

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
APRIL 30, 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:

PUBLIC HEARING (RSA 31:95-b) – \$768.25 Highway Safety Grant

No public comment.

Mr. Lally MOTIONED to approve the \$768.25 Highway Safety Grant for the Police Department as presented.
Mr. Griffin SECONDED.

VOTE: UNANIMOUS FOR

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

SALUTE TO THE FLAG

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Lally reported that he spoke to Brian Warburton, the NH DRED Regional Park Supervisor earlier today regarding the cleanup at the beach. The crews are making good progress cleaning up the debris left behind by the April 16th – 18th rainstorm and high tide. There was a lot of damage that occurred as a result of the storm and the crews are doing a great job.

Chairman Moore concurred with Mr. Lally's comments regarding the beach cleanup. He also commented on the tasteful presentations that the Post 35 of the American Legion did in memory of Bruce W. Brown and Mark L. Brown. They hosted two special observances on Sunday, April 29th. The first observance was at the Marston School Field to honor of Mark L. Brown who was lost in action in 1969. The second was held at the Marine Pier in Hampton Harbor in memory of Bruce W. Brown who was lost in action in 1968. Both were decorated for gallantry in action in Vietnam.

Mr. Moore also announced that the Household Hazardous Waste Collection day will be held on May 5th at the former Town hall parking lot from 8:30AM to noon.

II. APPOINTMENTS

1. JOHN MCKEON – PARKING FEES

Mr. McKeon is a hotel owner in the Hampton Beach area and has been renting parking spaces from the Town for approximately 50 years. He is dissatisfied in the current set fee for the Island Path parking lot. As a business owner who leases parking he is also responsible for paying taxes on the leased space. On September 11, the Board of Selectmen increased the parking fees from \$575 to \$700 for the Island Path parking lot. Mr. McKeon is upset about the increase and has come before the Board with his concerns.

Mr. McKeon reported that during very busy summer days or during special events his visitors have problems getting parking because there are no designated spaces and the parking attendant sells the spot if empty. This creates a huge problem for his business when his visitors do not have a place to park. He also said that approximately six years ago he never had a problem with parking at Island Path.

The hotel owner charges their customers a \$30 deposit to ensure that they return the parking permit. He has an issue with the Town's policy to not reissue parking passes as sometimes hotel guests do not return the permit and then he is out \$700. Last year the Town Manager did issue another permit for \$75.

According to the minutes of November 6, 2006 the Board indicated that they were interested in revisiting the parking fees for the Church Street and Island Path lots.

Mr. Lally pointed out that many of the parking spaces in the Island Path lot were not available because the 2006 Mother's Day storm destroyed the area. Since then the lot has been repaved so more parking should be available this year.

Mr. Griffin completely agrees with Mr. McKeon's concerns and would like to resume discussions on parking fees and the designated parking issue.

It was the consensus of the Board to revisit parking fees and to discuss the subject with Dyana Martin, Director of Park & Recreation as well as the Parking Lot Supervisor, Vic Demarco prior to making a decision. A similar formula as used when determining the Ashworth lot fee will be considered for the Island Path lot. In addition to fees, other parking issues such as designating leased spaces and a user-friendly way of dealing with lost parking permits will also be discussed next week.

III. MINUTES – APRIL 23, 2007

The April 23, 2007 minutes stand approved as distributed.

IV. OLD BUSINESS

1. TOWN MANAGER'S REPORT

In the near future Mr. Welch will be requesting Department Heads to prepare their requests, changes and updates to the Town's Long Range Capital Expenditures Plan for review by the Board of Selectmen and Budget Committee in effort to develop the 2008 Budget.

Fire Chief Lipe, Police Chief Sullivan and Town Manager Welch went to Concord last Tuesday, April 24th to present testimony supporting, Representative Nancy Stiles request to add additional funds (\$3 million) to repair the State's Hampton Seawall. Representative Bennett Moore accompanied the delegation when presenting their case to the Senate Capital Budget Committee. The Town Manager thanked Representative Stiles for efforts to obtain funds for the project.

