

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
JULY 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

PUBLIC HEARING – ESTABLISHMENT OF AN EMERGENCY LANE FOR COLE STREET

Attorney Gearreald noted that according to RSA 231:59-a, tax monies cannot be used to maintain Class VI or private roadways. The Legal Department was instructed by the Board of Selectmen at the April 9, 2007 meeting, to begin researching a “test street”. Cole Street was chosen as the “model” street and all interested parties (i.e. mortgage companies, etc.) were notified 10 days prior to tonight’s hearing. An emergency lane shall not be declared if permission is denied by any person with a legal right to deny such permission.

Attorney Gearreald noted that the west side of Cole Street has been designated as a fire lane where no parking is permitted. A fire lane allows access but not the legal removal of snow. The current parking situation makes it difficult for snow removal and emergency equipment access. Designation of an emergency lane would prohibit parking on both sides of the street and enable the Town to legally maintain it.

Approximately 27 and a half hours were spent on performing the research required to identify and notify all interested parties. The cost of the task was estimated at \$2,555 for the Legal Department.

Fire Chief Lipe noted that the national fire code requires access roads to have an unobstructed width of not less than 20 feet (for new construction).

Public Works Director Hangen pointed out that due to the narrow width of the street, rubbish trucks are required to back down Cole Street (with or without parked vehicles). This creates a safety issue for employees, residents and children in the area.

Mark Loopley (7 Carlson Road) noted that Cole Street is a dead end street and it is gated at the end. He questioned where the snow would go if the Town was to plow. He was also concerned about losing parking spaces. Mr. Hangen noted that the snow plow would turn around and pile the snow on private property.

Kevin Sullivan (21 Cole Street) said that his property has a gate that he opens so the snow plow may push snow onto his property. He does this so that the snow can be removed and the street can be cleared for all the residents on the street. He also takes care of any damage that occurs from the plow.

Charles Morrill (3 Cole Street) expressed his concerns about designating Cole Street as an emergency lane and losing parking along the street. He is concerned about not being able to rent out his property due to lack of parking and not being able to financially support the property.

Arthur Moody (3 Thomsen Road) said that most people are not willing to give up a private roadway because of parking. Mr. Moody noted that in 1973 the voters deeded private roadways to the Town, but it was rescinded in 1995. He pointed out that the Town has no appropriation this year to even put signs up along an emergency lane. He believes that the Selectmen are going down a slippery slope. He also noted that Cole Street used to be named Ocean Park Avenue and was renamed in 1976.

Bob Ladd (7 Cutler Avenue) said that the Town is extremely vulnerable to liability issues when streets are not plowed. He believes that the Statute on fire lanes needs to be amended to include the maintenance (plowing) of private roadways. He noted that if parking is taken away it is likely that there will be a class action lawsuit or individual lawsuits against the Town. Mr. Ladd also pointed out that the streets were created approximately 100 years ago and predate the current issues at hand. He would like to see a legal and practical wisdom blended to resolve this issue.

Skip Windamiller (2 Cole Street) presented a map that indicates the width of Cole Street to be 23 feet not 17. He believes that Cole Street was adopted by the Town many years ago and is a public roadway. He encouraged the Board to find a way to preserve parking and to maintain the street.

Chairman Moore Temporarily Closed the Public Hearing

Town Manager Welch said that he and the appropriate Department Heads viewed the street in preparation of tonight's hearing. The street was measured to be 17 feet wide making it very difficult for fire engines to access structures along the roadway and that an aerial ladder would be unusable. His main concern is public safety and if there is a fire in one of the structures along the street it will be very difficult for fire vehicles to access. Mr. Welch noted that perhaps the Town is willing to assume the expense and declare the roadway as a public street. He also emphasized that it is against the law for the Town to expend public funds on a private roadway. Mr. Welch also reminded the property owners that the purpose of declaring the street as an emergency lane would be to legally plow the roadway. Mr. Moore, as a State Representative is willing to work towards amending the Statute. The Town Manager acknowledged all the residents concerns regarding Cole Street.

Mr. Welch recommended that the Selectmen keep the hearing open for comments until June 23. Anyone with interest in Cole Street may provide written documentation regarding their concerns to the Town Manager's office.

Chairman Moore Reopened the Public Hearing

Charles Morrill (3 Cole Street) noted that vacationers drive large vehicles down the street with little problem. He also said that from four to six feet from the paved road on the left hand side there is no obstruction for someone to work around a fire vehicle.

Jim Duhamel (8 Cutler Street) is not in favor of parking on Cole Street due to the congestion. He pointed out that there is a Town parking lot near Cole Street that perhaps residents could utilize.

Arthur Moody pointed out that the problem has evolved since World War II when people started to come to Hampton Beach. Now people are staying on the beach year around. He also talked about a case of a resident that objected to the width that the Selectmen had designated the case went to NH Supreme Court and won.

