

# Town of Hampton



TOWN OF HAMPTON  
BOARD OF SELECTMEN  
August 09, 2010 Minutes

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

6:30 PM

LOCATION: Hardardt's Way at the Gate adjacent to the Public Works Facility

Public Hearing on Highway Layout Petition – Hardardt's Way under RSA 231:11

Chairman Nichols announced that before conducting the public hearing the Board will address the first item under New Business, which is the Scholarship for Channel 22.

7:00 PM

LOCATION: Town Offices – Selectmen's Room

SALUTE TO THE FLAG

## I. New Business

### 1. Scholarship for Channel 22 – Sandy Nickerson

Mrs. Nickerson is here on behalf of John Nickerson who was not able to attend the meeting tonight. Mrs. Nickerson explained the internship program that Channel 22 has in place. This year Brian Lafond has worked with Channel 22 throughout his senior year and will be attending Franklin Pierce College in the fall. John is requesting that Brian receive a scholarship in the amount of \$2,500 of which he will receive \$1,500 the first year, \$500 the second year and the third year upon presentation of his grades he would receive the final payment of \$500. So on behalf of her husband John Nickerson and Channel 22 she would respectfully request that the Board of Selectmen approve the expenditure of \$2,500 for the Channel 22 scholarship program and that the presentation be made to Brian and his parents at the Board's next meeting on August 23, 2010.

Discussion

Mr. Lally would like to make the motion and expressed what a wonderful job Brian has done.

Mr. Lally MOTIONED to approve the Channel 22 Scholarship in the amount of \$2,500.00 for Brian Lafond. Mr. Griffin SECONDED.

VOTE: 5-0-0

Continuation of the public hearing on Highway Layout Petition for Hardardt's Way

Chairman Nichols explained the following. That the Board of Selectmen has received two signed petitions (dated July 21, 2010 from Norm Silberdick and 43 other residents of Tide Mill Road and dated July 23, 2010 from John Darmody and 89 other employees of Brazonics) asking the Board to lay out a new Class V highway across a 28 foot wide strip of land [the driveway known as Hardardt's Way] from Landing Road to the steel gate on the Access Road to the Treatment Plant. This Access Road was recently accepted as a Town road by action of the 2010 Town Meeting on Article 26.

The Board has the authority under state statutory law N.H. RSA 231:8 to lay out such a road upon petition.

The Board at its meeting on June 28, 2010 scheduled a hearing for this date and time and notice of this hearing was sent on July 1, 2010 to the first petitioners, more than 30 days prior to this hearing.

This notice indicated that the Town Offices would open one half hour prior to the time of the hearing for the inspection of the plans by any interested persons. This has been done.

The terms of RSA 231:11 require that the Board make a personal examination of the route proposed for the new Class V highway at the time and place of the hearing. Thus, the Board had proceeded to the site of the new proposed Class V highway to make this examination and has continued the hearing at the Town Offices at 7:00 PM.

The route proposed is as follows:

A 28 foot wide strip of land located 14 feet to each side of the center line of the traveled way known as Hardardt's Way and running from Landing Road to the steel gate on the Access Road to the Treatment Plant, which Access Road was recently accepted as a Class V Town road by virtue of the implementation of the vote on Article 26 at the 2010 Hampton Town Meeting.

Coupled with the action of the 2010 Town Meeting on Article 26 laying out a Class V Town road over the Access Road to the Treatment Plant, if the Board grants the petitions of Mr. Silberdick and 43 others and Mr. Darmody and 89 others, the Board will be in a position legally to "open the gate" as called for by the vote on Article 52 at the 2008 Town Meeting.

The Board, having examined the proposed route for the new Class V highway over Hardardt's Way, will now take comments from the petitioners and then from the public.

Petitioner's comments on the petition

Bill Anderson, 16 Tide Mill Road, he is a retired truck driver and has driven tractor trailers in and out of Tide Mill Road. This is very difficult to do and he explained in detail some of the problems that he has had doing this. Hardardt's Way is a much better road to travel with tractor trailers.

