

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
NOVEMBER 6, 2006 – 7:00 PM**

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

REGRETS:

Hampton Cub Scouts Pack 177 – Den 7 lead the Salute to the Flag

Chairman Virginia Bridle-Russell called the meeting to order at 7:00PM and introduced those in attendance.

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Chairman Bridle-Russell reminded residents that the tax bills have been mailed out and are due by December 1, 2006. The rate is higher than it was last year due to an increase in voter sponsored warrant articles, a financial error and a slight increase in the operating budget. Mrs. Bridle-Russell understands that tax payers are irritated about the increase but requested that they treat staff in a courteous manner. She suggested that people who want to express their frustration contact one of the Selectmen or the Town Manager.

The general election will be held tomorrow (November 7) at the Marston school and Mr. Lally encouraged citizens to vote.

Mr. Griffin talked about the Molly Malony fundraising event for Brooke Rallis to be held at the Portsmouth High School on November 10.

Mr. Workman announced the Seacoast Area Firefighters' Toy Bank Chili Cook Off. The cook off will be held at Lebec Rouge on Thursday, November 16 from 5:30PM to 10PM.

Chairman Bridle-Russell mentioned that the City Year Auction & Town Party will be on Thursday, November 9 at the Ashworth by the Sea Hotel. Tickets for the event are \$25.

II. APPOINTMENTS

1. DYANA MARTIN, VIC DEMARCO & BOB ESTEY – BEACH PARKING

Recreation and Parks Director Dyana Martin, Parking Lot Supervisor Vic DeMarco and Town Assessor Bob Estey addressed the Board. A few months ago Mrs. Martin and Mr. DeMarco presented a proposed dollar figure for the parking lots in the beach area to the Board of Selectmen. They calculated the figure based on many variables that impact revenue such as weather, construction and special events.

Leased parking in municipal lots guarantee parking availability and overnight parking. Mr. DeMarco and Mrs. Martin believe that they did their best to calculate a fair yet profitable rate that they presented at the September 9, 2006 Board meeting. At this meeting the Board accepted the proposed \$900 figure for leased parking at the Ashworth lot from May 15 to October 15. It is very difficult to determine the exact figure as there are so many factors affecting the demand for parking.

Mr. Griffin mentioned that he has talked to many business owners (i.e. hotels, etc.) in the beach area who lease parking spaces for their customers. He suggested that an unlimited amount of leased spots be available to beach business owners. Mr. Moore reminded the Board that it was previously discussed at the September 9th meeting that the Town would lose revenue if there were too many leased spots available.

Mr. Griffin said that many beach business owners have reported to him that there have been many cases where no leased spots are available in the Ashworth lot for their customers.

Mr. Estey explained that there is a state law that imposes a tax on leased property and parking spots are included.

There are currently 314 parking spots in the Ashworth lot. Eight of the spaces are designated handicap, 50 are leased, and the rest (256) are for day visitors.

Many of the business owners who lease spots are disgruntled and shocked by the significant increase in rates at the Ashworth lot. The spots went from \$585 to \$900.

Mr. Moore suggested that the Board consider a rate increase schedule.

Mr. Workman noted that 80% of the revenue generated from the municipal lots goes towards reducing the tax rate and 20% goes directly to the Precinct Commission.

Public Response to the Leased Parking in the Ashworth Lot

Charlie Preston came before the Board to express his concerns about the rate increase being a deterrent for visitors. In addition he suggested that the Selectmen and Precinct Commission work together to improve parking availability and rates.

Dick Paquin noted the steady increase in leased parking rates since 2002. He believes that passing the expense onto his customers is cost prohibitive and a deterrent for visitors to come to Hampton Beach. Mr. Paquin is also upset that he is taxed on the spots that he leases for his customers and questioned the method of this taxation. He also noted that many of his customers have been turned away from the Ashworth parking

lot because there are no leased spaces available. Mr. Paquin feels that it is unfair to try and recoup the revenue that was once made by the parking spots that have been engulfed by the police station.

