

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
MAY 7, 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

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Workman announced the Annual Children's Fishing Derby to be held on May 19th at Batchelder Pond. Licenses are free and may be obtained at the Recreation Department.

Chairman Moore announced that the Friends of the Lane Memorial Library will be sponsoring author Nathaniel Philbrick for a reading and signing of his book *Mayflower: A Story of Courage, Community and War*. The event will be held at the Winnacunnet High School (WHS) next Tuesday, May 15 at 7PM. Admission is free. Mr. Moore also commented on the Hampton Monday Club, 100th anniversary. Unfortunately the Club will be disbanding after today. The Selectmen have signed a proclamation that will be given to the Club members in honor and recognition of their services and accomplishments over the years.

II. APPOINTMENTS

1. PAULA & WAYNE SLATTERY – DES MINIMUM IMPACT EXPEDITED APPLICATION

Mr. and Mrs. Slattery (1024 Ocean Boulevard) came before the Board to request permission to proceed with their DES Minimum Expedited Application to impact 100 square feet of bank to rebuild the retaining rock wall. The couple came to inform the Selectmen that their project will occur within 20 feet of their property line on Town land.

Mr. Welch suggested that the contractor provide the Slattery's with a copy of their workers' compensation policy and suggested that they provide a copy to the Town. He also indicated that the Town of Hampton should be named on the insurance policy.

Ellen Goethel, Chairman of the Conservation Commission addressed the Board. She noted that the Slattery's have been before the Planning Board and the Conservation Commission and have received permission from both entities. Mrs. Goethel noted that seawall and stairs at 1024 Ocean Boulevard are partly on Town property and that the Conservation Commission has no concerns with the proposal.

Mrs. Goethel pointed out that as a result of the April flood there will be a large quantity of Wetland Impact Special permits coming before the Planning Board and Conservation Commission. Ultimately the applicants will be required to come before the Board to meet the Special Permit conditions. Mrs. Goethel recommended that the Planning Board, Conservation Commission and Selectmen develop a concerted, consolidated plan to deal with the volume of applications. She pointed out that all of the seawalls are partly on Town property. She encouraged the Board to provide the Conservation Commission and the Planning Board with some direction on how to deal with the applications. To date the Planning Board reviews the application as they do not have the resources to inspect proposed projects. In some cases the footprint is expanded to the point where it is blocking public access to the beach. Mrs. Goethel noted that the Planning Board has indicated that future Wetlands Impact Special Permit applicants will be required to provide a bond before the project can proceed.

Tracy Emerick, Chairman of the Planning Board addressed the Selectmen. He noted that the Conservation Commission, Planning Board and Board of Selectmen all have separate responsibilities when it comes to approving Wetlands Impact Special Permits. He suggested that the three entities need to organize themselves so that applicants do not have to go through the maze that they currently experience.

The Planning Board approved the Slattery application with many stipulations, one being that they come before the Board of Selectmen for final approval. After experiencing the frustration of going through the application process Mrs. Slattery is willing to provide a list of the various steps involved when repairing a private/public seawall. Her objective in providing the list is to assist other property owners and to make the process more efficient and applicant friendly.

Mr. Lally MOTIONED to approve the Slattery request to repair the seawall at 1024 Ocean Boulevard. **Mr. Griffin SECONDED.**

**VOTE: 4 FOR
1 OPPOSED – Bridle-Russell**

Mrs. Goethel mentioned that a letter from the Selectmen will need to be sent to the New Hampshire Department of Environmental Services (DES) notifying them of the approval for the 1024 Ocean Boulevard seawall repair project.

III. MINUTES – APRIL 30, 2007

The April 30, 2007 minutes stand approved as distributed.

IV. OLD BUSINESS

1. TOWN MANAGER'S REPORT

Paul Dudley was the low bidder (bid amount - \$22,400) and was awarded the painting of street lines and crosswalks with water based paint.

The Design Engineering Contract was awarded to Wright-Pierce; the low bidder for Wastewater Treatment Plant Upgrades. The agreement was signed in the amount of \$123,500 as approved by the NH DES.

On Thursday, May 3, 2007 Mr. Welch had the opportunity of joining others in meeting with a Plan NH representative. The Representative discussed the coming design charrette for municipal property and buildings along Winnacunnet Road. Dates and times for public participation will be announced soon.