Jean Pynn, 2 Tide Mill Road, explained how they are the first house on the road and how the trucks vibrate their entire house every time they brake at the corner. Another concern is that the bus stop is on the corner and the kids have to be walking down the street with these tractor trailers coming down the road. She thinks the other road is a much more sensible option for this truck traffic.

Ann Carnaby, 54 Tide Mill Road, she commented on how Tide Mill Road was reported at the last Town Meeting as being the road in the worst condition in Town. The clear reason for this is the 18-wheel truck traffic. She cautions that once the gate is open that there might need to be a police detail to monitor the speeds at which these drivers are traveling. She spoke about how in the first ½ mile of this road there are 18 children under the age of 12 and she urges the Board to open the gates.

#### Public comments on the petition

Mary-Louise Woolsey, 148 Little River Road, shared some history on how when she sat on the Board they petitioned the State for an access road off of 101 for the Transfer Station. She also provided some history on Hardardt's Way and how it came about as the access road. The promise that was made to the residents of Tide Mill Road to take all Town vehicle traffic off of that road and that was done. She expressed some concerns with the Recreation area located here and the danger that it might raise. There will be no way to control traffic in this area once the gate is opened. She wonders why the Board has not consulted with the Planning Board. There was an additional discussion as to what RSA this is being laid out under.

Mike Plouffe, 157 Little River Road, explained that this has been going on for 15 years and he is still against it. He also has concerns with the Skate Board Park and the danger that will arise from opening this gate. He feels that the Board has been worn down by the residents in this area and will vote based on that which is wrong in his opinion. He also commented how it was said at Town meeting that no Town funds would be expended on the lower end of Tide Mill Road and therefore he would like to know who paid for the survey, legal fees and the fancy gate going into Public Works. He would ask the Board to please not open the gate. He also commented on the many times that the prior Public Works Director stated that Hardardt's Way was not laid out to Town road standards and that it was laid out as a driveway.

Art Moody, 3 Thomsen Road, would like to cover some of the things that have been stated. The intersection of Tide Mill Road and Landing Road is actually wider than the intersection at Hardardt's Way. He believes that the Town is required to follow RSA 231:23 in regards to laying out this road. He also wonders if this statute covers a road that is already built. He also commented on the recreation area.

Carol Grant, 78 Tide Mill Road, she cannot understand why we are talking about stuff that happened 20 years ago. She wonders why these people even care since they do not live in this area. She does not get who the children are that are playing on Hardardt's Way and as far as the Skate Park goes, there are fences. She does not understand why these three individuals who just spoke really care. She does not know what 20 years ago has to do with now and she just hopes that the Board will vote to open the gate.

Bruce Aquizap, 65 Tide Mill Road, most of the history heard here tonight is probably pretty accurate however, it leaves out a lot of things and exaggerates a lot. He has lived in his house for 72 years and has watched the area grow and all the changes with the landfill. Hardardt's Way is a much wider road. He would ask the Board to vote to open the gate. He would also like to remind the individuals commenting earlier that the residents of this road are also taxpayers and not some special interest group.

Betty Anderson, 16 Tide Mill Road, she would ask the members of the Board to walk down Tide Mill Road and watch the trucks. She commented on how they skim the trees and telephone poles and how if there are two trucks coming one has to stop and wait for the other truck to pass. She asks the Board to please consider getting the truck traffic off of this road and maybe even repairing the road since it is falling about at the edges.

Kristy Paulin, TSI Group, Inc., 216 Lafayette Road, North Hampton. Ms. Paulin spoke representing Brazonics one of the businesses on Tide Mill Road and how they have grown over the years. They really are trying to be a good neighbor and have a plan in place if this does go through tonight. There is a communication ready to go out to the businesses they deal with explaining the new traffic pattern. Also for the most part, they do operate during normal business hours.