Mr. DeMarco stated that he did not receive a complaint and was unaware of unavailable leased spots.

Mr. Lally suggested using signs to designated spots in an inconspicuous location.

Michael Scanlon (4 J Street) expressed his concern that the Town is pricing the business owners out of business. A few months ago Mr. Scanlon submitted a petition with 80 signatures regarding the loss of parking in the beach area to the Board of Selectmen.

Mr. Workman MOTIONED to set the leased parking space rate for the Ashworth lot to \$735. **Mr. Moore SECONDED.**

Discussion:

Mr. Griffin asked how the Parking Supervisor will make certain that the leased spots are guaranteed to be available. Mr. DeMarco ensured him that there will be spaces. Mr. Griffin also believes that there should be designated spots for leased parking. Mr. DeMarco noted that the parking budget does not have funds available to hire additional staff to monitor the availability of leased parking spaces and noncompliant vehicles parked in the assigned area.

VOTE: 4 FOR
Opposed: Griffin

It was also noted that the Church Street and Island Path lots were increased at the September 9th meeting and perhaps the Board should reconsider the leased parking fees in those two lots as well.

CHURCH STREET PARKING LOT REQUEST

Royale Shores requested the use of the parking lot on Church Street or the land near the water tower (resident sticker parking lot) as a “staging area” for the building of the Royale Shores condominiums. Ms. Reynolds came before the Board to explain that there will be a lot of equipment brought into the area during construction and they would like the use of the same area that Zoppo Corporation had used during the Beach Infrastructure project. Mr. Gearreald stated that there will be a need for a written agreement outlining the conditions and a fair rental rate charged. In the event that there is any property damage the Town will be held harmless.

Mr. Lally expressed his concerns of the lot being used for 18 months and that it would eliminate parking for residents that have not been available to use it for a couple of years during the Infrastructure project.

Mr. Lally MOTIONED to deny the Royale Shores request to use the Church Street residential municipal parking lot for a staging area. **Mr. Workman SECONDED.**

VOTE: 4 FOR
Opposed: Griffin

2. JOHN HANGEN – SCALE INSTALLATION AT TRANSFER STATION & FEMA UPDATE

Public Works Director John Hangen discussed the FEMA funding that hopefully will be made available to the Town to cover costs of repairing Drakeside Road and Mill Road and employee overtime costs that were incurred during the Mother's Day storm. The Town is currently accepting bids until November 15, for contractors interested in the road repair job. Contracts will not be signed for the job until FEMA funding has been confirmed.

Mr. Hangen reported that the scale at the transfer station will be installed the second or third week in December. Mr. Hangen expressed his desire to have the transfer station free of handling cash. The station brings in approximately \$125,000 to \$135,000 each year. The current system has potential for error, causing lost revenue. Mr. Hangen suggested that the station be equipped with a weigh in remote reader (i.e. identification card) that would provide operators with important information that may be used to correlate contractors with building permits. This would put an end to contractors bringing in demolition materials from out of town construction projects. Billing for commercial users is done through the finance department and would continue to function that way.

The amount for the scale is priced at \$54,000 and the electronic reader at \$20,000 (budgeted amount \$80,000). Part of the agreement with the scale vender would be to provide servicing and repairs for five years with the option of renewing the service for an additional five years for a set fee (\$7,000). In addition the bid will include training for staff.

To streamline payment operations checks and credit cards will be the method of payment for the card to. Residents can choose to use a credit card at the scale or set up an account by check and receive an id card.

There was some discussion on whether or not the new system would create additional work for the finance department. Mr. Hangen said that if the new system creates a problem with workload he would make certain that the Public Works department resolve it.

Station attendants will still be required to assist residents.

CHANNEL 22 - OPERATING GUIDELINES & POLICIES

The Chairman of the Cable Committee, John Nickerson addressed the Board. Mr. Gearreald recommended a few amendments. Under Background on page one of the Channel 22 policy the last line of the first bullet should read "subject to" rather than "supported largely by". On page three, the ninth paragraph, second line it states "vice chairman for anytime" it was suggested that "for" be changed to an "of". On page four, under Bulletin Board Mr. Gearreald wondered if it should read "character generated messages will appear relating to". Under Programming Guidelines, the first word needs to be capitalized and the parentheses removed at the end of the fifth line.