Mr. Welch has requested from the Fire Chief and Finance Director an analysis of overtime in the Fire Department and to compare the same to staffing needs within the Department.

We have been notified by the Local Government Center that our insurance agreement will be amended at our next renewal. Changes will occur in the areas of earthquake, flood, fine arts, seepage, pollution, wastes, volcano and other coverage will represent an increase in costs to the Town. The additional coverage requirements will be worked through during the budget process and be reported during that time.

Mr. Welch thanked the Department of Public Works for their assistance in helping the Parks & Recreation Department in cleaning the grounds of the Town Hall while Parks & Recreation are temporarily short staffed.

The Phase II Sewer Bids for the Beach Infrastructure Project will be rejected this week as a result of overbids received. A reanalysis is underway to determine if the project should be re-bid as is or if some changes should be made to the bid package.

The final change orders have been signed for Phase I of the sewer project and we may consider this portion of the sewer work to be completed under the contract. The change order will result in a \$29,590 return to the Town.

Today was the last day to register or renew dog licenses without penalty.

The Town has appointed Kevin Wheeler as the Deputy Assessor effective May 16, 2007, and Susan Harding as the Data Collector effective May 2, 2007. These two individuals were selected following 16 interviews that were conducted in effort to fill these positions. Mr. Wheeler's previous employment was with the Town of Meredith and Ms. Harding has been a NH Real Estate Appraiser in Rockingham and Strafford Counties.

Mr. Welch reminded residents that the last day to place a refundable deposit for the Parks & Recreation trip to Italy is May 4th.

The Town Manager received notification from FEMA that established a Disaster Declaration number (1-800-621-3362). Eligible counties for Individual Assistance include Grafton, Hillsborough, Merrimack, Rockingham and Strafford. The New Hampshire Disaster Recovery Hotline is also available to anyone who has property damage or is displaced as a result of the April 16 to 18 floods.

BOARD'S RESPONSE TO THE MANAGER'S REPORT

Chairman Moore asked about the status of the private road test project. Mr. Welch reported that the job has proven to be much larger than anticipated as every organization and individual with interest in the property must be contacted directly.

Mr. Moore inquired if the Town Manager has a recommendation to address the Keer request made at the last Selectmen's meeting. Mr. Welch has received a stack of documents from the Building Department and he is still reviewing. He will have a recommendation by next week.

1. LEAD PAINT REMEDIATION – FIRE STATION

Fire Chief Lipe addressed the Board. As directed by the Town Manager he has developed a contingency plan and has provided a copy to the Selectmen. The objectives of the plan are as follows: to maintain a fire suppression presence at Hampton Beach, to ensure the protection of personnel and the public from lead paint hazard, to test all employees for lead exposure, and to provide a cost effective solution to mitigation not to exceed the encumbered \$23,275 from the 2006 Budget.

Chief Lipe proposed the creation of a lead-free sub-station inside of the existing contaminated area. He suggested partitioning the walls in the bay to reduce the lead remediation square footage. The lead paint will then be removed in these partitioned areas and will not be repainted. Chief Lipe suggested that the Walk-In-Medical Aid Room remain open as well as the EMS supply storage room. In addition the apparatus Bay 4 will continue to house a spare pumper. Equipment will be stored in an outside storage container.

It is anticipated that the proposed lead paint mitigation plan will cost approximately \$29,000 to \$31,000. Mr. Welch is confident that there is enough money in the budget to fund the proposal. The plan would enable to keep the station open and maintain fire and emergency service in the beach area.

Mr. Welch noted that the Town is under a State order to resolve the lead paint issue. Without compliance, it is likely that the State will implement a plan (likely to close the station or a more expensive plan) as well as fines.

The proposal would only be a band-aid solution until a new station can be built. The Town Manager and Fire Chief are currently working on developing a warrant article to be added to the 2008 ballot that addresses the need for a new station.

It was the consensus of the Board to have a full financial explanation regarding which account the funds for the proposed Lead Paint Mitigation Plan would be allocated from.