Mr. Griffin would like to thank Brazonics for the business that they do run and the tax dollars that they pay to the Town. He also commented on the number of people employed there and that this number might grow.

#### Comments from the Board

Mr. Znoj wonders if the road is opened and passed tonight are there limitations that can be put on when the gate is opened and can it be closed for a certain period of time. Chairman Nichols and Mr. Griffin both agreed that they would not be in favor of opening and closing the gate. Mr. Znoj clarified that speed limit signs would go up and the posted speed limit would be 30 mph. There are no plans in place to put in any additional street lighting. He also is very concerned about safety and is in favor of opening the road.

Mr. Lally commented on how much this area has grown over time. He is also concerned about the safety of the children and would comment that the majority of the recreation area on Hardardt's Way is used on the weekends. He thinks it is tough to ignore two Town meeting votes that passed to open the gates. He is in favor of this petition. Chairman Nichols would like to add that the 2008 Town vote was a ratio of 2 to 1 and 2010 vote was by a ratio of 4 to 1.

Mr. Griffin does not like how it was presented tonight that there is only a small group of people who want this to happen when it has actually been voted on and passed by more than a small group.

Mr. Bateman has had a position on this from the very beginning and he is not going to waiver from it. He has read through all the documents and has a different interpretation than the one presented here and he believes there is a conflict. We agreed as a Town to something very special and when you start going back on all those things where does it stop.

Chairman Nichols has a couple of questions for the Town Manager and the Town Attorney and some of the questions that were directed to the Board and he wonders if they have any concerns of legality with the RSA's.

Atty. Gearreald, Town Attorney. Atty. Gearreald explained the RSA in further detail that the petition was filed under. He explained how if the Selectmen felt that this would benefit a certain individual some of the cost could be paid by that individual however he feels that this will not benefit one particular individual but instead the general public. He will say that the Selectmen have the ability to take cognizance of any safety concerns just as have been brought up by some of those opposed and weigh those concerns in deciding what to do. Chairman Nichols wonders if Mr. Welch has any concerns with the construction/layout of Hardardt's Way.

Mr. Welch, Town Manager. Mr. Welch does not have any concerns about the construction his concerns would be that the road be maintained in a proper fashion and that the speed limits be maintained for safety reasons.

Chairman Nichols asked Atty. Gearreald to address the cost to the Town in regards to wording of the warrant article he does not believe that the expenses that were incurred did violate the warrant article. Atty. Gearreald explained that the expenses did not violate the warrant article and in fact, the survey was done even before the article was voted on so that the Selectmen would know what was going on.

Mr. Znoj wonders if there are any weight limit concerns on this road. Mr. Welch explained that we have the trash trucks and their weight and therefore he does not believe that weight should be a problem nor would the Board want to impose a weight limit since it would cause problems for the Town in regards to the trash trucks. Mr. Znoj would like to make sure that a cruiser pass through this area at night and Mr. Welch confirmed that this would be put on the cruisers route just like any other road in Town. They do already go down in this area frequently. Chairman Nichols pointed out that there are cameras in the area of the Transfer Station that monitor certain areas.

Pursuant to RSA 231:12, Mr. Griffin Moved the following

- a) that this Board lay out a Class V Highway across the following location:  
A 28 foot wide strip of land located 14 feet to each side of the center line of the traveled way known as Hardardt's Way and running from Landing Road to the steel gate on the Access Road to the Treatment Plant, which Access Road was recently accepted as a Class V Town road by virtue of the implementation of the vote on Article 26 at the 2010 Hampton Town Meeting.
- b) that the Board assess no damages in connection with this layout where the Town is the only landowner whose land is involved in this layout,
- c) that the existing steel gate be opened as advised by the Townspeople on Article 52 at the 2008 Town meeting,
- d) that the New Class V road be named Hardardt's Way, and
- e) that the access road to the treatment plan recently accepted a Class V road by Article 26 at the 2010 Town Meeting be named Tide Mill Road.