The cost of the hearing impaired system would cost \$2,283 with a year warranty and service. The system will be installed in the Board of Selectmen's meeting room.

Mr. Moore MOTIONED to approve the Channel 22 Policies and Guidelines as modified and to authorize Mr. Nickerson the authority to spend up to \$2,300 for the hearing impaired system. **Mr. Griffin SECONDED.**

VOTE: UNANIMOUS FOR

It was noted that the money to be used on this system will be coming from the franchise agreement payment portion made available to the Committee.

HIGHWAY SAFETY REPORTS - JUDY PARK

The Chairman of the Highway Safety Committee, Judy Park addressed the Board. The Highway Safety Committee received numerous letters and phone calls from residents about various areas of concern.

The Committee was in agreement with the resident who suggested that there is a need for painted lines on Timber Swamp Road to ensure the safety of motor vehicles. Mrs. Park was not certain if the road met with the classifications for a center line but recommended that fog lines be considered.

A request from a resident of Playhouse Circle requested a "not a through street" sign and a "slow, children playing" sign. The Committee came to the conclusion that no signs should be erected as they followed the Town Unwarranted Warning Signs policy.

A resident brought to the Committee's attention of the overgrowth of shrubs, bushes and vegetation that is impeding the sight distance of drivers exiting the street onto heavily-traveled roads. The roads of concern are the corner of Moulton and High Street; corner of Lamprey Terrace and High Street; Dunkin' Donuts on Route 1.

A group of residents have submitted a petition to the Highway Safety Committee requesting a sidewalk be erected on Mill Road from Ann's Lane to the Town line with North Hampton. The Committee wholeheartedly supports the request. Mrs. Park asked that the Board of Selectmen do the same.

A stop sign has been requested to manage traffic on Juniper Lane. After the Committee reviewed the situation they recommend the placement of a stop sign for traffic entering Great Gate Drive from Juniper Lane. This recommendation will require an ordinance change and a public hearing to do so.

There have been a number of new complexes built in the Surfside Park area and many of the speed limits along the streets in the neighborhood have inconsistent speed limits varying from 20 to 25 miles per hour. The Committee recommended that the speed be adjusted to a uniform 20 miles per hour in Surfside Park. This recommendation will require an ordinance change and a public hearing to do so.

The residents exiting from the Holiday Shores Condominiums have difficulty viewing eastbound traffic because of cars parked along the side of the Winnacunnet Road in the area. The Committee suggests the creation of a designated no parking zone of 60 feet or three car lengths along the south side of Winnacunnet Drive, extending west from the Holiday Shores Condominiums driveway out of the condo development. A no parking zone would greatly improve the sight distance for drivers exiting the driveway. This recommendation will require an ordinance change and a public hearing to do so.

Five Corners has consistently been a problem over the years. It is a complex intersection where many accidents have occurred. The Committee observed the intersection for approximately 40 minutes and noticed that numerous vehicles slow down at the intersection but do not stop. In addition the group noted many speeders in the area. The Committee suggested increased enforcement at Five Corners may help to reduce the number of accidents. There are also some maintenance repairs that need to be done such as painting the crosswalks for better definition. The group recommended the designation of a no parking zone on the north

side of High Street from the Five Corners intersection from Mace/Little River Roads. This recommendation will require an ordinance change and a public hearing to do so.

Mr. Gearreald suggested consulting with a traffic engineer to assist in making the Five Corners intersection safer. He also suggested using the police data bank to generate the number of accidents at the intersection over the years. The Board requested that Mr. Gearreald look into the cost of hiring an engineer to assess the intersection.