Mr. Moore suggested reallocating the budget so that it includes the proposed plan as well as recent decisions that the Board has made. Mr. Welch noted that there is a need to look at the completed budget and to wait until next week to vote on transferring funds.

It was the consensus of the Board for the Fire Chief to proceed with the proposed Beach Fire Station Lead Paint Mitigation Plan.

2. BUILDING USE POLICY

Mr. Welch presented a revised version of the Hampton Use of Town Property Policy.

Mrs. Bridle-Russell MOTIONED to accept the Town of Hampton Selectmen's Policy Use of Town Property as presented. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

3. CHANNEL 22 POLICY

Mr. Welch sent a letter to Comcast last week requesting an additional cable channel. It is likely that the process in obtaining an additional channel will be a lengthy process.

There has been discussion in the community regarding the censoring of video requests to be broadcasted on Channel 22.

Pursuant to the franchise agreement with AT&T Broadband (formerly Continental Cablevision of NE, Inc.) on April 17, 1995 the Town of Hampton activated only an Education/Government Access Channel (EG) for the purpose of broadcasting Town meetings and other government and education related information of interest to the citizens of the Town of Hampton. Channel 22 is not a public access station.

Mr. Griffin questioned why the Board did not permit Carol Shea-Porter's (Report on Trip to Iraq or Report from Congress) DVD to be broadcast on Channel 22 when the station is considered an Educational/Government Access Channel. He said that the DVD would be considered educational and political.

It was noted that copies of Carol Shea-Porter's DVD's are available at the Library and at the Town Manager's office. To date no one has come to the Town Manager's office to borrow the DVD.

Mr. Griffin said that taxpayers paid for Carol Shea-Porter's trip to Iraq and it is their right to see the report.

It was questioned whether Channel 22 has enough airtime. As scheduled meeting timeframes are in four hour increments.

It was determined that residents interested in broadcasting political DVD's should contact the Selectmen to voice their opinions.

Mr. Griffin suggested that Carol Shea-Porter's office be contacted to see if other towns have broadcasted the DVD's. Mr. Lally suggested that it would be necessary to determine which of the towns have public access or EG station. Mr. Lally is not keen on the idea of the Selectmen being required to edit each request to broadcast.

The Cable Committee has invested in permanent broadcasting equipment at Winnacunnet High School so that they may broadcast the annual Town meeting or state/federal political candidate meetings. The installation of equipment has spurred interest in students seeking experience in film production.

There was also discussion on whether other surrounding towns should financially contribute to the equipment as they too benefit from the broadcasting of special events from WHS.

The scheduled broadcasting times are posted on the Town's website.

On May 14th Mr. Nickerson will come before the Board to provide the Board with a Channel 22 update.

OTHER OLD BUSINESS

Due to recent events between the Budget Committee and the Board of Selectmen, Mr. Griffin asked if he was still to act as the representative for the Selectmen at Budget Committee meetings. He noted that the vote would be considered important. Mr. Moore said that last week's motion set a policy to communicate with the Budget Committee in writing and that staff are no longer required to attend their meetings. It is up to Mr. Griffin if he would like to continue going to Budget Committee meetings.

Chairman Moore indicated that a letter of apology has been sent by the individual who insulted Mr. Lally at the last Budget Committee meeting.

V. NEW BUSINESS

1. HIGHWAY SAFETY COMMITTEE RECOMMENDATION

The Highway Safety Committee sent in a request to reduce the speed limit on Alexander Drive to 25mph.

Mr. Welch provided the Board with a memorandum discussing speed limits. The memo addresses the state requirement to conduct a traffic study before reducing the limit below 30mph. Under Town Ordinances, Article 13 – Speed Limits – Section 3:1302 – 25 mph and Section 3:1306, 20mph are in conflict of RSA 265:60 and RSA 265:63. Mr. Welch suggested that the Board proceed to implement the statutory required procedures or re-post the roads in question to comply with state law.