Chairman Moore recessed the public hearing until July 23.

Mr. Lally noted that losing parking is a hardship for people in the beach area. He also stated that there are a lot of other private streets and what the Board decides to do with Cole Street will impact their decisions for the rest of the streets.

Mrs. Bridle-Russell pointed out that the private road issue is a difficult problem to resolve and that there is not an infrastructure to support the residential structures. She also noted that there is a parking lot nearby that could be used by residents.

Mr. Workman said that we need to determine if Cole Street was adopted as a public roadway. He also noted that it is important for emergency vehicles to be able to access these buildings.

SALUTE TO THE FLAG

Chairman Moore introduced those in attendance.

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Griffin announced the passing of Judith Beaulieu. She died on June 1 and was an active member of the community.

Mr. Lally reminded residents that construction has begun along Winnacunnet Road, west of Route 1 to Edgewood Drive.

Chairman Moore complemented the Fire Department, Police Department and the Department of Resources and Economic Development for their prompt action during the Casino fire last week (July 4th).

II. APPOINTMENTS

1. FIRE CHIEF LIPE – DEPARTMENT UPDATE

Fire Chief Lipe reported that the numbers of emergency calls are close to the same as last year. On average the Fire Department received 299 calls per month. In June, the Department responded to 181 emergency calls.

The Fire Prevention Bureau is going door to door with beach area fire inspections. In addition, the Bureau continues to do plan reviews for fire code processing, sprinkler test, assembly permits and random complaints.

All personnel have participated in a CPR refresher course.

The accountability system was implemented with success during the Casino fire (July 4th).

All personnel with job related injuries are back to work.

Chief Lipe encouraged residents to contact the station if they require assistance with installing an infant car seat. The department did 20 child seat inspections in June.

The lead paint removal project is complete. Chief Lipe encouraged the Board to come and tour the modification.

The Department has worked hard at ensuring that all FEMA reimbursement claims have been submitted. The insurance company has accepted all claims for reimbursement associated with the April flood damage caused to the station. The extent of the damage includes drywall and wood mold, water heater contamination, infant car seats destroyed, washer and dryer, treadmill, exterior handicap platform, and the lobby carpet was destroyed.

Chairman Moore asked about the status of the Reverse 911 System grant application that was submitted in October 2006. Chief Lipe reported that the State denied Hampton's request along with other communities. He explained that the logic behind the State's denial was due to the concern of overloading the phone system, rendering the service useless. In addition, the State has claimed that through 911 funding they have the capability to control the installation.

Mr. Moore inquired if the ISO review has been completed. Chief Lipe reported that it is not complete at this time. He talked to the ISO Field Representative approximately three weeks ago. It was reported to the Chief that water testing is still required.

Chief Lipe reported on last week's (July 4th) fire at the Casino. He said that the fire had the ability to advance quickly in that particular structure. The Fire Department received the call at 7:44 p.m. and was on the scene 30 seconds later. Additional staff was on duty during the July 4th week and their immediate response was able to save the structure. Chief Lipe emphasized the importance of staffing and budgetary needs for 2008. He also pointed out that many of the businesses in the beach area cannot afford business disruption insurance from a fire and that the fire department is their insurance.

Chief Lipe emphasized the importance of choosing a new location for a new beach substation and to start the process in building a new structure. He encouraged the Selectmen to make it a priority.

Mr. Griffin asked if the investigation is complete on how the Casino fire started. Chief Lipe reported that the Fire Bureau is still working on the investigation.

Mr. Griffin inquired about why the 4th of July fireworks were cancelled. Chief Lipe said that it was a safety issue and it was the decision of the fireworks company not to ignite them during the rainstorm.

Mr. Lally asked what the Town's plans are for a new substation. Chief Lipe reminded the Board that he has concept plans and has researched the cost on square footage. The main problem is where the station should be located. Mr. Lally suggested that the Selectmen meet with the Precinct Commissioners. Mr. Moore noted that the Precinct would need to vote on the item during their March annual meeting but that an article to raise and appropriate the funds could be added to the Town's ballot.

It was suggested that the Precinct Commissioners be invited to attend the August 20th Board of Selectmen's meeting.

Chairman Moore asked if the cause has been determined for the fire at the beach on Valentine's Day and the fire at the consignment store along Lafayette Road. The Fire Chief said that there has been no final

determination to date. He will contact the Bureau and provide an updated report to the Board as soon as possible.

2. FINANCE DIRECTOR MIKE SCHWOTZER – FINANCE UPDATE

Finance Director Schwotzer presented the financial statements from June. He has been closely monitoring motor vehicle registration fees as it is a good indication of Town revenue. Mr. Schwotzer reported that it is on track in comparison to other years.

