

**HAMPTON BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
APRIL 9, 2007 – 7:00 PM**

**PRESENT:** Ben Moore, Chairman  
Bill Lally, Vice Chairman  
Virginia Bridle-Russell  
James Workman  
Rick Griffin  
Fred Welch, Town Manager  
Maureen Duffy, Administrative Assistant

**REGRETS:**

**Chairman Moore called the meeting to order at 7:00PM and introduced those in attendance**

**SALUTE TO THE FLAG**

Police Chief led the Salute to the Flag.

**I. ANNOUNCEMENTS AND COMMUNITY CALENDAR**

The Hampton School Board will be broadcast live on Channel 22 on April 10 at 7PM.

**II. APPOINTMENTS**

**1. TOWN CLERK JANE CYPHER – CONCURRENCE IN THE APPOINTMENT OF THE DEPUTY TOWN CLERK**

Town Clerk Jane Cypher has recommended the Board of Selectmen appoint Shirley Doheny as the Deputy Town Clerk position.

**Mrs. Bridle-Russell MOTIONED** to appoint Shirley Doheny as the Deputy Town Clerk. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS FOR**

**III. MINUTES – APRIL 2, 2007**

The April 2, 2007 minutes stand as read.

#### **IV. OLD BUSINESS**

##### **1. TOWN MANAGER'S REPORT**

Mr. Welch had the opportunity of meeting with Representative Nancy Stiles last Monday to discuss a number of subjects such as the Hampton River Bridge and the replacement Court House. Representative Stiles suggested that a task force of interested parties be assembled to discuss the planning and funding for the replacement of the current Hampton River Bridge. That task force may include the Boards of Selectmen from Hampton and Seabrook, the Precinct Commissioners from Hampton and Seabrook, the Hampton Beach Area Commissioners, the NH Department of Transportation (DOT), the Fishing Cooperative, the Boating community (private and business), the Conservation Commissions from Hampton and Seabrook and the Seabrook Station. The duty of the task force would be to attempt to obtain a projection from NH DOT of what the crossing configuration, bridge(s) or tunnel would look like together with its layout dimensions.

The Town has received a request for additional crosswalks across King's Highway and Route 1A at Winnacunnet Road. This request is currently under review by the responsible agencies.

Public Works Director Hangen has provided the materials required to begin developing a drainage construction warrant article for the 2008 ballot.

Mr. Welch will be away from April 11<sup>th</sup> to April 17<sup>th</sup> and recommended that the Board of Selectmen appoint Town Attorney Gearreald as the Acting Town Manager for this period.

Finance Director Schwotzer has further examined the default budget and has informed the Town Manager that there is enough money available to hire a part-time Conservation Officer to meet the needs of the overwhelmed Conservation Commission. Mr. Welch recommended that the Board permit the Conservation Commission to begin that process of hiring for such a position providing that the total expended does not exceed \$13,104 for the 2007 fiscal year.

Mr. Welch has also requested information from the Finance Director on whether there is enough funding available to assist the Selectmen's and Town Manager's Office with additional help. Once that information has been evaluated he may return to the Board with an additional request for action.

Tickets are available at the Recreation and Parks Department for the Ballroom and Latin Dance Show "Burn the Floor". The bus departs from Hampton on Saturday, June 2 at 12:15 pm for the 2 pm show at the Wang Theater in Boston. Tickets are \$82 for residents and \$87 for non residents. The Recreation and Parks Department also has a trip to Italy planned for departure on November 3<sup>rd</sup>. Reservations and the non-refundable deposit must be in by May 4<sup>th</sup> for this 10 day tour.

The date for the 16<sup>th</sup> Annual Household Hazardous Waste Collection is Saturday, May 12, 2007, from 9:00 AM to 12 Noon behind the Old Town Hall on Winnacunnet Road.

