

TOWN OF HAMPTON
MINUTES OF THE BOARD OF SELECTMEN
MONDAY, FEBRUARY 02, 2009

PRESENT: William Lally, Chairman
Richard Griffin, Vice Chairman
James Workman
Richard Nichols
Richard Bateman
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

7:00 PM

SALUTE TO THE FLAG

Chairman Lally called the meeting to order at 7:00 PM and introduced the members of the Board.

I. Public Comment Period - None

II. Announcements and Community Calendar

Chairman Lally announced that channel 22 would be replaying the Deliberative Session on Wednesdays and Saturdays for the next three weeks.

III. Appointments

1. John Price – Department of Public Works

Report supplied to the Board members. Mr. Price touched on the following topics: storm cleanup, breakdown of equipment including a sidewalk plow being totaled by the insurance company, helped with Penguin Plunge, 12 new “No Parking Signs” uptown, 5 storms in January, cleaned as many drains as possible, repeater for radio system up and running, and routine problems at the Sewer Department including electrical malfunctions on bar rack.

Question from the Board:

Mr. Nichols wondered if it was Public Works who plowed all the lots for the Penguin Plunge. Mr. Price explained that the public lots are plowed by Public Works and Severino does the private lots.

Mr. Griffin asked about the fire and the sidewalk plow. Mr. Price explained that it caught on fire in front of TD Banknorth at one in the morning. The Insurance Company totaled the plow and the Town expects to get between \$9,000 and \$9,800 not including the \$1,000 deductible.

2. Christine & Scott Bean – Plowing of White’s Lane – Mr. Bean explained that the Town bought by vote about 10 years ago. Mr. Bean pays to have it plowed and sanded. The road is used by many for recreational activities and used by the Police in the summer as a speed trap. He would like to see if the Town could give him a hand with maintaining the road.

Discussion:

Mr. Welch explained that at the Town Meeting in 1990 under article 36 the Town voted to make Whites Lane discontinued as a public highway. By passing this article, it prohibits the Town from maintaining the road and the only way to reverse this is to have another vote by the Town.

Mr. Bateman wondered what the possibility would be of declaring Whites Lane from the gates west to Mill Road a parking lot or seasonal parking lot.

Mr. Nichols pointed out that it appears to only be a winter issue not an issue in the summer.

Atty. Gearreald explained to the Board that they could go through the proceedings to declare a portion of the road an emergency lane as they have done for the private roads.

Mr. Nichols expressed concern that by doing this they could be opening a can of worms. With the private roads, the Town had been plowing and maintaining them all along. However, in this situation the Town has not been plowing this road.

Chairman Lally feels that this is a different situation since this was done by Town vote for the residents to use this area as a recreational area.

Mr. Workman feels that the RSA does not necessarily bar the Town since it says the Town shall not have an obligation to maintain.

Atty. Gearreald explained that since this a Class VI road the Town cannot spend any funds on this road.

Atty. Gearreald suggested that if the Board decides to go the route to declare this an emergency lane than they should find out who the abutters are so that they can be notified.

3. Wendy Szymczycha, Café Fresco – Snow Emergency “Parking Ban” – representing the merchant’s downtown. It is very difficult to run a business when signs are posted leaving their customers with nowhere to park. She had to close her business because the customers had nowhere to park.

Discussion:

Mr. Price explained that it is difficult when cars are parked out front to get the sidewalk plow and loader in to clean up. He is willing to work with the business owners if that is what the Board would like to have done.

Mr. Bateman told Mr. Price to fix it so that the businesses do not have to close.

Mr. Nichols and Mr. Griffin both agree that everything that can be done needs to be done to help these businesses.

Mr. Workman suggested that the Business Owners and Mr. Price meet and work together on a solution.

IV. Minutes of January 12, January 19, January 22 & January 26, 2009

On last page had an omission when the Board went into a non-public meeting with a roll call vote.

Mr. Nichols MOTIONED to accept the minutes of January 12, 2009 as amended. Mr. Bateman SECONDED.