Mrs. Park said that she received two complaints about the walk signals at the corner of Route 1 and Highway 27. Many people are finding that using the crosswalk and the walk signal is dangerous for pedestrians. She spoke to the Fire Department and the company in charge of maintaining the traffic lights. They assured her that the time was fine. For the time being the Committee suggested designation of a no parking zone on the easterly side of Route 1 adjacent to the hardware store between the corner and the crosswalk. The recommendation will require an ordinance change and a public hearing to do so. Since Route 1 is state owned property the Department of Transportation (DOT) will be contacted.

Mr. Gearreald also suggested that Mrs. Park send a letter to the DOT Commissioner regarding the traffic light issue.

Mr. Moore MOTIONED to schedule a public hearing on November 27, 2006 to take comments on the Highway Safety recommendations that require an amendment to the ordinance. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

Mrs. Park submitted a letter to the Board asking to have the Committee's duties and responsibilities outlined so they can become more efficient. She and her Committee members are uncertain if they should be taking a reactive or proactive approach. The Board suggested that a representative from the Police Department be available to discuss motor vehicle issues with the Committee. It was suggested that Chief Sullivan will refer an officer interested in working with the group.

III. MINUTES – OCTOBER 30, 2006

The minutes of October 30, 2006 stand as presented.

IV. OLD BUSINESS

1. INTERIM TOWN MANAGER'S REPORT

The Budget Committee conducted on Thursday night, November 2, 2006, the first of its 6 meetings with Department Heads concerning the Town's budget. The Committee's work continues in earnest this coming week with two meetings, the first on Tuesday, November 7, 2006 with General Government, Recreation, Planning and Conservation and the second on Thursday, November 9, 2006 with Fire and Emergency Management.

Mr. Gearreald has three trials to attend this week in the Rockingham County Superior Court: the Royal Market case on Monday, November 6, the Zoning Board of Adjustment appear on Wednesday, November 8 and a Planning Board appeal on Thursday, November 9, 2006.

On October 31, 2006, the Public Utilities Commission issued an Order approving the indirect acquisition (stock acquisition) of Aquarion Water Company of New Hampshire by Macquarie Utilities, Inc. This proceeding was separate from the earlier rate increase petition proceedings that concluded in this past summer. No rate increases for this utility can be implemented without the approval of the Public Utilities Commission. The Commission was assured during the latest round of proceedings concerning this acquisition by Macquarie that no change in personnel or operation in the management of Aquarion New Hampshire would occur as a result of this acquisition. The Macquarie Group, according to its Petition, serves 1.9 million water customers throughout the world.

It was represented to the Commission that the acquisition of Aquarion NH by Macquarie would be beneficial to its customers due to Macquarie's broad experience in the utility sector and due to its strength in capital assets. The current owner of Aquarion, Kelda Group of Great Britain, is apparently getting out of investments of this type in this country.

The Order of the Commission approving this acquisition does not preclude towns such as North Hampton from attempting to municipalize this utility under RSA 38. However, our voters specifically rejected even studying such an idea, which can be an extremely prolonged and costly process, via the defeat of a warrant article two years ago.

The consummation of this acquisition by Macquarie must be exercised within one year of the PUC's Oct. 31, 2006 order, although witnesses from Aquarion suggest that it may occur in the last quarter of this year. Similar approval of acquiring other Aquarion divisions in other states has been sought by Macquarie before those other States' Public Utilities Commissions.

This week the Middlesex County Massachusetts Sheriff's Department served two demands for rent and notices to quit for me upon the lease holder of the Town owned parcel at 9 J Street. The land rent on this parcel is in arrears by over \$3,000. Property taxes are also in arrears on this parcel. The Town has the ability to enforce collection of unpaid amounts for land rent and taxes by applying to the Superior Court to have the building sold, because the building is subject to a lien for the unpaid amounts under the terms of the lease.

Mr. Gearreald received further communication from Appledore Engineering about the School Districts plans for fixing certain safety and grading problems at the Winnacunnet Road / Park Avenue intersection.

The Southeast Regional Refuse Disposal District 53-B special district meeting will be held on Wednesday, November 15 at 10AM here in the Selectmen's meeting room. District members will be discussing financial matters which may affect member town budgets. It is strongly recommended by the District that Town Administrators and the Town's 53B Representative (Fred Rice) attend this meeting.