Mr. Schwotzer was pleased to report that the current financial position of the Town is approximately 8.4% below the budgeted figure.

Mrs. Bridle-Russell asked if it would be beneficial to the Town if quarterly tax payments were issued. The Finance Director reported that it would be as there would be money coming into the Town on a regular basis, therefore reducing the need to borrow Tax Anticipation Notes (TAN).

Mr. Schwotzer reminded the audience that the information presented tonight will be posted on the Town website tomorrow.

III. MINUTES – JUNE 25, 2007

The June 25, 2007 minutes were approved as revised with grammar amendments.

IV. OLD BUSINESS

Item 2, *Schedule Public Hearing to Accept EUDL Grant (\$16,000) for the Police Department* under New Business was discussed while Police Chief Sullivan was present.

Mrs. Bridle-Russell MOTIONED to schedule the Public Hearing to be held on July 23, 2007 to accept funding from the NH Department of Justice for the Enforcing Underage Drinking Laws (EUDL) Grant in the amount of \$16,000. **Mr. Griffin SECONDED.**

VOTE: UNANIMOUS FOR

Item 3, *Establishment of Further Loading Zones on the West Side of Ashworth Avenue* under Old Business was discussed while Police Chief Sullivan and Public Works Director Hangen were present. Chief Sullivan reported that there are two loading zones that are not posted. He suggested that the subject be discussed at a later date after the zones have been posted and tested.

Chief Sullivan noted that the ordinance, under *Loading Zones*, specifies a 20 minute time limit. He suggested that the ordinance be amended in accordance with the signs which state a 15 minute time limit.

Mrs. Bridle-Russell MOTIONED to amend the ordinance under Loading Zones to include a 15 minute limit rather than a 20 minute limit. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

1. TOWN MANAGER'S REPORT

As of June 29, 2007 there were 15 unconnected sewer lines in the beach infrastructure project.

The Department of Public Works has been instructed to close out the beach infrastructure project by August 31st so that we can file for our SRF funding before the new higher funding level is established in October. It takes about a month to lock in a rate.

The Town, through our Emergency Management Director, has been notified of an additional set of drills to be conducted at the Seabrook Nuclear Power Station in conjunction with Homeland Security. Mr. Welch has instructed the Director to inquire about reimbursement for the time and expense of the community. Current directions are to disregard participation without funding support from the State.

New Hampshire DOT has responded to our June 12, 2007 letter, regarding Ocean Boulevard and its future maintenance. At the suggestion of the Commissioner, Mr. Welch suggested that the Town make application to the Rockingham Planning Commission for inclusion of the necessary reconstruction of Ocean Boulevard to be included in the State Highway Plan. He has also requested that the Legal Department review the Ocean Boulevard deed to determine the exact property portion transferred to the State.

Vandalism in the High Street Cemetery has been reported and the Town Manger has forwarded a request for action to the respective Departments.

Work will begin this week on the revised default budget for 2008. The Town Manger and the Finance Director's efforts will be to review the current default budget and to make any necessary revisions to bring the detail into compliance with the current requirements of NH law.

The Town Manager reported that on June 25 there were 592 unlicensed dogs. Since the signing of the Warrant for dogs there are now 513 unlicensed dogs.

Mr. Welch received a letter from a resident requesting that the Town notify the State that the Hampton Police Department will monitor a 10 minute parking spot along Route 1A. The original sign had been vandalized and taken out. It is proper procedure for the Town to notify the State to request the sign be replaced and to indicate that the Hampton Police will monitor the parking spot. The consensus of the Board was to have the Town Manager send a letter to the NH Department of Transportation.

The Town Manger has requested an emergency plan for mutual aid to access emergency situation (i.e. fires) in the beach area. The July 4th Casino fire, amplified the importance of prompt action and the issue of summer traffic making it difficult or impossible for fire apparatuses to access emergencies.

Mr. Welch has been working with the Fire Chief regarding the building of a new beach substation. There are four pieces of property that are currently being considered as potential locations.

Part of Mr. Welch's contract includes, becoming a resident of Hampton by September 30, 2007. Due to the current real estate market he has been unable to sell his home in Seabrook.

Mr. Griffin MOTIONED to extend the contract regarding his residency requirement to March 31, 2007. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

SELECTMEN'S RESPONSE TO THE TOWN MANAGER'S REPORT

Mr. Lally is pleased that the Town Manager has been working diligently to find a location for a new beach substation. Mr. Welch realizes the importance of the location of the station at the beach as it only takes minutes for a fire to spread in older structures such as those at the beach.

2. SEWER ABATEMENT POLICY

The purpose of the proposed policy is to address the Board of Selectmen's past practice of abating a portion of the Annual Real Estate Tax Levy.

For the 2006 tax year, approximately 362 applications for sewer abatements were applied for. Elimination of the past practice of granting sewer abatements would result in reduction of administrative costs and expenses such as mailings.