#### **BOARD'S RESPONSE TO THE MANAGER'S REPORT**

Mr. Griffin asked for further information regarding the crosswalk request across King's Highway and Route 1A at Winnacunnet Road. Public Works Director Hangen has been working with DOT and noted that the Town has had difficulties getting satisfactory results. To ensure the job gets done Mr. Welch is planning on holding DOT accountable.

Mr. Moore noted that police detail will be required for the Annual Household Hazardous Waste Collection day.

**Mrs. Bridle-Russell MOTIONED** to appoint Mark Gearreald as the Acting Town Manager from April 11 to April 17, 2007 and to appoint Barbara Renaud as an Alternate Member to the Conservation Commission. **Mr. Workman SECONDED.**

**VOTE: UNANIMOUS FOR**

**Mrs. Bridle-Russell MOTIONED** to hire a part-time Conservation Commission Officer and that the wage for the position does not exceed \$13,104 for the 2007 fiscal year. **Mr. Workman SECONDED.**

**DISCUSSION:**

It was asked where the money was coming from to cover the cost of hiring a part-time employee. Mr. Welch explained that there are available funds within the personnel insurance, unemployment compensation account. Mr. Workman asked what the Town is "not getting" with the default budget. Mr. Welch noted that there are many items not being accomplished this year as a result of the default budget. For example there will be no new drainage system, no newly hired firefighters, or salary increase for current staff.

**VOTE: UNANIMOUS FOR**

Mr. Welch reported that the Deputy Tax Collector resigned last Friday.

He also reported that the NH Fish and Game Department notified him that the fish in Taylor River have dangerously high levels of detectable pesticides and people are advised not to eat the fish. Additional test samples are being conducted by the Fish and Game Department.

Public Works Director John Hangen came before the Board to discuss the newly installed transfer station scale. The scale will have a sophisticated computerized monitoring system and residents will be given a bar coded identification card free of charge. Once the system is in place the transfer station will not accept cash and will only have credit card transactions. Contractors will be given a similar identification card but will need to setup an account with the Finance Department. Invoices for contractors will be generated on a monthly basis.

Mr. Lally asked if small business owners such as plumbers who do not use the transfer station on a regular basis will have to pay monthly. Mr. Hangen said that business owners have the option of setting up a biannual or quarterly payment schedule. The goal of the new system is to be as user friendly as possible.

Another benefit of the new scale system will be the ability to track contractors in accordance to issued building permits. This will enable the Town to monitor contractors bringing out-of-town building or demolition materials to Hampton. Mr. Hangen is hopeful that the new scale will be operating by May 1, 2007.

The bar coded identification card will be distributed when residents come to the transfer station.

Mr. Lally suggested that a press release be written and provided to local newspapers once the new scale is operating.

Mr. Hangen discussed a request by Aquarion Water Company to install new waterlines along K Street. The need for the new pipes is for one of the businesses in the area who is required to meet the new federal fire regulations. Mr. Hangen recommended the Selectmen consider implementing a very strict policy that acts as a deterrent and keeps in mind a long-term plan for maintaining the integrity of the road. He presented a policy

that he would like the Selectmen to consider that includes long trench patching and resurfacing the effected area. He noted that the Town has made a huge investment in the Beach Infrastructure Project and he would be very disappointed to see utility companies destroying the integrity of the road in just a few months. The Selectmen have authority to permit construction on streets that have undergone restructuring within the last five years.

Mr. Hangen also suggested the Selectmen consider adopting an escrow account for all companies proposing to excavate newly paved roads. He suggested a \$15,000 cash escrow account assigned to the utility company.

Mr. Hangen emphasized that he tried for three years during the Hampton Beach Infrastructure project to get the utility companies to coordinate and collaborate with the other infrastructure efforts. He believes that the Town should not accept small patch jobs and only consider larger patch and overlay jobs.