Again on Thursday, he had the opportunity to meet with Representative Stiles as well as a representative from the office of the Commissioner of State Administration. The Representatives, Hampton Police Chief and Town Manager reviewed properties that may be desirable for the new District Court building.

On Friday, May 4, 2007 Mr. Welch, the Police Chief and the Fire Chief traveled to Concord with to meet with State Officials, including Representative Stiles and the Commissioner of DRED. The purpose of the meeting was to explore possibilities concerning the maintenance and upkeep of the Hampton State Seawall.

The Town Manager has requested that the Public Works Department begin a comprehensive review of the traffic control facility at the intersection of Mill Road and High Street. The review will include type and positioning of signaling as well as warning signs.

Our Cable TV Franchise will be expiring in a few short years. Given the traditional time that it takes government to respond to changes in long term contracts Mr. Welch believes it is time for the Board to begin the process of extending cable supplier for the Town of Hampton. He also noted that it could be beneficial for the community to force bidding for a new franchise that would not exclude the current provider. This would hopefully provide better and more cost effective services for our citizens.

Mr. Welch has requested the Police Chief, Fire Chief, Public Works Director and Recreation and Parks Director to appear before the Selectmen on a regularly scheduled basis. The notion of these presentations will be to update residents and the Selectmen of the happenings in each of these departments.

Communication was received today from the DOT regarding de-obligation of \$751,000 of funds for the completion of the regional bicycle loop. The DOT would like to have a decision to be made by the Selectmen whether they intend to use the funding to complete the loop. It was the consensus of the Board to put the item on the 2008 ballot for the voters to decide and to send a letter to DOT informing them of the Selectmen's decision to do so.

Mr. Griffin MOTIONED to hire Rosann Manock as the Deputy Tax Collector as recommended by Tax Collector Joyce Sheehan. **Mr. Lally SECONDED.**

Discussion:

The Deputy Tax Collector will be starting this Wednesday.

VOTE: UNANIMOUS FOR

The Town Clerk's office will be closed May 23, 2007. Staff will be attending the Annual Town Clerk's Training meeting.

Notices have gone out for the May 21 Bridge Task Force meeting.

Mr. Moore suggested that a legal firm specializing in cable contracts be contacted to being reviewing the Comcast Agreement in preparation of the 2010 expiration date.

BOARD'S RESPONSE TO THE MANAGER'S REPORT

1. TRENCH APPLICATIONS

The Aquarion Water Company has submitted an application to trench excavate along K Street. A new waterline is required for the nightclub, Guido Murphy's (81 Ocean Boulevard) to install state and federal regulated sprinkler system. The previous owner was notified several times in the last two years that a sprinkler system would be required before occupancy and assemble permits would be issued. To prevent the current situation, the waterline should have been installed last year while K Street was being excavated and restructured during the Beach Infrastructure Project. The Board of Selectmen is reluctant to permit excavation along the newly established Beach streets.

Mr. Welch spoke to the new owner of the property earlier today. The property owner purchased the nightclub only a few days ago and is eager to open the club as soon as possible. Mr. Welch also noted that he spoke to an Aquarion Water Company representative who indicated that the company was willing to comply with the Town's new excavation policy (established – April 9, 2007). He also said that Aquarion representatives would like to meet with the Public Works Director to discuss a less costly method to excavate in the future.

Mr. Griffin MOTIONED to approve the Aquarion Water Company trench application (K Street) as presented with the condition that they comply with the Town's newly established excavation policy.

Motion FAILED – NO second

Mr. Lally MOTIONED to deny the Aquarion Water Company trench application (K Street). **Mrs. Bridle-Russell SECONDED.**

Discussion:

Mr. Lally said that the waterline should have been installed by the previous property owner when requested to by the Fire Department. Mr. Griffin pointed out that there is a new owner and they were unaware of the waterline situation until now. Mr. Lally said that people need to be aware of what they are buying. Mrs. Bridle-Russell suggested that the use of the building could be changed. Mr. Lally noted that the Town ordinance does not allow excavation of newly paved streets within a five year period without Selectmen approval or it is a public safety issue. The \$15,000 escrow account would be required for all trench applications in the event that the road was not properly constructed and required additional maintenance not just for newly paved streets.