Mr. Znoj SECONDED.

VOTE: 4 (Nichols, Griffin, Znoj, Lally)-1(Bateman)-0

## II. Public Comment Period

Ben Moore here tonight to voice his support for item #2 on the Consent Agenda, the Eagle project by Andrew Fallon to do renovations at Founder's Park.

Andrew Fallon thanked the Board for helping him to expedite the approval needed for his project and the extra time that Mr. Lally, Chairman Nichols and Mr. Bateman spent for him.

Arthur Moody would like to follow on this topic and make sure that the people watching know where Founder's Park is located and that is on Park Ave. Mr. Moody explained in greater detail the work that was done for this project. He believes that the work done here is probably the greatest amount of work done since it was created in 1925. He also mentioned that Andrew Fallon is from Epping and it really is commendable the work that he has done here.

Arthur Moody would also like to know what the Town is charging First America Carelogic for the cartographic data. Mr. Welch explained that they have requested our GIS data be released to them, which are public record. The company would obtain this information from Cartographic Associates and pay them if required. Also, on the consent agenda the one day entertainment license for 24 North Shore Road he would like to know if this is for selling booze or what is it for. Chairman Nichols explained that it is a one-day license for a private party.

### III. Announcements and Community Calendar

Mr. Lally in addition to get well wishes for John Nickerson, he would also like to mention a Hampton resident John McDonald who has been under the weather lately.

Mr. Griffin would like to announce that on August 16<sup>th</sup> at 7 pm the Community Band Concert on the green at the Tuck Museum on Park Ave. Also at the Tuck Museum on August 20<sup>th</sup> at 7 pm 4 paintings by Charles Henry Turner, which have been made into prints will be unveiled. On September 4<sup>th</sup> from noon to 3 pm, the 9<sup>th</sup> Annual Pig Roast will take place on the Tuck Museum grounds.

### IV. Appointments

#### 1. Michael Schwotzer – Monthly Financials

Mr. Schwotzer provided the Board with a copy of his July report and it is available online. He has started forecasting the end of the year totals with this month's report. The accuracy is still suspect due to July being only one month past the mid-point of the year and the seasonal nature of the larger departments spending patterns. That said the current year-end saving calculated is \$1.2M or 5.5% below budget.

The income for the month totaled \$704k. Of this, the motor vehicle total came in at \$192k, which is \$37k less than the June figure. Year to date is now \$75k below budget (at 55.4% vs. the target of 58.3%). The actual/budget gap has reopened to almost 3%, which is basically the same level as two months ago. He will continue to monitor/report on this segment since it represents over 40% of the income budget. Other major areas were: Interest on Taxes @ \$53k; Building Permits @ \$38k; Federal (FEMA) Grants @ \$44k; State Water Pollution Grant @ \$ 78k; Departmental Income/Misc @ \$ 37k; Parking Lots @ \$ 127k; Cable Franchise Fee @ \$100k and RE Trust @ \$28k.

The expense summary shows the year to date expenses by department. At the end of July, the operating departments (with debt service) were 54.5% of the budget, which is almost 4

