

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
SEPTEMBER 11, 2006 – 7:30 PM**

PRESENT: Virginia Bridle-Russell, Chairman
Ben Moore, Vice-Chairman
James Workman
Rick Griffin
Bill Lally
Mark Gearreald, Interim Town Manager
Maureen Duffy, Administrative Assistant

REGRETS:

Chairman Virginia Bridle-Russell called the meeting to order at 7:30 pm and introduced those in attendance.

SALUTE TO THE FLAG

Moment of Silence in honor of the civilians who lost there lives on 9/11/01.

Presentation to Deputy Fire Chief Silver – National Fire Academy Executive Fire Officer

Deputy Fire Chief Silver recently completed his four year study at the National Fire Academy as an Executive Fire Officer. He excelled in his schooling and achieved the highest attainable grade (4.0). Fire Chief Lipe invited Chris LaClair from the Portsmouth Fire Department, Retired Fire Chief Sullivan, and Chairman Bridle-Russell, to accompany him in presenting Deputy Chief Silver his certificate stating his official title as Executive Fire Officer.

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Workman reminded the audience that the primary vote will be held tomorrow (September 12) from 7am to 8pm at the Marston School. On Wednesday, (September 13) at 5pm at the Ashworth By The Sea, the Department of Resources and Economic Development is hosting an informational meeting regarding improvements in the beach area. He also announced that this Thursday, (September 14) in the Board of Selectmen meeting room the Department of Transportation will be holding a public hearing on rehabilitating the Hampton Harbor Bridge.

Chairman Bridle-Russell noted that the Board will be meeting tomorrow night (September 12) in a nonpublic meeting regarding the hiring of a new Town Manager.

Mr. Griffin commented on the American Legion POST 35 in the Hampton unveiling The Global War on Terrorism Memorial Monument ceremony in dedication to all of the Veterans from New Hampshire who have

lost their lives in the Global War On Terror since 09/11/01. He mentioned that there were many municipal, county and state officials present and the presentations were powerful and moving.

Mr. Lally said that the Legion ceremony was one of the finest ceremonies he has been to. He also noted that Governor Lynch was present and was part of the program.

Mr. Moore noted the success of the Seafood Festival last weekend. He also announced the Hampton Village Night Out this Thursday, (September 21).

II. APPOINTMENTS

1 – FIRE CHIEF LIPE – EMERGENCY OPERATIONS PLAN UPDATE AND NH DEPARTMENT OF HEALTH

Police Chief Sullivan and consultant Jane Hubbard accompanied Chief Lipe (Emergency Operations Manager) in his presentation of the Emergency Operations Plan (EOP) update. After the May rainstorm it was evident that the plan required some changes. The Town Manager, James Barrington, the Town Attorney, Mark Gearreald, the Building/Health Inspector, Kevin Schultz, the Town Planner, Jamie Steffen, Police Chief Sullivan, Fire Chief Lipe worked together with Ms. Hubbard in revising the plan.

Factors such as when the Emergency Operation Center (EOC) should be activated and the physical steps required when opening the Center were revisited. Improved communications is required for the plan to be effective. The state of New Hampshire has funded every town with radios that have better capabilities. Items such as maintaining a current resource list is essential. There is also possible funding for a reverse 911 system that contacts each resident notifying them of a storm progress or an emergency.

Chief Lipe also discussed the importance of training to implement the plan. There is grant funding available for plan testing. He is also working on establishing an information hotline at no additional cost to the town.

Chief Lipe requested that the Board of Selectmen decide on the Town's emergency response and consider a more aggressive approach such as storing sand bags and flood mitigation services. This would be a Board policy decision.

A list of local businesses, community groups interested in volunteering their services in an emergency will be maintained.

The point of distribution for mass inoculation in a pandemic event also needs to be carefully thought-out.

The final point of discussion was the establishment of a Deputy Emergency Manager Director. Chief Lipe recommended that Chief Sullivan be considered as the Director in an event of emergency.

Chief Lipe noted that Taylor River has been added to the flood sheets for early monitoring.

It was suggested that the resource list is maintained by a quarterly verification review. This list will also be available to dispatch.

Mr. Moore suggested that the Board schedule to review and update the Emergency Operations Plan every year in April.

A memorandum of understanding has been developed by the Department of Health and Human Services and distributed to the Board for review and consideration. The memorandum deals with developing a regional pandemic plan and a Point of Distribution for inoculation. A Regional Coordinating Committee for the state will require an appointed member from the Hampton area.

The memorandum of agreement will be discussed at the next Board of Selectmen's meeting.

The National Incident Management System may need to be adopted in communities that are seeking federal funding in the future.