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

Mr. Griffin MOTIONED to approve the Northern Utilities trench application for Tuttle Avenue. **Mrs. Bridle-Russell SECONDED.**

Discussion:

Unfortunately Northern Utilities missed the street during the Beach Infrastructure project. Mr. Welch has been informed by Northern Utilities that the gas line along Tuttle Avenue needs to be replaced and would be considered a public safety issue. If needed the Utility company will seek leverage from the Public Utilities Commission (PUC). Mr. Lally asked how they forgot to install gas lines along the street.

**VOTE: 3 FOR
2 OPPOSED – Lally & Workman**

2. HAMPTON HARBOR RIVER BRIDGE

There have been over 30 invitations sent to various state officials, Town of Seabrook representatives and other interested parties to attend the Hampton River Bridge Task Force meeting to be held on May 21st. The idea of the meeting was instigated by Representative Nancy Stiles who approached the Town Manager with the idea of a task force meeting to generate support and lobbying influence. Mr. Welch noted that by generating support from the community it is hopeful that the bridge will become a priority to the state.

3. BEACH FIRE PROTECTION – UPTOWN STATION

Mr. Griffin asked how the lead paint issue at the Beach Fire Station was originally reported to the State. Chief Lipe said that the NH Department of Labor did a routine tour of the Town of Hampton facilities. Mr. Welch noted that all town facilities in the State of New Hampshire are being inspected.

Mr. Griffin MOTIONED to proceed with Fire Chief Lipe's proposal to create a substation within the Beach Fire Station and to proceed with the removal of the lead paint in the closed off areas. **Mrs. Bridle-Russell SECONDED.**

Discussion:

Mrs. Bridle-Russell asked if Mr. Welch is comfortable with using \$10,000 from the legal and collective bargaining account for this project. Mr. Welch is comfortable with using these funds. He has consulted with the Finance Director and he is recommending that these funds be used. The total cost of the project is estimated at approximately \$31,000.

VOTE: UNANIMOUS FOR

4. ISLAND PATH PARKING – PERMIT FEES & DESIGNATED SPACES

Parking Lot Supervisor, Vic DeMarco and Dyana Martin, Director of Recreation and Parks came before the Board to answer any questions regarding parking in the Beach Area. Town Manager Welch has met with Mrs. Martin and Mr. DeMarco to review the criteria when setting parking fees. Mr. Welch would like to see a formal policy be developed and approved by the Selectmen. Mr. DeMarco and Mrs. Martin are currently working on developing the criteria to formulate parking fees and to create a proposed policy for the Board to consider.

Mr. Griffin asked about designated lease parking spaces. Mr. Welch has been assured by the Parking Lot Supervisor that there will be spots available for hotel guests with a leased parking pass. It is believed that guests notice the "lot full" sign and do not realize that there are leased spaces available. Written notices have been mailed out to businesses that have purchased leased parking spaces. The notice communicates that spaces will be available and the Parking Lot Supervisor's cellular phone number has been included in the event of a parking discrepancy. Leased parking spaces are reserved further in the back of the lot and in an inconspicuous manner to avoid disgruntled Hampton Beach visitors (seeking parking) mistreating parking lot attendants.

Mr. DeMarco would also like to see the Selectmen set a policy in regard to lost parking permits. He noted that there was a problem in the past with one specific hotel owner who was duplicating passes. Mr. DeMarco noted that this is an infrequent problem and that a user friendly method for replacement should be considered.

Mrs. Martin is developing a brief overview of what the Recreation Department and Finance Department is responsible for in regard to parking.

Parking permits for the 2007 season have already been issued and the price will remain as is. The policy will be considered for the 2008 season.

The Finance Department received a request for a leased handicap parking space. The resident seeking the space inquired if there is a discounted rate. Mr. DeMarco noted that there are handicap parking spaces available and there is no charge during the day, until 2AM.

5. KEER PROPERTY RESOLUTION

The Town Manager in response to Gary and Katherine Keer, who came before the Board of Selectmen on April 23, 2007, reviewed the volumes of files on 9R Boston Four Condominium. He reviewed the files from the Building Department, the Planning Board and a portion of the legal file pertaining thereto.

