

**HAMPTON BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
DECEMBER 3, 2007 – 7:00 PM**

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

**REGRETS:**

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

**PUBLIC HEARING**

- **To accept grant funding of \$221,990 from the Firefighter Investment and Response Enhancement Act through the Department of Homeland Security for purchasing Self-Contained Breathing Apparatus.**

Deputy Fire Chief Chris Silver explained that the funding from the Firefighter Investment and Response Enhancement Act through the Department of Homeland Security is to be used to purchase Self-Contained Breathing Apparatuses. The federal allotment is \$210,891 with a local portion of \$11,099 (total is \$221,990).

Chairman Moore asked if the \$11,099 could be encumbered in the 2007 budget. The Town Manager confirmed that there is enough money in the budget to cover the Town's portion of the total cost.

The Chairman pointed out that an article has already been forwarded to the warrant.

**Mr. Griffin MOTIONED** to accept grant funding from the Firefighter Investment and Response Enhancement Act through the Department of Homeland Security for purchasing Self-Contained Breathing Apparatus. **Mrs. Bridle-Russell SECONDED.**

**VOTE: UNANIMOUS FOR**

**Mr. Workman MOTIONED** to rescind the Selectmen's action at a past meeting to move the SCBA matching funds article to the warrant. **Mrs. Bridle-Russell SECONDED.**

**VOTE: UNANIMOUS FOR**

**SALUTE TO THE FLAG**

## **I. ANNOUNCEMENTS AND COMMUNITY CALENDAR**

Mrs. Bridle-Russell announced that the Fire Department Toy Bank is accepting applications from needy families requiring assistance this Christmas. She also pointed out that food supplies are low at local pantries.

Mr. Workman congratulated the Hampton Recreation Department and Chamber of Commerce for their work on the Holiday Carnival. He reported that it was a cold day but a good time was had by all.

## **II. APPOINTMENTS**

### **1. PUBLIC WORKS DIRECTOR JOHN HANGEN – UPDATE**

Director Hangen reported that the Public Works Department has been busy with general maintenance and with preparing for winter. Some of the Department highlights include paving the sewer trench on Tobey Street and Gray Avenue, installing snow fencing at the beach and on Exeter Road, Boston Avenue, Concord Avenue, and Towle Farm Road. The Department has closed openings at Bicentennial Park and Ancient Highway with rip-rap and concrete blocks to protect from the high surf. The fall leaf collection in November has been continued for another week, since a large portion of the leaves did not fall off until later in the month.

The Public Works Director has been working with the Beach Infrastructure Contractor to repair rattling manholes.

The sewer and drain crews have been busy with replacing a problematic manhole frame and cover on Landing Road. The crews have been cleaning catch basins with the vac-truck.

Director Hangen reported that two tide gates were installed on the ends of pipes off Gentian Road.

Mr. Hangen reported that the sewer crews are working on Kings Highway and numbered streets to clean the sewers.

The phase III construction is about to start at the Waste Water Treatment Plant (WWTP). Director Hangen is pleased to report that the post tourist season flow has gone down dramatically at the WWTP. It is the lowest flow in years. Daily average was 1.9 MGD to 2.2 MGD as compared to 2.5 MGD in years past. The early readings are significantly down as a positive result of the infrastructure sewer replacement project at the Beach. Before the new sewer lines were in use, the State put the Town on notice for meeting the 80% capacity during the summer; which would require a major WWTP upgrade. Mr. Hangen believes the new sewer system will reduce flow capacity below the 80% level. Public Works has sent correspondence to the State informing them of the rain storm anomaly.

Director Hangen reported that solid waste at the transfer station has decreased. He believes this is due to the recent discussions on recycling.

Mr. Workman asked how the swipe card program is working. Mr. Hangen said that it is not working as well as he would like, there are a few technical difficulties that need to be sorted out and that he is hopeful that the system will be working better next spring.

### **2. JAY DIENER – HAMPTON HANDBOOK**

Last spring Mr. Diener came before the Board to volunteer his services to create a "Hampton Handbook" to act as a guide for newcomers. He mentioned that when he first moved to Hampton there was a lot that he needed to learn

about local government functions. The handbook will act as a quick reference guide. Mr. Diener reported that department heads were very helpful with assisting him during the creation of the book.

Mr. Diener asked the Selectmen to review the handbook and to let him know if there are any problems or anything that should be adjusted. He also noted that once the editing process is complete he will need to discuss the cost of printing with the Selectmen. In addition, Mr. Diener mentioned that the Town Clerk originally expressed interest in distribution.

The Selectmen expressed their gratitude to Mr. Diener for a job well done.

### **III. MINUTES – NOVEMBER 26, 2007**

The November 26, 2007 minutes stand approved as distributed.