**Mr. Lally MOTIONED** to adopt the plan as presented by Public Works Director Hangen regarding trench patch work for all future cuts on roadways and to only accept cash deposits prior to construction in lieu of a bond. **Mr. Workman SECONDED.**

**DISCUSSION:**

The intention of this policy is to use on the whole Town and uphold these standards to protect the integrity of our roads after they have been dug up by others. Any roads that have undergone construction (new paving) in the last five years will still need to come before the Board of Selectmen and comply with this schematic, or others, as may be necessary.

**VOTE: UNANIMOUS FOR**

Mr. Moore asked if the Drakeside and Mill Road construction is on schedule. Mr. Hangen said that it was.

Mr. Welch talked about the stairway project as proposed by the property owners of #1032 Ocean Boulevard (Brussard). The Brussard's would like to extend a stairway from their property onto Town land (from the high water mark to the abutting property) so they may access the beach. The Brussard's have been seeking a license for the stairway since May of 2005 and are eager to proceed with the project.

Town Attorney Gearreald discussed the complexity of the request and explained that there are approximately 40 unauthorized stairways making an access to the beach. There are multiple liability concerns and unanswered questions to authorized and unauthorized stairways. Assessor Bob Estey came before the Board to discuss the issue of beach stairways as taxable property. The stairways are an intrusion onto Town land and if it is decided to lease the property that the stairway is on the structures would need to be assigned a value. He also noted that assigning values would be difficult because previous assessments were done without regard to stairways.

Mr. Welch noted a letter received by Brad Jett (member of the Cable Advisory Committee) regarding the "Carol Shea-Porter Trip to Iraq". Mr. Jett wrote that Channel 22 is "...not a public access channel" and is meant to broadcast "...for emergency purposes, broadcast Town meetings, Board meeting and school events...". It was suggested that copies be made available for residents at the Library and at the Town Manager's officer.

Mr. Welch requested a report from the Public Works Director regarding accusations from a few residents that some property owners were tied into the new sewer system installation. Fay, Spofford and Thorndike engineers have developed a report indicating that all those connected were on public right-of-ways and there was no work on private property.

Bids for the Phase II – Beach Infrastructure Project (Westside Streets) will be opened tomorrow (April 10) at 2PM.

Mr. Lally asked to make certain that the flags and poles are functioning properly around Town in time for Memorial Day. He also recollected that there was discussion at a meeting a few months ago that there was someone interested in donating a flag pole at Locke Road.

## **1. PRIVATE ROADS PHASE 1 RECOMMENDATIONS**

Director of Public Works Hangen, Fire Chief Lipe and Police Chief Sullivan coauthored a report on Private Roads and Emergency Lanes. At this point there are two alternatives to consider, either “stop plowing” or create emergency lanes.

The Directors reviewed roads that were currently being plowed. They reported that if the Town “stopped plowing” private roadways we would be in compliance with State law and would save tax money. Their fear with this notion is that most of the streets would not get plowed, creating a safety problem. This could also pose the possibility of liability for the Town as well as hinder emergency vehicle access.

The Public Works Department has generated a list of private roadways indicating which ones get plowed, trash pickup and maintenance. There are 52 streets on this list and only 31 of these streets are currently plowed by the Town. For Phase I of the private road resolution only plowed roads were considered. The Directors proposed that the Town consider adopting RSA 231:59-a, to declare these roads as “Emergency Lanes” without any financial encumbrances or duties to maintain. The Town would be responsible for plowing and picking up rubbish but not road repairs. This option does not increase the present budget or change our operational standards that each department is accustomed to.

The fire code requires that access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance not less than 13 feet, six inches. Unfortunately the majority of private roads in Hampton do not meet these width requirements. An emergency lane cannot be impeded by parked cars, therefore, a parking restriction would also be necessary.

In order to declare private roadways as emergency lanes a public hearing would need to be held and all interested parties (i.e. mortgage companies, etc.) would need to be notified via mail.

To prevent parking along emergency lanes the Fire Chief or Board of Selectmen may be required to designate it as a Fire Lane. This is another option the Town may consider if immediate action is required.