It was suggested that an abbreviated version (for security purposes) of the Emergency Operations Plan be available to the general public at the Library and/or on the Town website.

2 - PUBLIC WORKS DIRECTOR – JOHN HANGEN - DRAINAGE

Doug Mellin, Public Works Operations Manager and Rubin Hall, an engineer that has been involved in some drainage projects in Hampton joined Mr. Hangen in his presentation to the Board. Mr. Hangen presented a priority list of neighborhoods requiring drainage resolutions. Mr. Hangen emphasized that the proposed neighborhoods requiring drainage improvement projects is preliminary and is subject to change. Mr. Hangen noted that in 1986/87 there were 25 projects identified as priority neighborhoods requiring better drainage. The cost of the project was estimated at \$16 million, which is approximately \$29 million in "today's dollars". The project did not proceed as it was considered to expensive.

When there is more than five inches of rain the Town's drainage system is not forgiving. As a result many properties have been damaged by major flooding.

Mr. Hangen suggested the Board consider starting with a \$9 million two phase project. He proposed that on the 2007 warrant a bond article for \$4.5 million be written for the first phase. Controversial streets such as Gentian Road would be part of phase one. In phase two perhaps the railroad section could be considered. Additional phases in future years will be needed to fix the drainage problem.

The Board was in agreement that drainage is a huge problem for Hampton residents and property owners and it needs to be resolved. The project would need to be ongoing and additional phases for improved drainage would be required.

The Public Works Director endorsed the Fire Chief's suggestion to supply sand bags during an emergency and the use of volunteer groups to help fill and distribute.

3 - TOWN CLERK – ARLEEN ANDREOZZI – MAAP AGREEMENT

The Town Clerk's office has the equipment and the communication technology to go online with the state Municipal Agent Automation Project (MAAP). A technical agreement is required to be signed between the state and the town.

Mr. Moore MOTIONED to sign the OIT Technical Agreement for Department of Safety Projects. **Mr. Griffin SECONDED.**

VOTE: UNANIMOUS FOR

III. MINUTES – AUGUST 28, 2006

Page 3 – last paragraph should read – the Earth, Sea and Space Center

Page 4 – minutes from August 21 should read – (Workman & Moore)

The minutes of August 28, 2006 stand as corrected

Chairman Bridle-Russell requested that New Business – Plowing of Private Streets be discussed at this time so Mr. Hangen could be present during the discussion.

New Business – Plowing of Private Streets

At the last meeting the representative for the Taylor River Estates, Mrs. Boynton came before the Board requesting that their street be plowed because of the financial difficulties the residents are experiencing as a result of unforeseen expenses caused by the May flood.

It is against the law to maintain private streets without the municipality receiving payment for the services unless the road is considered an emergency lane. In Hampton there are many private streets that receive services and maintenance and many that do not. Frank Swift with the Public Works has provided the Interim Town Manager with a list of all the streets that receive these services. There are liability concerns for the Town when servicing a private roadway and in addition there are concerns of inequality with the various streets.

The Town has grown over the years and there have been many private condo units developed. In order for the Town to consider assuming a private road it must meet the asphalt, width, and drainage specifications. Often condo developers use inexpensive materials to build the street and then they fall apart after all the units are sold.

There was discussion on what constitutes an emergency lane. The fire and police departments will need to be consulted.

Mr. Hangen noted that some of the roads on the list have received service for the past 40 years and taking these services away may cause a lot of resistance. He also believes that the Board like others in the past would reverse any controversial decision.

If a neighborhood with a private lane would like to have the Town takeover the responsibility of the road then they need to petition for a emergency lane or meet the Public Works specifications.

Since the subject requires much debate it was suggested that discussions could be tabled until January.

Mr. Moore MOTIONED to keep the list of private roads with services as is and consider the list after March 30, 2007. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

Mr. Moore MOTIONED to not vote over any existing private roadway ordinance and that private road neighborhoods seeking Town services along the street may petition for it to become public or an emergency lane. **Mr. Lally SECONDED.**

DISCUSSION:

The Interim Town Manager will send the Taylor River Estates a letter notifying residents of the decision.

VOTE: UNANIMOUS FOR

Mrs. Boynton told the Board not to bother sending a letter as she has been present during the discussion. She said that the residents have been trying hard to meet and comply with the regulations and that the tax rate in her neighborhood is no different from others in town.

Shane Pine (15 Taylor River) complained that the Town does not contribute to the cost of servicing the road when there is Town property along it. Mr. Pine questioned why he receives a sewer abatement but not for trash pickup or road maintenance.

