – On NORTH SIDE, beginning at the “NO PARKING FROM HERE TO CORNER” WESTERLY 280’ to the west side of #22. (BofS 7/10/00)~~

Parking on B Street is proposed on the southerly side that conflicts with the parking ban. There are a lot of curb cuts on the opposite side of the street.

~~C – STREET – On the NORTHERLY SIDE beginning 20’ EASTERLY from ASHWORTH AVENUE running EASTERLY for a distance of 76’, as designated by signs. (BofS 5/14/84)~~

There is an existing loading zone on the southerly side at the opposite end.

The owner of Studio Grocery (#142 Ashworth) addressed the Board. She asked what the three designated loading zones are along Ashworth. Mr. Howe said that the loading zones are at #132, #86 and #166. She has a store and needs a loading zone for distributors to load. She has had a loading zone for years. She is curious why she cannot have one. Mr. Howe said that the current ordinance does not support her loading zone and explained that there are many similar situations.

Dan Traficante (81 Ocean Boulevard) suggested short term loading and parking along the west side of Ashworth Avenue. He also said that business owners in the beach area have been waiting for over a year to discuss parking and loading zones.

To Repeal at Sec. 3:506 Two Hour Parking

~~A STREET – On the SOUTHERLY side of A STREET from OCEAN BOULEVARD to ASHWORTH AVENUE.~~

Andrew Guthrie (10 Boston Avenue) expressed his concern about lost parking in the beach area and questioned where people will park. He also discussed the proposed parking garage.

Mr. Rice said that the parking and traffic in the area in the summer months is unacceptable. He encouraged opening up the beach area and building a multistory parking garage.

Mr. Scanlon reported that many towns have parking on both sides of the street and designate parking for compact vehicles. He suggested that parking be made designated for compact vehicles in the beach area.

**~~B – STREET – On the NORTHERLY side of B STREET from ASHWORTH AVENUE to OCEAN BOULEVARD.~~
No Public Comment**

~~C – STREET – On the NORTHERLY side of C STREET from ASHWORTH AVENUE beginning at 96' and running EASTERLY 91', as designated by signs. (BofS 5/14/84)~~

No Public Comment

To Amend at Sec. 3:507 No Parking

~~On the NORTHERLY side from ASHWORTH AVENUE to beginning at 187' and running EASTERLY 130', as designated by signs. (BofS 5/14/84)~~

~~On the NORTHERLY side from Ocean Blvd., 70' WEST to the telephone pole (BofS 6/12/95)~~

A STREET – On the NORTH SOUTH side from OCEAN BOULEVARD to ASHWORTH AVENUE

~~B STREET – NORTH SIDE, from OCEAN BOULEVARD westerly to Ashworth Avenue east line of 22-B Street (BofS 6/20/88) On the SOUTHERLY side. (See loading zones for change 7/11/88)~~

~~C STREET – On the SOUTH side from ASHWORTH AVENUE EASTERLY for a distance of 90', as designated by signs. (BofS 5/14/84)~~

Dan Traficante expressed his frustration with the lack of communication with the construction.

Geannina Guzman-Scanlon asked what the procedure is to have loading zones on the west side of Ashworth. She was instructed to write to the Board of Selectmen as soon as possible. Mrs. Guzman-Scanlon also asked how many parking spaces would be left. Mr. Howe said that parking would be increase along A, B and C.

Mike Scanlon asked if the storm drainage is adequate enough to handle the tide. Mr. Howe said that the storm drainage is designed to handle storm drainage not the tide. Part of the project includes putting tide gates on. Mr. Hangen said that the tide cannot be stopped. Mr. Scanlon mentioned that he is concerned about over development in the beach area. Mr. Hangen said that building developments must meet federal flood elevation standards.

It was decided that the Board consider the Public Hearing comments and make decisions at next week's meeting.

Chairman Bridle-Russell requested all reports on the house at Dover Avenue and Ocean Boulevard. Mr. Barrington said that he has received a 91-A Request and has looked and there are no documents relative to the house. Mr. Barrington said that under the threat of litigation there is concern about creating such a document.

VII - PUBLIC COMMENT

Andrew Guthrie addressed the Board and expressed his concerns about Street conditions in the beach area.

Mr. Michael Scanlon addressed the Board and expressed his concerns about the Beach Infrastructure Project.

Mr. Hangen requested that the phone numbers for the construction trailer and Public Works be posted on Channel 22. Trailer number is 926-3515 and the Public Works Number is 926-3202.

Dan Traficante stated that overall business owners in the beach area like the Beach Infrastructure Project.

Fred Rice addressed the Board and discussed the Infrastructure Project.

Chairman Bridle-Russell requested that the Board of Selectmen meet with the Precinct Commission Attorney on March 27 at 6:30 PM with the flexibility of starting the Selectmen's meeting at 7:30 PM.

VIII. ADJOURNMENT

Mr. Workman MOTIONED to adjourn the meeting at 10:00 PM. **Mr. Moore SECONDED.**

VOTE: UNANIMOUS FOR

Chairman