percentage points (or \$957k) lower than the month's target of 58.3%. This is less than the "YE Savings" discussed above but is not reflective of all the contributing factors. In Finance, the annual accounting software support payment of \$9,900 was booked to repairs & maintenance in July. This caused "% 2010 uses" for this account to jump to 77%. The supplies and expenses account is in a similar position due to the \$5,400 charge for the 2009 Annual Reports paid for last February. In MIS, interviews for part-time tech position will be held shortly. The Cemeteries' P/T wages are at 68% of budget due to the seasonal nature of the grounds maintenance. Both Repairs & Maintenance and Supplies & Expenses are over their annual budgeted level. Since these two accounts equal less than 5% of the budgeted total, they will not have a significant impact on the departments' overall bottom line. In Municipal Insurance, Health Insurance has now come in on or slightly below budget for seven months in a row. This is another of the "important" accounts due to its annual cost/impact of \$2.5M. The Police Department's overall expenditures are at 53% of budget. Costs related to the Mounted Patrol over and above the budgeted level have been moved to the Grants account please remember this line item has other grant money posted not just the money for the horses. A \$9k donation was received in July to cover the ongoing costs and charges associated with the horses. The Fire Department's OT analysis showing July's YTD cost as being \$60k lower (down from \$112k last month) than incurred in '09. This gap will continue to close as we continue through the summer season. The Fire Department is now at 53.1% of budget overall. Costs of \$22k relating to the FEMA Grant will be moved to the FD grant expense line in August, which has the effect of increasing the departmental budget, by the same amount. The second of the semi-annual payments for Hydrants has been paid at slightly more than was budgeted. In Public Works Highways & Streets is now at 51.5% of the budget compared to the 58.3% target. Over \$400k remains to be allocated/expended in the Paving & Reconstruction subsection. This type of work is typically done in the late summer/early fall. Solid Waste Transportation is at 45.3% of budget, which is typically low due to the lag time in billings by the disposal company, and the increased volume impact of the summer season not being fully reflected. The total Municipal Sanitation Department is at 48% of budget as compared to 53% in '09.

#### Discussion

Some answers to Mr. Znoj's questions sent to Mr. Schwotzer earlier are as follows. In regards to the monies being low for Rye Sewer it is volume related. There are five money articles that still need to be expended one for Capital Reserve and that check will be cut closer to the end of the year, as for road improvements the work will be done at the end of the summer early fall, Salt Shed is being rebid, Cemetery Trust Funds check will be cut at a later date and the street lighting at the beach has not gone through the bid process yet. The high expense in engineering cost has to do with the drainage study. The prior year payment in the Police Department was due to the probationary employees.

Mr. Znoj does expect the Road Repairs and Maintenance to be completed this year. There was a discussion about the Salt Shed and Mr. Znoj would like to see this built soon so that we can get some salt in it before the season begins. He commented that the Tipping fees and Waste hauling amount is a good amount of dollars. Chairman Nichols pointed out that tipping fees are down 17%. Mr. Znoj really thinks we need to start recycling more and see some growth.

Mr. Lally asked about the \$37,000 less in motor vehicles and if it is close to being made up in parking revenues. Mr. Schwotzer commented that they are two different animals. Chairman Nichols commented that if you take the run rate for motor vehicles at the end of the year we should only be about \$128,000 short, which is better than what they believed to be true at the beginning of the year.

Chairman Nichols had asked Mr. Schwotzer to get into a couple of other topics the first one being GASB 34 and GASB 45. Mr. Schwotzer explained that GASB 34 has been around for quite awhile and deals with valuation of fixed assets in Town. He explained how municipalities are different and when we buy a new fire truck, we expense it and do not depreciate it. Under GASB 34, we must generate a list of all the property in Town including roads, vehicles, etc. We must get the historical value and depreciate it, which gives us a new piece to the balance sheet. This is an item that has always been on his to-do-list but he has not had the people needed to get this job done. GASB 45 became effective last year and is asking for information about an actuarial accrued liability for the promised benefits (non-pension) associated with past services and whether and to what extent those benefits have been funded. This comes down to medical insurance provided to retirees from the Town. Retirees can remain on the Town coverage but there is no cost to the Town but because this benefit is there, there is potential that we would have to put an accrued liability on the books. LGC is offering to do the actuarial work since all of its clients basically have to do this. Since neither of these GASB policies has been implemented, the Town will get a qualified audit, which is what we have been getting for the past three, or four years, which says that we are not in compliance with GASB. The reports in the audit will show what the Town has been doing and how it is taken care of. If we are to implement these two pieces (and we should) we would get a new Balance Sheet and Profit & Loss Statement and a footnote stating we have looked at the accrued liability and there is none. It comes down to focusing and getting the time together to get this done. The impact for the Town as far as he is concerned is minimal. Chairman Nichols commented there is no benefit from the standpoint of managing this business. There was an additional discussion on GASB and the fact that there is no legal requirement to comply. The end result is simply that the auditors must include the note stating we did not comply with GASB 34. Chairman Nichols would also add that in regards to GASB 45 it does not apply to Hampton since we are not carrying any of the cost of retiree's health insurance.