### **IV. OLD BUSINESS**

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

Mr. Welch reported that a contract amendment was signed with Waste Management to collect, transport and market recyclable solid waste materials. The amendment covers five years, consisting of three one year contracts with two optional one year contracts. The contract includes the following payment schedule: \$22,165 for the first year; \$22,700 during the second year; \$23,335 during the third year, \$24,500 the fourth year and \$25,665 in the last year. The contract also calls for revenue sharing in the area of mixed paper. When the market cost of mixed paper exceeds \$50 per ton, the Town will receive 70% of the revenues generated over \$50 per ton.

The Town Manager said that the next NROC meeting has been rescheduled for January 9 (January 17 snow date) from 7 to 9 p.m. at the Hampton Academy Cafeteria.

Town Manager Welch noted that the annual candlelight stroll at Strawberry Bank will be held the next two weekends from 4 to 9 p.m. on both Saturday and Sunday.

The Recreation Department will be conducting its Annual Holiday Light Spectacular contest with judging on December 19<sup>th</sup> (snow date - December 20<sup>th</sup>). Mr. Welch encouraged residents to register by contacting the Recreation Department by December 14<sup>th</sup>.

#### **2. BIKE PATH WARRANT ARTICLE**

Chairman Moore mentioned that the cost as reported by the Public Works Director indicates that the Town's portion is within the amount quoted in the proposed warrant article.

Mr. Lally spoke in opposition of the proposed bike article. He believes that the concept is terrific but that voters have expressed themselves the last two times the item was on the warrant. Mr. Lally said that he would support the article if the Town was in a better financial position.

Mr. Griffin reported that the Energy Committee has voted unanimously to support the bike path article. He said that the Committee believes the path provides residents and visitors with a transportation option that ultimately conserves energy. In addition, the path could link up to other bike paths in the area which would attract cyclists to Hampton. He also pointed out that the path could be used by students as a safe place for them to ride their bikes to school. Mr. Griffin noted that the path could create a lot of economic opportunities for Hampton.

**Mr. Griffin MOTIONED** to move the proposed bike path article forward to the warrant.

**NO SECOND - MOTION FAILED**

### **3. BANNER REQUEST**

The Hampton Beach Village Precinct Commission is working on seeking permission to hang banners on utility poles along Ocean Boulevard. Town Manager Welch pointed out that the Commission will need approval from each utility company (electric, telephone, cable) who has vested interest in each individual pole. The Commission is seeking conditional approval from the Selectmen to hang the banners once they receive written permission from each utility company. Mr. Welch noted that if proper permission is not obtained, the utility companies have a right to tear down the banners. He also said that permission will need to be sought from the State of New Hampshire.

June White, Village Precinct member addressed the Board. She presented a sample of the proposed banners. The banners are to add some color at the beach. Ms. White noted that the Precinct is working to get approval from all utility companies.

**Mr. Lally MOTIONED** to approve the Hampton Beach Village Precinct banner project with the condition that written approval must be obtained from each organization/business with vested interest in the utility poles. **Mr. Workman SECONDED.**

#### **Discussion:**

Mr. Griffin noted that people in the beach area are working hard to make Hampton Beach a better place.

**VOTE: UNANIMOUS FOR**

### **OTHER OLD BUSINESS**

The Liquor Commission requires permission from town management in order for The Happy Clam Bar & Grille to serve alcohol on the patio.

The new owner of The Happy Clam Bar & Grille, Mr. O'Brien addressed the Board. He noted that the patio was an oversight and requested the Board consider permitting food and alcohol to be served on the patio.

**Mr. Griffin MOTIONED** to permit the serving of food and alcohol on the deck at the Happy Clam Bar & Grille. **Mr. Lally SECONDED.**

**VOTE: UNANIMOUS FOR**

**Mrs. Bridle-Russell MOTIONED** to remove article #43 (Bucket Truck) from the warrant and to purchase the bucket truck from Unitil with 2007 funds. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS FOR**

Mr. Moore announced a non-meeting after the completion of tonight's Selectmen's meeting.

Mr. Lally reported that the Recycling Committee met last Wednesday and there were a lot of good ideas presented.

#### **IV. NEW BUSINESS**

##### **1. WARRANT ARTICLE – SOCIAL SERVICES - RETIRED SENIOR VOLUNTEER PROGRAM**

**Mrs. Bridle-Russell MOTIONED** to move the Retired Senior Volunteer Program article forward to the warrant.  
**Mr. Workman SECONDED.**

**VOTE: UNANIMOUS FOR**

##### **2. ICE POND**

Town Attorney Gearreald requested that the item be addressed at the December 10<sup>th</sup> meeting.