Harry Dimos (975 Ocean Boulevard) came before the Board to ask for equality with services. He said that people along private roads are paying the same taxes. Mrs. Bridle-Russell noted that when purchasing a condo or a home from a developer the purchaser should be aware of the conditions that the developer agreed to with the Planning Board.

Carol Piers (Hampton Meadows Condo) questioned what services she receives for her tax dollars and believes that the Town should be obligated to providing more services. Again Mrs. Bridle-Russell explained that the condo developer agreed to the conditions set by the Planning Board in the deed. Mrs. Piers feels that it is grossly unfair.

Mr. Wood (34 Hampton Meadows Condo) said that the developer has told him that there was never a document signed agreeing to the conditions set by the Planning Board.

The resident of 152 Hampton Meadows has also never seen documents binding the condo to certain conditions. Chairman Bridle-Russell stated that the Planning Board minutes would be the source of documentation.

The resident of 30 Hampton Meadows questioned if the Town of Hampton protects people by setting standards for roadways. Chairman Bridle-Russell noted that it is a private road.

Mr. Pine complained that they have purchased a bad situation and that they pay the same as everyone else. He questioned why sewer, water and trash are not considered for abatements. Mrs. Bridle-Russell explained that he would have to review the original documents binding the development to the conditions.

Mrs. Boynton said that a resident of Taylor River came to the Town Manager's officer early in the day and was told that the Board would be discussing plowing private road ways. She said that she would have had more Taylor River Estates residents at the meeting.

IV. OLD BUSINESS

1. INTERIM TOWN MANAGER'S REPORT

The deadline for resume submissions for the Welfare Officer position is September 15. Mr. Gearreald thanked the volunteers, Michelle Kingsley and Vic Demarco who have been helping out the Welfare Department.

Pursuant to the Board's direction at its last meeting, Mr. Gearreald sent a letter to the Friends of the Earth, Sea and Space Center indicating the Selectmen's endorsement for the concept of siting such a center at the State Park at Hampton Beach.

Announcements have been placed on Channel 22 for the upcoming public hearings: the public hearing on September 11 by the PUC on the proposed acquisition by Macquarie Bank of the stock of Aquarion Water Company, the public forum on September 13 as to the State Park system, and the Department of Transportation public forum on September 14 on the drawbridge over the Hampton River.

Work is scheduled to begin during the week of September 11, 2006 in connection with the ultimate removal of the double utility poles in the sidewalks at Hampton Beach. On September 11, 2006, all remaining fire alarm wires for Hampton Beach will be removed, and Verizon will then begin moving its wires from the old to the new poles. It is Mr. Gearreald's understanding that Unitil will then remove the old empty poles. We have asked that the utilities replace the surface from which old poles are being vacated with surfaces that are consistent with the final design of the Hampton Beach Infrastructure project for the location in question.

The Town's Legal Assistant has reported that she has passed with flying colors the multi state ethics exam that is one piece of the exams that need to be passed in Massachusetts and New Hampshire in order to become a licensed attorney. Her score far exceeded the minimum score in both of these states.

The Selectmen have completed their initial screening of resumes for the Town Manager position and will be meeting in a non public session Tuesday, September 12, 2006 at 6:00 p.m. with the Local Government Center recruitment service to determine who will be interviewed.

The quiet title action filed against the Town pertaining to 23 Emerald Avenue has been settled in accordance with terms proposed by the Town as approved by the Selectmen.

A meeting was held on Friday at 1:00 p.m. at the site of the Park Avenue and Winnacunnet Road intersection. In attendance were Appledore Engineering, School District Facilities Manager Dick White, Traffic Engineer Steve Pernaw (at my request), Doug Mellin and Frank Swift from DPW, Chief Sullivan and Captain Sawyer from the Hampton Police Department, Selectman Bill Lally and myself. Certain features as constructed need to be changed to conform to the design, and a consensus was reached regarding some moving of signs and placement of 2 additional signs. We will be ordering the 2 additional signs, but the School District will pay for them.

Mr. Griffin MOTIONED to have a nonpublic meeting tomorrow (September 12) to discuss the hiring of a new Town Manager. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

BOARD'S RESPONSE TO THE MANAGER'S REPORT

Mr. Workman inquired why the flashing lights at the spur road were on so much.

The utility poles affected by the Beach Infrastructure project will be moved this fall. Some of the lines have the fire alarm line on them and need to be deactivated. Mr. Workman suggested that if the fire box does not work that they should be covered up. Notices for the elimination of the public fire alarm service has been sent out three times; all organizations will require private service.