Another thing Chairman Nichols asked Mr. Schwotzer to do was discuss the west side streets and the \$470,000 in the fund. He would like to know specifically if we are getting any pressure from the auditors or any technical requirements in the note. Mr. Schwotzer has gone back and looked at the paperwork for the note and has found out that the funds must be expended within 3 years of the date of issue. He has spoken with the bank and the 3-year requirement is the policy of the IRS and not the bank. So this will be another item noted in the audit. His personal opinion is that we really should get the project going next year 2011. If the Board decides not to do this than his suggestion would be to use the \$470,000 to pay the note down. Chairman Nichols agrees that we cannot just keep paying the 5% and not make any repairs. He also spoke with John Nyhan and Nancy Stiles and they are still working on this maybe they can come in and discuss where they are with this.

Chairman Nichols commented on how the budgeting process is going to begin. At their next meeting on the 23<sup>rd</sup> he would like to see a list of expected money warrant articles and

wonders about the audit report. Mr. Schwotzer does not have a copy of the audit report. After seeing the audit report and the undesignated fund balance, we might be able to move some money from this to help cover cost of some of the money warrant articles. Chairman Nichols feels that the Board will go through this several times over the next few months in the same manner it did last year.

Chairman Nichols also brought up the efforts being made to bring the CIP planning process into the mainstream. Some of the items coming up are the proposed \$8M fire stations, the Academy is looking at between \$10 and \$15M project, the WWTP study is going on, drainage and others. By bringing the CIP into the mainstream, we will be able to look and plan into the future and not just one year at a time. Within a couple of weeks the CIP should have completed their report at which time Chairman Nichols would like to see the Board take all the information and work with the schools at looking at these financial plans. He would than like to take all this information and by the end of this year have some sort of a five-year plan put together on the items in the report and include health insurance and retirement and project some tax rates.

Mr. Znoj agrees and including the school into the planning is a great idea since they play a major part in the tax rate. Mr. Znoj is playing a part in the CIP planning this year and thinks that it is very informing and beneficial to the taxpayer.

#### V. Minutes of July 26, 2010

Approval of the Minutes of July 26, 2010

Page 8: Third paragraph from the bottom of the page, last sentence, change the word “racking to raking”

Page 9: Forth paragraph from the bottom of the page, remove the word “add” before Fire, add a “comma” and add “and the DPW.” at the end.

Page 6: Second paragraph. Discussion of the sentence structure with respect to “withdrawing versus borrowing from the Trust Funds, borrowing would have a tax impact.”

Page 13: Second to last paragraph, correct the spelling of “Cantra to Cantara.”

Mr. Znoj MOTIONED to approve the minutes of July 26, 2010 as amended. Mr. Lally SECONDED.

VOTE: 5-0-0

#### VI. Town Manager’s Report

The Town has received a request to participate in the Sustainable Communities Initiative Grant Application through the Rockingham Planning Commission. I have forwarded this request to the Town Planner for action before the August 20<sup>th</sup> deadline for response to participate in the planning process. Copies of the materials have been provided to the Selectmen.

The removal of phragmites along High Street in order to allow parking on the south side as ordered by the Board has been completed. Our continuing plans are to prepare for spraying of these invasive weeds during 2011 in order to bring some of the extensive stands under control. A thank you letter is being sent to Stafford County Commissioners for their

assistance in completing this project. The “No Parking” signs will be placed in accordance with the Boards previous order as soon as their locations have been approved by Dig Safe.