The property in question was once a portion of the leased land program and was conveyed from the Town to Janet Putnam by Quitclaim Deed on September 30, 1985 as recorded by the Rockingham County Registry of Deeds. The property was then conveyed from Janet Putnam to Mary Keenan by deed on May 8, 1987 and is also recorded at the Rockingham County Registry of Deeds.

During Mary Keenan's ownership the four unit condominium that we know today as the Boston Four Condominium was established. The Planning Board approval of the unit was dated February 21, 1989 and recorded at the Rockingham County Registry of Deeds. According to the records there is to be no building erected within seven feet of the property line and that the property is subject to the more restrictive terms of the deed or applicable provisions of the Town Ordinance.

Over the years a number of building permits were issued for various items of work on the property, particularly for Unit 9R. The complaint as specified by the Keer's is the installation of a bathroom within the basement of that particular unit. Mr. Welch found no permit that specifically pertains to the installation of the bathroom in Unit 9R. During his review of the documents he did discover that other additions have been added to this condominium property in general without building permits.

Mr. Welch addressed one of the main complaints of the Keer's that there was a moratorium imposed by the State of New Hampshire and Town Ordinance prohibiting such installation. The Town Manager noted that the State ordered a moratorium on new sewer connections due to a capacity problem at the Wastewater Treatment Plant. Mr. Welch pointed out that under the Department of Environmental Services Administrative Regulations that such a moratorium only applies to the construction of new structures that would be connected to the wastewater system. It does not apply to modifications within an existing building except for an increase in the number of bedrooms which is how sewage volume is based.

After thoroughly reviewing all documents relevant to Unit 9R the Town Manager has determined no cause of action justifying the removal of the bathroom in question. He noted that there does not appear to be any Ordinance clearly forbidding the installation of the below grade bathroom and that the State moratorium did not relate to existing structures at the time of its enactment except for the addition of bedrooms. Mr. Welch found no lawfully enacted Town Ordinance restricting the addition of a bathroom during the time of the moratorium.

Mr. Welch emphasized that the issue of constructing the bathroom without a building permit is not germane to the issue of enforcement in this case. Though a permit should have been obtained so proper inspections could have been conducted it nevertheless appears that the bathroom was installed in good order. It has not failed since it was installed and a certificate of occupancy has been issued for the unit in question.

Based on Mr. Welch's report it was the consensus of the Board to not take any enforcement action.

A copy of Mr. Welch's report will be sent to the Keer's.

6. CHANNEL 22 BROADCASTING REQUESTS

Within the past few weeks the Board has been debating whether to permit state and federal elected officials' DVD's to be broadcasted on Channel 22. It was decided at the last meeting that residents should contact the Selectmen to voice their opinions.

Mr. Moore noted that he received two phone calls about the subject; one for and one against. Mrs. Bridle-Russell had five calls; four were against and 1 was for broadcasting general government matters. Mr. Workman received a total of 16 calls pertaining to the issue; there were two in favor and 14 against. He had also checked the status of the disks at the Library and noted that one had been checked out. Mr. Lally had three people discuss the matter with him. He noted that if Channel 22 was public access he would have no problems with broadcasting all general government films but it is not currently classified as a public access station.

OTHER OLD BUSINESS

Chairman Moore noted that the Board will be meeting in a non-meeting with counsel at the conclusion of tonight's meeting.

Chief Lipe asked for clarification regarding the decision with the lead paint issue at the Beach Fire Station. It was noted that the Chief is to execute the purchase order as is and to not exceed \$31,000.

V. NEW BUSINESS

1. USE OF UNRESERVED – UNDESIGNATED FUND BALANCE

Mr. Welch has developed a Use of Unreserved-Undesignated Fund Balance policy for the Board to consider. The intent of the policy is to insure the financial well being and fiscal stability of the Town of Hampton by providing unreserved-undesignated funds sufficient to meet its financial and fiduciary obligation.

Section one of the policy states that the unreserved-undesignated fund shall at all times be equal to the balance of unpaid property taxes due to the Town for Municipal, School, County and Precinct obligations as computed by the auditors each year.

Section two states that the fund balance shall not be less than the balance of unpaid taxes as certified on December 31 of each year plus 5% of the net adjustment appropriations of the taxes to be raised as recommended by the NH Department of Revenue Administration.