Mr. Lally pointed out that the Town has limited personnel and financial resources to proceed with designating emergency roadways. It was the consensus of the Board to start with one “test street” and to use this street to benchmark from. Town Counsel will need to create a system for one street that will involve the Assessing Department, Legal Department, Tax Office and Town Clerk to provide the necessary information required to notify the interested parties.

Mr. Hangen noted that hiring two new people (Data Collector and Conservation Commission Coordinator) after four years of default budgets does not “look good” from a tax payer point of view. It was pointed out that the Budget Committee recommended that the Selectmen hire a Conservation Commission Coordinator and create a fund to pay for the needed remeasure relist.

## **OLD BUSINESS CONTINUED**

Mr. Moore reported that there is a vacancy on the Lease Land Real Estate Commission and two on the Shade Tree Commission. Those interested in becoming involved in these committees may contact the Town Manager's office.

## **V. NEW BUSINESS**

### **1. TAXI LICENSE**

According to the Town Ordinance individuals seeking a Taxi License must be a legal resident of Hampton. The renewal process is based on past information from the original application. This year the Town was unable to confirm residency of a particular individual looking to renew his license. The individual may reapply with his legal address if he chooses to do so.

There was discussion to amend the ordinance and perhaps increase the fee.

**Mr. Griffin MOTIONED** to deny the Taxi License as presented. **Mr. Lally SECONDED.**

#### **DISCUSSION:**

The applicants check will be returned.

**VOTE: 4 FOR  
Mrs. Bridle-Russell - ABSTAINED**

### **2. CONCURRENCE IN THE REALIGNMENT OF THE REGIONAL PLANNING COMMISSIONS MPO'S**

To meet the newly revised federal regulations there is need for only one MPO.

**Mr. Lally MOTIONED** to accept the Rockingham Planning Commission's resolution as specified in their March 26, 2007 memorandum to realign and redesignate the Seacoast and Salem-Plaistow-Windham Metropolitan Planning Organizations (MPO's). **Mr. Workman SECONDED.**

**VOTE: UNANIMOUS FOR**

### **3. APPROVAL OF SUMMER MEETING SCHEDULE**

No meeting dates: July 2, July 16, July 30, August 13, and September 3

Meeting dates: July 9, July 23, August 6, and August 20

**Mr. Lally MOTIONED** to approve the summer schedule as presented. **Mr. Workman SECONDED.**

**VOTE: 4 FOR  
AGAINST – Bridle-Russell**

Mr. Lally recommended that the Animal Control Officer be invited to attend next week's meeting to discuss the potential public safety hazard this time of year with animals infected by rabies.

**VI. CONSENT AGENDA**

1. **New Leases & Termination of Lease – 16 P Street**
2. **Emergency Operations Plan – Annual Concurrence**

**Mr. Workman MOTIONED** to accept the consent agenda as presented. **Mr. Griffin SECONDED.**  
**VOTE: UNANIMOUS FOR**

**VII PUBLIC COMMENTS**

Mr. and Mrs. Boynton commented on the Selectmen’s plan to designate roads as emergency lanes. They offered their assistance with obtaining deeds and mailing letters for Taylor River Estates if the Town is interested in using their street as the “sample street”.

**VIII. CLOSING COMMENTS:**

**Mr. Workman MOTIONED** to hold a non-public meeting immediately after the conclusion of this Selectmen’s meeting in accordance to RSA 91-A:3, II (a), (c), (e). **Mr. Workman SECONDED.**  
**VOTE: UNANIMOUS FOR by role call**

An appointment with the Animal Control Officer will be added to next week’s agenda.

DOT representatives will be attending the next Selectmen’s meeting regarding the maintenance bridge painting over Tide Mill Creek.

Mrs. Bridle-Russell reminded residents to license their dogs.

**IX. ADJOURNMENT**

**Mrs. Bridle-Russell MOTIONED** to adjourn at 9:15PM to a non-public meeting. **Mr. Griffin SECONDED.**  
**VOTE: UNANIMOUS FOR**

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**Chairman**