2 – WESTPORT MOTEL – PARKING

Recreation & Parks Director, Dyana Martin and Parking Lot Manager, Vic Demarco addressed the Board. The Town currently charges \$585 for leased parking in the Ashworth lot, \$355 in the Church Street lot and \$575 in the Island Path lot (May 15 to October 15). The only waiting list for summer leases is for the Island Path lot.

Mrs. Martin recommended that the six parking spaces in the Ashworth lot be restored to the Westport Hotel.

Mr. Demarco suggested that the Ashworth leased parking spaces should increase from 44 to 50. He also suggested that they wait and see what demand is and perhaps increase the number of spaces in the future.

Mr. Demarco pointed out that many of the spots are leased by motels and that the guests are charged the fee.

Mr. Lally MOTIONED based on the figures from the Recreation Director and Parking Lot Manager to increase the fees as follows: Ashworth lot from \$585 to \$900, Island Path lot from \$575 to \$700, Church Street lot from \$355 to \$500 and to increase the number of leased spots in the Island Path lot from 30 to 35 and on high demand days to increase the daily fee up to \$20 at the discretion of the Parking Lot Manager. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

Mr. Moore MOTIONED for the balance of the 2006 season to lease six parking spots in the Ashworth lot (increasing the total leased spots to 50) at the prorated cost to the current rate for a cost of \$50/month. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

OTHER OLD BUSINESS

Mr. Moore inquired about the Kings Highway waiver, the redo of the work closest to High Street and DES. Mr. Gearreald is working on it. Mr. Moore also inquired about the streets west of Ashworth sewers. Mr. Gearreald said that he received a contract today and is it anticipated that bids will go out by the end of September. The work would be starting before the end of the year with the anticipation that the paving would be done by April 2007.

The fire station discussion will be included on the same evening that Chief Lipe will be presenting his budget.

Mrs. Bridle-Russell received a letter requesting two metal poles with handicap signs in front of 1 P Street. Mr. Gearreald recommended that the Board should carefully consider this request and get input from the Town's design consultants before making a decision. This subject will be addressed again in two weeks.

V. NEW BUSINESS

1 – IMPLEMENTATION OF ARBITRATORS DECISION – LOCAL 3017

In March of 2005 the Board of Selectmen by a three to two vote eliminated the Deputy Chief of Operations in the Fire Department. Mr. Benotti was then put into a Captain position and the Deputy Fire Chief of Safety in Training position was retained. A unfair labor practice was filed with the Public Employee Labor Relations Board. That Board upheld the authority of the Board of Selectmen to make changes to the organizational structure. The Labor Board had a complaint about which of the two individuals was moved to Captain was in violation of the Collective Bargaining Agreement. The Arbitrator recently ruled that it was the responsibility of the Town to restore Mr. Benotti to the Deputy Chief position. The Board has discussed with its legal council various options in response to the Arbitrators decision.

Mr. Workman MOTIONED to restore Mr. Benotti to the Deputy Chief of Operations position and maintain Mr. Silver as the Deputy Fire Chief of Safety in Training. **Mr. Lally SECONDED.**

DISCUSSION:

Mr. Moore is against the motion because it is the most expensive way to address the situation. He also expressed his concern that if the budget does not pass the Board will be in the same position as last year. Mr. Gearreald has discussed the additional expense with the Finance Director and believe that funds from other departments may be used.

**VOTE: 3 FOR
2 OPPOSED – Moore & Griffin**

2 – ROCKINGHAM PLANNING COMMISSION ALTERNATE

Mr. Workman MOTIONED to nominate Maurie Freidmen as an Alternate Member of the Rockingham Planning Commission. **Mr. Griffin SECONDED.**

VOTE: UNANIMOUS FOR

3 – LANDFILL CLOSURE GRANT FOR TOWN OF HAMPTON UNLINED MUNICIPAL LANDFILL, GRANT NUMBER L-061

The grant was originally obtained to cover the costs of closing the landfill and continuous monitoring of the site. The form to receive the next installment must be received by the DES by September 15, 2006.

Mr. Workman MOTIONED to authorize Mr. Gearreald to sign the Landfill Closure Grant Form and schedule a public hearing on September 25 to accept the grant money. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

VI. CONSENT AGENDA

- 1 – Sign Permit**
- 2 – Cemetery Deeds**
- 3 – Raffle Request**

Mr. Moore MOTIONED to accept the cemetery deeds, raffle request and sign permit subject to Unital's approval. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

VII. - PUBLIC COMMENTS

None

VIII. - CLOSING COMMENTS:

None

VI. ADJOURNMENT

Mr. Workman MOTIONED to adjourn the meeting at 11:20 PM. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

Chairman