

# Town of Hampton



## TOWN OF HAMPTON BOARD OF SELECTMEN November 16, 2009 Minutes

PRESENT: Richard Griffin, Chairman  
Richard Nichols, Vice Chairman  
William Lally  
Gerald Znoj  
Frederick Welch, Town Manager  
Mark Gearreald, Town Attorney

ABSENT: Richard Bateman

7:00 PM

### SALUTE TO THE FLAG

I. Public Comment Period - None

II. Announcements and Community Calendar

Mr. Znoj announced that there will be a Holly Day Fair at Sacred Heart School this Saturday followed by a Spaghetti Dinner and raffle drawing. He would also like to congratulate Winnacunnet High Football for beating Exeter and advancing to the championship game.

Chairman Griffin announced that the Scouting for Food Drive was on this past Saturday morning. The Boy Scouts and Girl Scouts did not collect as much food as in the past so they will have a collection box in front of the Town Clerks Office until Friday.

III. Appointments - None

IV. Minutes of November 02, 2009 and correction of Minutes of October 19, 2009

Clarify that the date of November 02, 2009 on the Agenda is wrong and the date of the minutes is November 09, 2009.

Minutes of November 09, 2009

Page 3: Forth paragraph change under the motion the "D" to "B" before the wording "the Default Budget".

Page 3: Clarify the change in the Minutes of October 26, 2009; Mr. Znoj's comment on the topic of recycling is the following "that the recycling has increased and the amount of trash that is leaving the Transfer Station is going down."

Page 5: Third paragraph, change the word “North” to “West”. Next paragraph change the meeting space number to changed to 35 people.

Mr. Nichols MOTIONED to approve the minutes of November 09, 2009 as amended. Mr. Znoj SECONDED

VOTE: 4-0-0

Minutes of October 19, 2009

Page 5: Third paragraph. Mr. Lally clarified that statement that in fact he said the “Red Cross chose not to open the shelter in Hampton, as their prerogative and instead opened one in Exeter during the Ice Storm in December.”

Page 6: Note that the discussion on the generator occurred at both meetings (October 19 and 26) and the following MOTION occurred on October 26, 2009.

Mr. Nichols requested that the following motion be inserted after the last sentence and before part VII. Old Business of the minutes.

Mr. Lally MOTIONED to waive the bidding process for the Generator. Mr. Bateman SECONDED.

VOTE: 4-1-0 (Nichols)

Mr. Znoj MOTIONED to approve the minutes of October 19, 2009 as amended. Mr. Lally SECONDED

VOTE: 4-0-0

## V. Town Manager’s Report

Please make note that the last day to submit petitioned zoning articles is December 9, 2009 and the last day to submit petitioned warrant articles is January 12, 2010.

Next Monday, November 23, 2009 is the last day that the Town will be picking up leaves barring snow.

Mark your calendars – the Hampton Firefighters Toy Bank Chili Cook Off is scheduled for Wednesday, December 2, 2009 at Wally’s Pub, 144 Ashworth Avenue from 6 PM until the Chili is gone.

The organizational meeting of the Southeast Watershed Alliance is to be held on December 14<sup>th</sup> 6:30 to 8:30 PM at the Brentwood Community center. I recommend that we attend and observe and following the meeting have the Board consider membership based upon the information received.

Discussion – None see Old Business

## VI. Old Business

Mr. Nichols asked for an update on the progress in regards to the west side streets. He wonders if we have received the bid information from FST. Mr. Welch believes that Mr. Lally has been in touch with them and they are working up a time to come in and meet with the Board. Mr. Welch confirmed that we have not received the bid documents. An email will be sent through Mr. Lally in regards to requesting the bid information again. Mr. Nichols reminded everyone of

the time pressure that Mr. Schwotzer is expecting from the auditors and the importance of putting a plan in place. Mr. Lally has also put Mr. Nyhan in touch with Mr. Howe at FST. Mr. Nyhan is still working to raise matching funds to help with this project. There was an additional discussion in regards to the engineering documents and the location of these documents along with the bid documents. It is believed that these documents are in the possession of FST and not the Town. Chairman Griffin added that this is an item on the Beach Commission agenda on November 17<sup>th</sup>.