The final documents are in process for the last boundary perambulation, which was completed on Thursday, August 4, 2010. This perambulation with North Hampton will complete the perambulations of all the Town bounds that started in 2007. The eastern most bound between Hampton and North Hampton is missing and a new one will be obtained to replace the temporary marker currently in place with the cost to be shared between the two communities.

We have received a request from Core Logic for copies of an extensive list of GIS materials. Our GIS provider will make those materials available to the requester at their cost with permission from the Board. We would ask the Board to grant that permission.

The emergency generator for the Town Hall has arrived and was placed on the new concrete pads today together with the switchgear enclosure. Unitil will be replacing the incoming gas line for the building this Thursday and Friday and installing a new tap for the generator. The drive-up window for the Tax Collector will be closed for a time during construction so that underground electrical conduits and cables and the gas lines can be installed.

The American Legion has requested permission to hold its annual Wounded Warriors activity at the North Beach on August 27, 2010 for 8 hours starting at 8 AM. We would request the Board approve the application for this activity.

I would request the Boards approval of a vacation period from October 7 through the 19<sup>th</sup> and would request that the Finance Director Michael Schwotzer be appointed Acting Town Manager during that period.

I will give a brief overview of the progress on the three selected drainage areas this evening for the Boards general information.

The Board has a grievance that needs to be scheduled for August 23<sup>rd</sup> at 6 pm with the Fire Department.

#### Discussion

Mr. Lally MOTIONED to approve the application for the Wounded Warriors activity at North Beach on August 27, 2010. Mr. Griffin SECONDED.

VOTE: 5-0-0

Members from the American Legion provided the Board with information on this event. One of the major changes is that it will be moved from 10<sup>th</sup> street to 18<sup>th</sup> street since there is a ramp for handicap accessibility. They will have more wounded veterans than they have had in the past. On another note, they have raised enough money for the additional panel for the Monument. About 60% of the volunteers that they have are Hampton residents. Having the support from the Town is key to the success of this event. Donations can be made to Wounded Warriors or Disabled Veterans since both organizations support the event.

Mr. Znoj asked why GIS wants this information. Mr. Welch explained that the information is public record and there is no cost involved to the Town to give out this information.

Mr. Znoj MOTIONED that the Board accept Mr. Welch’s request for vacation from 10/7 to 10/19 with Mr. Schwotzer filling in as Acting Town Manager. Mr. Lally SECONDED.

VOTE: 5-0-0

The Board agreed to schedule the grievance hearing with the Fire Department for August 23<sup>rd</sup> starting at 6 pm.

## VII. Old Business

1. Amend Chapter 3, Article 5, Section 16 No Parking Areas – High Street Amendments  
Chairman Nichols reviewed this and it seems consistence with what the Board has discussed.

### Discussion

Mr. Bateman MOTIONED to amend Chapter 3, Article 5, Section 16 No Parking Areas – High Street Amendments. Mr. Lally SECONDED.

VOTE: 5-0-0

2. Amend Chapter3, Article 5, Section 21 Parking Fines – Removal of all references to the following language “plus a 20 % penalty assessment”

Mr. Welch explained that the 20% penalty is stated in two places and this is just a house-keeping item.

### Discussion

Mr. Lally MOTIONED to amend Chapter3, Article 5, Section 21 Parking Fines – Removal of all references to the following language “plus a 20 % penalty assessment”. Mr. Znoj SECONDED.

VOTE: 5-0-0

Mr. Griffin noticed on High Street this week there was a large bus parked in this area and he wonders if this is allowed. It was confirmed that this is ok as long as they are off of the road.