The Town Manager pointed out that the cost of potential later grants of abatements is factored into the tax rate by including same in the "overlay". The higher the overlay, the higher the tax rate must be set to cover the overlay. Elimination of sewer abatements would therefore help to lower the tax rate since that much less money would have to be raised in property taxes.

Mr. Lally would like to see a public hearing on the subject. The other Selectmen were not interested in changing the current policy.

Mr. Welch noted that when voters authorize the issuance of bonds for the construction of sewers it does not provide for the payment of those bonds by the users of the sewer. By law the bond repayment (principal and interest) represents a general obligation of the entire community to repay.

The Selectmen decided not to set a date for a public hearing and asked for an explanation on how the Assessing office calculates the abatement.

3. ESTABLISHMENT OF FURTHER LOADING ZONES ON THE WEST SIDE OF ASHWORTH AVENUE

Item was previously discussed under old business.

OLD BUSINESS CONTINUED

Mr. Griffin asked about the status of the Town lots, situated in Taylor River Estates. The Town Manager reported that he has requested Town Counsel to draft a deed for return of the two lots by the Town and to discharge the claim against the Town for assessments. The Town Attorney is in the process of doing that and it is expected that the documents will be available for review by the Selectmen within 10 days. Once it has been approved by the Selectmen it will then be presented to the Taylor River Estates Homeowners Association.

Mr. Griffin asked about the status of lifeguards at the beach. Mr. Welch reported that the State does not have additional guards for Town beaches at this time. He has been discussing the idea of directly hiring lifeguards with the Recreation Department at an attractive rate of pay. Mr. Griffin noted that there are a lot of residents who are very upset about the beaches not having lifeguards.

Mr. Workman said that he has received some complaints about the lack of landscaping around the former Town Office. Mr. Welch said that Public Works will be taking care of the landscaping and cleanup the inside of the building. Mr. Workman also asked if some of the benches that have been removed around Town will be replaced. Mr. Welch reported that the Recreation and Parks Department has ordered new benches made of materials that will not deteriorate and the missing benches will be replaced.

Mrs. Bridle-Russell asked if there are any plans for the former Town Hall. Mr. Welch reported that there have been two separate organizations who have expressed interest in the building. To date there have been no formal requests to use the structure.

Chairman Moore suggested that on Saturday, July 28th at 8:30 a.m. there will be a workday to cleanup the yard surrounding the old Town Hall. He encouraged Selectmen and residents to volunteer their time to help with the cleanup and requested that a front-end loader be provided by Public Works.

IV. NEW BUSINESS

1. PROPOSED ORDINANCE FOR TOWN MEETING APPROVAL

Mr. Welch explained that the current ordinance does not govern amusement devices that are coin activated.

The purpose of the proposed Ordinance for Amusement Devices is to update it and to promote the general welfare, protect minors, control gaming and the abuse of minors and to preserve the moral standard of the Town. Town Counsel has reviewed the document.

The Board discussed the license fees and determined that the initial license should be \$100 every year for the first three machines plus \$10 per additional devices.

2. SCHEDULE PUBLIC HEARING TO ACCEPT EUDL GRANT (\$16,000) FOR THE POLICE DEPARTMENT

Item was previously discussed under old business.

SELECTMEN'S ORDINANCE - SOLICITING FUNDS

Mr. Welch presented a Selectmen's Ordinance for Soliciting funds for the purpose of providing proper, orderly and legal issuance by the legal licensing authority authorized by New Hampshire law, of permits for the solicitation of funds for charitable purposes including the sale of tags, flowers or other objects for charitable purposes.

The permit will be free of charge for non-profit organizations. The Board discussed the many different components of the proposed ordinance and came to the conclusion that a form is required to be developed. The item will be discussed at the June 23 Selectmen's meeting.

3. TOWN MANAGER'S POLICY – PROCEDURAL HIRING POLICY

Town Manager Welch presented a Procedural Hiring Policy for the Board to review and consider. The document has been reviewed by Town Attorney Gearreald and attorneys at Sheehan, Phinney, Bass & Green. The purpose of the Policy is to establish uniform procedures for the filling of all new or newly vacated positions (full-time, part-time, seasonal or temporary) of the Town. The policy includes posting, application, criminal background check, physical examination, drug and alcohol testing.

It was the consensus of the Board to proceed with the Procedural Hiring Policy.

VI. CONSENT AGENDA

1. Pool Table Permit
2. Dance Hall Permit
3. Application for Sign Permit

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

VII PUBLIC COMMENTS

None

VIII. CLOSING COMMENTS:

None

IX. ADJOURNMENT

Mr. Lally MOTIONED to adjourn at 10:10 p.m. **Mr. Griffin SECONDED.**
VOTE: UNANIMOUS FOR

Chairman