##### **3. SPECIAL ELECTION**

Hampton State Representative, Jane Kelley has recently resigned from her duties. Mr. Welch has consulted with the State, for guidance regarding a special election.

The Town Manager has prepared a letter requesting that the Governor and Executive Council authorize a special election to fill the Town of Hampton's House of Representatives vacancy. The letter requests that the special election be held on Tuesday, March 11, 2008 during the annual Town election.

**Mr. Workman MOTIONED** to send the proposed letter to the Governor and Executive Council. **Mr. Griffin SECONDED.**

**VOTE: 4 FOR  
OPPOSED - Lally**

##### **4. ENERGY COMMITTEE – REVISED MISSION & APPOINTMENTS**

The Energy Committee has requested the Selectmen consider increasing the number of members to a range of 7 to 12.

Mr. Workman suggested that the maximum number should be 11 (an odd number).

**Mr. Lally MOTIONED** to increase the Energy Committee membership to the range of 7 to 11. **Mr. Workman SECONDED.**

**VOTE: UNANIMOUS FOR**

**Mr. Lally MOTIONED** to appoint Michael Scanlan, Kathy Hudson and Dan Gangai to the Hampton Energy Committee. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS FOR**

## **5. BUDGET COMMITTEE REQUEST**

Town Manager Welch reported that his office received a request regarding the Beach Fire Station lease from Budget Committee member Mr. Nichols. He is seeking clarification regarding the 2002 agreement that conveyed the land occupied by the station to a new station. He questioned why the property was not conveyed in the 2006 agreement. Mr. Welch noted that in 2006 the Precinct was not willing to surrender the property to the Town.

Mrs. Bridle-Russell said that it is the Budget Committee's duty to set the budget, not policy.

Mr. Welch said that the Precinct voted on the 2006 agreement during their annual meeting.

Mr. Griffin will relay the information to the Budget Committee tomorrow evening.

## **OTHER NEW BUSINESS**

Town Attorney Gearreald reported that he received a telephone call late in the day from Moderator Bob Casassa. The Moderator called to inquire if the Selectmen had set the date for the Deliberative Session and if the Winnacunnet High School auditorium had been reserved. In addition, the auditorium will be required the day before so the Cable Advisory Committee may set-up.

**Mr. Workman MOTIONED** to schedule the Deliberative Session on February 2 with a snow date of February 9<sup>th</sup> (in accordance to state law). **Mrs. Bridle-Russell SECONDED.**

**VOTE: UNANIMOUS FOR**

Attorney Gearreald has been asked by the Planning Board to sign an escrow agreement as surety for the performance of an after-the-fact special permit for property at 11 Fieldstone Circle. The Planning Board decision for this property occurred on November 7, 2007. When reviewing the proposed escrow agreement, Attorney Gearreald came across some problems with the Planning Board's decision. It was obvious that the Planning Board wished to incorporate the Conservation Commission's approval that occurred on September 25, 2007; however when reviewing documents that had been signed by the Planning Board Chairman, Attorney Gearreald discovered that the decision was at odds with the Conservation Commission's terms. The vote by the Planning Board did not include an amount to be set as surety and did not permit the Town to go on the premises to perform the work in the event of the property owner not complying with the agreement. The State statute does not provide a procedure to move the Planning Board to rehear or reconsider its decisions. The Selectmen have the authority to file an appeal on the Planning Board's decision to the Superior Court.

Mrs. Bridle-Russell said that the Planning Board made a decision based on incorrect information and the only way the decision can be appealed is by the Selectmen filing with the Superior Court. Attorney Gearreald

pointed out that it can be the Selectmen or another aggrieved party but there are only four days left in the 30 day appeal period. The Planning Board has no time to notice the issue so that it may correct its decision at the next meeting (December 5). Mrs. Bridle-Russell feels very strongly about property owners following planning, zoning and building procedures.

**Mrs. Bridle-Russell MOTIONED** to file a court appeal from the Planning Board's approval of an after-the-fact special permit for Frank Sestito on November 7, 2007 and to hire the law firm of Devine Millimet to represent the Board of Selectmen due to a conflict on the part of the Town Attorney, who has represented both boards. **Mr. Workman SECONDED.**

**Discussion:**

Mr. Workman noted that as the Selectmen's representative to the Planning Board he would much rather deal with the matter through the Planning Board. However, due to the short timeline this is the only way the issue can be remedied.

**VOTE: UNANIMOUS FOR**

**VI. CONSENT AGENDA**

None

**VII. PUBLIC COMMENTS**

None

**VIII. CLOSING COMMENTS:**

None

**IX. ADJOURNMENT**

**Mr. Workman MOTIONED** to adjourn at 8:14 p.m. **Mrs. Bridle-Russell SECONDED.**

**VOTE: UNANIMOUS FOR**

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**Chairman**