VOTE: 5-0-0

Mr. Bateman MOTIONED to accept the minutes of January 19, 2009. Mr. Workman SECONDED.

VOTE: 5-0-0

Mr. Bateman MOTIONED to accept the minutes of January 22, 2009. Mr. Griffin SECONDED.

VOTE: 5-0-0

Mr. Griffin MOTIONED to accept the minutes of January 26, 2009. Mr. Bateman SECONDED.

VOTE: 4-0-1 (Workman)

V. Old Business

1. Town Manager's Report

A bid was awarded to Tri-State Fire Protection, LLC for annual fire extinguisher inspections as the low bidder at \$4 per unit.

A bid was awarded to Bergeron Protective Clothing as the low bidder for the purchase of replacement of protective trousers and jackets and related equipment for the Fire Department.

The Town is currently working on an agreement with the New England Regional Power Grid that would allow cost sharing for us of the WWTP generator equipment during brownouts. This agreement will be at no cost to the Town and will over time save funds for the Town. We are only in the preliminary stages of discussion and will advise the Board of the final proposal when completed subject to Board review and approval.

Mr. Welch pointed out to the Board that the wording of some articles was changed at the Deliberative Session and the Board might wish to change their recommendation.

Discussion:

Chairman Lally suggested that the Board start with Article 11, which changed the elderly exception amounts.

Mr. Bateman MOTIONED to recommend Article 11 as amended at the Town Meeting. Mr. Griffin SECONDED.

VOTE: 5-0-0

Article 24 changed the amount for the uptown Fire Station cost study from \$30,000 to \$50,000.

Mr. Nichols MOTIONED to recommend Article 24 as amended at the Town Meeting. Mr. Griffin SECONDED.

VOTE: 5-0-0

Mr. Workman pointed out that a change was made to Article 20; by removing the last sentence.

Mr. Nichols MOTIONED to recommend Article 20 as amended at the Town Meeting. Mr. Bateman SECONDED.

VOTE: 5-0-0

Article 28 was not recommended by the Board because they had no information on it but people spoke favorably about it at the Town Meeting. It is a petitioned article to raise \$6,400 for transportation for senior citizens.

Mr. Griffin MOTIONED to recommend Article 28 as amended at the Town Meeting. Mr. Nichols SECONDED.

VOTE: 5-0-0

Article 29 is the Meals on Wheels warrant article, which was increased by \$500. Chairman Lally explained that the Board did not recommend it originally because they had asked all agencies to submit request for the same amount as last year not more.

Mr. Nichols expressed concern with recommending this article since the other agencies that abided by the wishes of the Board were lumped together in one article. Mr. Workman stated that the Board said they would recommend level spending and not ones with an increase.

Mr. Bateman MOTIONED to recommend Article 29 as amended at the Town Meeting. Mr. Griffin SECONDED.

VOTE: 2-3-0

Motion failed

In regards to Article 14, Mr. Welch asked if it was the pleasure of the Board to leave the article as it currently reads with the vote or would they like to make a change. Mr. Nichols pointed out that a few years back an article appeared on the ballot with the vote made by the budget committee not a recommend or not recommend. Mr. Workman pointed out that the Board was pretty much deadlocked at this point and he does not feel that anyone is willing to change their vote. The Board agreed that they have made the right decision and will leave it as written.

Other Old Business:

Mr. Welch went on to point out that, there are many bills before legislation this next week. Chairman Lally also received an email from Martha Fuller Clark about bill 306 that would allow

the Board to remove the \$650,000 from the budget. Mr. Nichols confirmed that this is true if the amendment passes, it would push things up from December 1st to January 1st. Mr. Nichols also shared with the Board that there is another bill, which would take the \$650,000 and knock it down to \$378,000. The Board agreed that someone from the Town would be present on Thursday when these amendments go before the Legislature.

Questions from the Board:

Mr. Griffin asked about lights out at the Beach. Mr. Welch is aware of this problem and is actively working on this problem.