The statute does not imply that the study must be done by a professional organization therefore Mr. Welch suggested that a patrol vehicle collect and record data on the streets of interest. Information such as speed, traffic count, pedestrians, children, on street parking and visual obstacles will be collected. The Town Manager was instructed to contact the Chairman of the Highway Safety Committee and to proceed with collecting data on Alexander Drive. Mr. Welch also noted that there was no statutory requirement indicating that a public hearing is necessary to reduce the speed limit below 30mph.

Mrs. Bridle-Russell asked if residents have the right to block the roadway for children to play. Mr. Welch said that no one is allowed to block a municipal roadway without the permission of the Selectmen.

2. DAY IN THE HAMPTON'S REQUEST

Many downtown businesses would like permission to hold a one day event called "Day in the Hampton's" on Saturday, June 9th. The event will take place in Depot Square using the Gazebo Park and Depot Square Road. The businesses are seeking permission to close the road so they may sell their goods for the day along the road.

It was noted that the Depot Square Road is a private roadway owned by Stan Brown. Therefore the event coordinator would need to seek approval from the owner. The Board has no objection to the request as long as the roadway owner approves the road closure for the day. Mr. Moore will contact Dean Merrill to discuss the Board's decision.

OTHER NEW BUSINESS

Mr. Workman asked if the Town Manager could proceed with installing a strobe enhanced traffic light at the corner of Mill Road and High Street. There have been a number of accidents at that corner and he would like to see a better traffic signal at the intersection. Mr. Welch said that he could ask Mr. Hagen. Mr. Welch also said that strobe traffic lights are being banned by the State because the strobe has been known to stimulate seizures for people with epilepsy. He suggested that a traffic light with an enlarged head could be installed at the intersection.

VI. CONSENT AGENDA

None

VII PUBLIC COMMENTS

Jerry Dignam (10 Tobey Street) commented on the recent debate to broadcast political DVD's on Channel 22. He stated that the Board should be considering freedom of speech and the right to hear various points of view on different issues that affect citizens. He believes that it is a constitutional right to have as much political information available to taxpayers as possible. Mr. Dignam also believes that residents should have the right to hear what elected officials have to say on various issues.

In addition, Mr. Dignam asked if the Board has considered providing fire service to the Beach for the interim (while the lead paint issue at the Beach Fire Station is being resolved) from the uptown fire station.

Eileen Latimer, (25 Mill Road) member of the Budget Committee came before the Selectmen to discuss her dismay with the behavior of her fellow Committee members at the last meeting regarding the personal attack that Mr. Lally experienced that evening. She believes that Board and Committee members should not be assaulting people individually. Ms. Latimer asked the Selectmen to reconsider their decision to communicate with the Budget Committee only in writing and withdraw staff presentations. In addition, she would like to see Mr. Griffin participate in the Budget Committee meetings as his vote is important. Ms. Latimer also pointed out that she has been a minority voter on the Committee for four years and was surprised to get reelected. She said that perhaps her being reelected indicates that not all residents have bought into the "Dooms Day" tactics that are often used at the Budget Committee meetings. She encouraged the Selectmen to work with the Budget Committee.

Ms. Latimer also commented on playing Carol Shea-Porter's DVD. She believes that the DVD would be considered government related and would like to see it broadcast.

VIII. CLOSING COMMENTS:

Mr. Workman commented on the observances held last Sunday, April 29th in honor of Mark L. Brown and Bruce W. Brown. He said that it was a very nice presentation in remembrance of both men.

Mr. Lally read a Hampton Union newspaper article from April 10, 1973. The article paralleled recent issues that the Selectmen are experiencing with the Budget Committee. He noted that the problems have existed for over 30 years and not much has changed.

Mr. Moore summarized the items of discussion for next week as follows: providing fire coverage from Fire Station #2 (Winnacunnet) to the beach area, Hampton Harbor River Bridge, Budget Guidelines for 2008, Island Path parking rate, Keer issue, reallocation of budget, and Channel 22 broadcasting requests.

IX. ADJOURNMENT

Mrs. Bridle-Russell MOTIONED to adjourn at 8:50 PM. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

Chairman