Section three of the policy addresses the balance of the fund. The excess of the base of the funds calculated under Section two may be used to reduce taxes by application. In addition the funds may be used by appropriation in accordance with the appropriations laws.

Mr. Welch talked about the poor financial position of the Town and is hopeful that the policy may provide focus and direction to rectifying the situation.

It is the objective of the Town Manager to propose an operating budget for 2008 that is less than the default budget.

Mrs. Bridle-Russell MOTIONED to approve the Use of Unreserved-Undesignated Fund Balance policy as presented. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

2. 2008 BUDGET GUIDELINES

The Town Manager is planning on tearing the default budget apart and preparing a skeleton operating budget that is lower than the default. Mr. Moore commented on the increasing insurance and retirement costs that will need to be considered when preparing the budget. Mrs. Bridle-Russell questioned what services would be sacrificed. The Board was pleased to see that the budget process will begin early and is eager to see what the proposed cuts will be. Mr. Welch does not plan on decreasing services.

3. REALLOCATION OF BUDGET

Mr. Welch proposed that the budget not be reallocated. He noted that there have only been two major adjustments (hiring of two new positions). Mr. Welch believes that it would be more beneficial for efforts to be focused on the 2008 budget.

Mrs. Bridle-Russell asked if additional officers could be hired in the Police Department. Captain Crotts recently retired, and the Administrative Assistant and Patrolman positions are still vacant leaving funds available for new staff. Police Chief Sullivan said that his Department is working to increase staffing levels. The Captain position will be filled but will be reclassified. The Department is still in need of part-time special officers but will be unable to fill because of the default budget. Chief Sullivan discussed the costs of hiring new staff (i.e. training and uniforms). Mrs. Bridle-Russell asked if the Chief has compared the costs of hiring new versus overtime of existing staff. Mr. Welch noted that he has requested that Department Heads review this subject. He pointed out that there are a number of variables that need to be considered (i.e. long run savings) prior to making a definite decision.

Mr. Workman has no issue not reallocating the budget. He realizes that it is a bottom-line budget however, is concerned about the unemployment compensation account being depleted as many other new expenses have been taken from it (i.e. increased wages, increased hours). Mr. Workman noted that the unanticipated spending is an image issue when money continues to be "found" in a default budget.

Mr. Lally commented on the need to increase wages for certain positions that require skilled and qualified individuals. He is comfortable with the past decisions that the Selectmen have made and has faith in the Department Heads and Town Manager to manage funds appropriately.

Mr. Griffin commented on the number of positive comments he has received regarding the work that the Welfare Officer is doing.

4. BUDGET COMMITTEE LETTER

Chairman Moore received a letter from the Budget Committee Chairmen inviting the Selectmen and the Town Manager to attend their May 15th meeting. Mr. Moore declined the invitation in writing.

5. LOBSTER BAKE LIQUOR REQUEST

Mr. Workman suggested that the last paragraph be modified to say, "The Board of Selectmen has no objection to the service..."

Mr. Lally suggested that police detail be present at the event.

Mr. Workman MOTIONED to authorize the FPL Energy, Lobster Bake Liquor request. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

6. ISLAND PATH HANDICAP PARKING REQUEST

Item was discussed under Old Business.

OTHER NEW BUSINESS

Mr. Lally reminded citizens that the Shade Tree Commission is still seeking members. Anyone interested may contact Liz Webb. There is also vacancy on the Leased Land Commission.

Mr. Workman requested a list of tax deeded property.

VI. CONSENT AGENDA

1. Hawkers & Peddlers License
2. License for Coin Operated Amusement Devices
3. Dance Hall Permit
4. Parade License

Mrs. Bridle-Russell MOTIONED to approve the consent agenda as presented. **Mr. Workman SECONDED.**
VOTE: UNANIMOUS FOR

VII PUBLIC COMMENTS

Mike Pierce is pleased about the Town Manager's new approach to the budget process. Mr. Pierce also asked the Board to reconsider their position on communicating with the Budget Committee only in writing. He believes that this new policy decreases the amount of information available to the public.

VIII. CLOSING COMMENTS:

None

IX. ADJOURNMENT

Mrs. Bridle-Russell MOTIONED to adjourn at 9:15 PM. **Mr. Workman SECONDED.**
VOTE: UNANIMOUS FOR

Chairman