Chairman Lally asked about the sidewalks and children not being able to walk to school safely. Mr. Welch explained that with only one sidewalk plow, it is being pushed to its maximum but Public Works is working to get all the sidewalks cleared.

2. BTLA – Edward & Dianne MacDonald – 21 Epping Avenue

Discussion:

Mr. Gearreald recommended that the Board move this item to the end of the meeting and by roll call vote move to take this matter up under a non public session under RSA 91-A:3, I, e consideration or negotiation of pending claims.

Mr. Welch suggested that the Board decide if they would return to a public session with a decision tonight since the MacDonald's are present. The Board agreed that they would come back after the non-public meeting.

VI. New Business

1. USPAP Standard 6 Report – Assessing Department – Mr. Welch reported that the report is complete.

Discussion:

Mr. Nichols stated that he spent some time looking at this report and found it very informative. He wonders if it could be put up on the website and a few copies available at the Town Office and Library for individuals to view. The Board agreed that this is very important and will be taken care of immediately.

2. Membership in Concord Regional Solid Waster/Resource Recovery Cooperative Single Stream Recycling Facility.

Discussion:

Mr. Bateman asked if there is a cost estimate of what the Town is going to save. Mr. Welch does not have one at this time.

Mr. Welch expressed concern that the Board does need to make a decision as to whether or not the Town should terminate the contract with Waste Management when it expires in 2010.

Mr. Workman pointed out that we do not have to give a decision to Concord Regional at this time we just need to make a decision as to whether or not to end the contract with Waste Management.

Mr. Nichols asked about any transportation cost since the waste will be transported such a distance. Mr. Welch pointed out that if the Town owns the trailer the cost would drop and if the Town owned the trailer and the tractor then there would be very little cost.

The Board is in agreement that there are still many variables to explore and that the only decision that needs to be made now is in regards to the contract with Waste Management.

3. Vote to allow Ch. 22 to televise the local candidate's forum on March 7th.

Discussion:

This is something new since in the past the only thing televised was the event sponsored by the PTA.

Mr. Bateman expressed some concern with having the manpower and being able to tape off sight at the Old Salt.

Mr. Nichols feels that it is important to give the candidates as much exposure as possible and if John Nickerson feels that it can be done than it should be televised.

Mr. Workman suggested that we only tape the local candidates and leave out the rest of the event.

The Board agreed to check with Mr. Nickerson and Mr. Jett to see if this event could be covered.

The Board at 8:15 PM

On a roll call, motioned with all members present and voting unanimous, the Board of Selectmen will entered into to a Non-Public meeting with Legal Counsel under RSA 91-A:3, II, e.

The Board returned at 8:20 PM

A determination was made in the MacDonald case and was given to them in writing.

Other New Business:

Mr. Nichols asked about the information in their packets from the Rockingham Economic Development Corporation and a list of projects in the area. There was a project that had to do with infrastructure improvements of Smutty Nose. Mr. Nichols is curious if Mr. Welch has any details on this. Mr. Welch explained that he does not but the information has been forwarded to the Planning Board.

Mr. Nichols the information relative to revaluation of some of the utilities. This looks pretty substantial and it will eat up about 20% of the overlay. He wanted to confirm that this has nothing to do with Mr. Estey but was done by the DRA and the State.

Mr. Bateman pointed out the Neil Underwood Bridge and the signalization of the lights were not working properly this weekend which in turn caused the Town to have to use two cruisers for traffic control.

Chairman Lally pointed out that the State should have had a detail there as agreed upon in the beginning.

Mr. Welch stated that technically the State is supposed to be out by Memorial Day however, it appears that they will not be done with the work until June.

Chairman Lally confirmed that in the future the Town will be sure that the State has a detail on both sides of the bridge for any big events.

VII. Closing Comments – None

VIII. Adjournment

Mr. Griffin MOTIONED to adjourn. Mr. Nichols SECONDED.

VOTE: 5-0-0

Meeting adjourned at 8:35 PM

Chairman