On Friday, November 10th, the Town Hall will be closed in honor of Veterans Day.

BOARD'S RESPONSE TO THE MANAGER'S REPORT

The thank you letter for Pete MacKinnon is in the draft stage.

Mr. Workman reminded everyone that the Legion has a special event scheduled on Veterans Day, Saturday, November 11.

Chairman Bridle-Russell requested that Mr. Gearreald speak with Mr. Gaylord regarding the Spur Project.

OTHER OLD BUSINESS

1. 2007 Warrant – further discussions

Mr. Griffin does not believe that this is the year to be promoting multiple warrant articles especially the articles that have failed consistently over the past few years.

It was apparent that the Board is leery about presenting a lot of articles (i.e. 30) to the voters this year. The Board was in a general agreement that only the most important articles should go on the ballot.

There was discussion on the best way to present the social service warrant articles. That is, if all the services requests be placed in one single Board sponsored warrant article. Mr. Lally said that he would like to see \$150,000 committed funds be placed in the budget to be specifically allocated to the social services. Mr. Gearreald pointed out that the Board would be compromising the availability of funding for the social services if there was another default budget. In addition it was noted that combining all the social service fund into one warrant article is also jeopardizing funding if it is not supported by the voter.

Mr. Lally MOTIONED to remove Article #11 regarding the bike path from the presented Warrant. **Mr. Moore SECONDED.**

VOTE: UNANIMOUS FOR

Mr. Griffin MOTIONED to remove all Articles from the 2006 Warrant that were turned down by the voters. **Mr. Moore SECONDED.**

DISCUSSION:

Mr. Gearreald suggested that he thoroughly goes through the Warrant and determine which Articles are not absolutely necessary.

MOTION WITHDRAWN

Mr. Lally MOTIONED to remove the article regarding the Towle Farm Road Sewer. **Mr. Griffin SECONDED.**
VOTE: UNANIMOUS FOR

Mr. Griffin MOTIONED to remove Article #13 regarding the improvements for the tennis courts. **Mr. Moore SECONDED.**

VOTE: 3 FOR
Opposed: Workman
Abstained: Lally

Mr. Lally MOTIONED to remove Article #14 regarding the automatic trash packer. **Mr. Griffin SECONDED.**

Discussion:

Mr. Moore pointed that in the long run the packer will save the Town money on Compensation Claims and additional labor.

MOTION WITHDRAWN

The consensus of the Board was that the Fire Station and the Drainage Project are the two most important Articles.

Mr. Moore requested a one page Warrant Article summary.

Chairman Bridle-Russell recommended that the Department Heads suggest which Articles should be cut from the Warrant.

V. NEW BUSINESS

None

VI. CONSENT AGENDA

None

VII. - PUBLIC COMMENTS

Richard Reniere came before the Board to ask the final results of the Ashworth leased parking. He was informed that the Board agreed to \$735 fee for leased parking in the Ashworth lot. He expressed his concern regarding the additional burden that the increase in leased parking has on local businesses. Mr. Reniere noted that approximately 25 business owners in the beach area will be paying 30% of the parking revenue for the Ashworth lot. He also said that he does not agree with the Board's decision that was made a few months ago to increase the fee in the Church Street and Island Path lots.

Charlie Preston questioned what the Hampton Beach Village District is doing with the 20% of gross parking lots funds allocated to the organization. He suggested that the Precinct and the Town work together to generate additional revenue for both.

Michael Scanlon asked for clarification regarding the increase in the tax rate. Mr. Gearreald explained that it was due to an increase in voter supported warrant articles, an accounting error and a slight increase in the operating budget.

VIII. - CLOSING COMMENTS:

VI. ADJOURNMENT

Mr. Griffin MOTIONED to adjourn the meeting at 11:00 PM. **Mr. Moore SECONDED.**

VOTE: UNANIMOUS FOR

Chairman