Mr. Nichols also would like to bring up warrant articles and he would like the Board to begin discussing these at the next meeting. Mr. Welch will not be able to get this together for the next meeting but he has started and will get them to the Board. It was agreed that the Board will begin discussions on warrant articles in two weeks.

Mr. Lally would like to mention the Old Stage Bridge is finished and it looks great. He would like to thank Mr. Page and all the people who volunteered.

Chairman Griffin would like to bring up a complaint made by two gentlemen on Sanborn. He shared pictures with the Board on how the water is not draining properly since the road was resurfaced. Mr. Welch has spoken with Mr. Price and explained the drainage problem on this road and some other streets. Mr. Welch stated that there needs to be drainage put in on these roads. Mr. Welch stated there is no real way to address this without appropriating a large amount of money to take care of these drainage issues. It was also discussed that the property owner's can help with this problem by building up their driveways. Mr. Welch also shared some other solutions to the problem and we will continue to work on these problems.

## VII. New Business

### 1. Approval and authorization of the Hannaford Case Settlement

Atty. Gearreald explained that he is here tonight to present the Board with a settlement in regards to a law suit that Hannaford brought against the Town and the State of NH DOT in 2007. The settlement contains two components which mirrors the ten count case in which Hannaford was seeking damages for the past in the form of remediation of some drainage issues. Atty. Gearreald explained the flow of drainage on this property and the problem. Hannaford was seeking damages in the amount of \$324,530. This problem was alleged to have occurred as a result of the Rte 1 resurfacing project. Mediation occurred this past summer and as a result the parties reached an agreement concerning the dollar amount for past damage that would be paid to Hannaford the sum total was \$145,000. The \$145,000 is broken out in the following manner \$45,000 from the State, \$50,000 from Local Government Center and \$50,000 from the Town. This settlement is for the problems in the past. The future settlement that has been recommended is a mechanism whereby if there is a planned increase in flow due to a planning process such as a new development Hannaford is to get notice of this increase in water. If Hannaford with an engineering report conceives that there will be damage to its property, increase in flow or volume of water they must notify the Town. It is then up to the Town to decide if we want to prevent this damage or contest whether there will be damage. The settlement in general release has a signature line and it would be appropriate for this Board to authorize the Town Manager to sign on behalf of the Town.

### Discussion

Mr. Lally explained to the people at home that the Board has met on this several times over the last year and a half. He pointed out that we are paying out a small amount of money compared to what it could have been.

Mr. Znoj does not have a problem but wants to make sure that all the Boards are aware of the components of the future settlement in this suit.

Mr. Nichols would just emphasize that there was a reserve fund set up for this case that went beyond the amount of the settlement so the settlement will not have an impact on taxes.

Chairman Griffin is also in agreement that this is something that has been hanging on for a long time and needed to be taken care of.

Mr. Lally MOTIONED to approve and authorize the Town Manager to sign the Hannaford Case Settlement. Mr. Znoj SECONDED.

VOTE: 4-0-0

#### VIII. Consent Agenda

1. Property to be deeded to the Town of Hampton – 70 King’s Highway
2. Recycling Education Committee Appointment – Antoinette Trotzer

Discussion:

Mr. Welch explained that item #1 is a waiver for the Board to sign on this property. The Town does not wish to take this unit because the Town would be obligated to pay back rentals. It is recommended that the Board sign this deed waiver so that this does not become a liability to the Town.

Mr. Nichols MOTIONED to move to approve the deed waiver for the property located at 70 King’s Highway unit #135, parcel 210-003-0135. Chairman Griffin SECONDED.

VOTE: 4-0-0

Mr. Lally MOTIONED to move the Consent Agenda. Chairman Griffin SECONDED.

VOTE: 4-0-0

#### IX. Closing Comments - None

#### X. Adjournment

Mr. Lally MOTIONED to adjourn. Mr. Nichols SECONDED.

VOTE: 4-0-0

The Board adjourned at 7:46 PM

  
Chairman

Non-meeting with Legal Counsel - RSA 91-A:2., I., (c)