## 3. Update on Drainage Problems

Chairman Nichols explained that he and Mr. Welch had a chance to discuss where we are at with drainage and felt it would be a good idea for Mr. Welch to give an update to the Board and the public. On Cogger Street, they have done some extensive cutting of brush. The ditch line that runs along the Nickerson property has been excavated. They are in the process of cleaning the drain line between the end of Cogger Street running all the way over to Mill Road. There is a misplaced pipe on Mill that will be replaced with an oval shaped pipe so that it won't raise the elevation of ground water too much. He explained how they would like to put in a ditch line between Cogger Street and Barbour Road. There are also elevation/grade issues in this area. There is the possibility of using an old sewer line from Mace Road. This will probably be as far as we get for this year. We will be submitting for Federal funds to do the work and engineering cost.

The area on High Street and the pump station in that location. They are working with the State to get work done in this area including work on the ponds. There was an additional discussion as to how there is a lot of maintenance that needs to be done in this area and others. Mr. Welch did bring up the reorganization of the Public Works Department and how included in that plan you will see a schedule for maintaining and cleaning of the drains.

The third area was the railroad and Route 1. We have talked with the railroad and they have no problem with the water running over the railroad and Mr. Welch had this area inspected and explained the flow of water in this area. The railroad company has repaired the pipe. The railroad company is not going to give the Town a hard time and whatever needs to be done should be allowed. The ditch line by Hannaford needs to be cleaned out and he has ordered this to be done. The railroad knows that they need to put in and replace the whole line in this area.

#### Discussion

Chairman Nichols would like to point out how many of the issues are from lack of maintenance.

Chairman Nichols brought up the flapper valve at the culvert at the end of Winnacunnet. Mr. Welch has talked to the State about this and they are willing to think about it.

Mr. Welch stated that a lot of the problems could have been avoided if there had been better planning done. This is something that we are looking to change for the future.

#### Other Old Business

Chairman Nichols brought up the issues in regards to the Lupo's parking lease. Atty. Gearreald explained that a survey was done to see how many parking spaces behind the restaurant could be used and pointed out that this is Town owned land. There are seven spaces in this area and the owner signed the lease and returned payment for 5 of the spaces allowing the Town to do what it wishes with the first two spaces. The lease runs as the summer leases for the Town do and that is from May 15<sup>th</sup> to October 15<sup>th</sup>. At this time, the Board needs to decide if they want to sign the lease.

Chairman Nichols MOTIONED to approve the lease with Lupo's for 5 parking spaces. Mr. Znoj SECONDED.

VOTE: 5-0-0

Mr. Lally wonders where we stand on the issue of borrowing money from the Trust Fund for the Fire Stations. Chairman Nichols stated that we do not have any information at the time but things are occurring. He has spoken with the Chairman of the Trust Fund and there should be some information within a week or so. It is possible that there may need to be a vote at both the Town level and State level. Chairman Nichols is also working with Mr. Schwotzer to come up with the financial impact of withdrawing money from the fund.

Mr. Lally would like to know when we will see a draft warrant article for the Fire Station buildings. Mr. Welch does not know. Chairman Nichols would like to see the first draft of more detailed articles in early October so that we have some time to work on them.

Mr. Griffin brought up martial arts weapons again and if this is something the Board is going to deal with. Mr. Welch explained that this can be done by the Board or as a petitioned article. There was a discussion on the passing of this at the State level and now the Town actually has the right to vote on this topic. Chairman Nichols asked Atty. Gearreald if the Board should act on the legislation that was passed and draft a warrant article that just limits where these items can be placed in a store. That is what Atty. Gearreald would suggest at this time. There was also a discussion about how we have to be careful when dealing with this topic taking constitutional rights into consideration.

VIII. New Business

1. Scholarship for Channel 22 – Discussed at the beginning of the meeting.
2. Recycling Order – Effective 09/07/2010

This is related to adding plastic materials marked 1 through 7. There was also a discussion on paper being mandatory and the Board has not voted on making paper mandatory yet even though it states on the recycling sheet that paper is mandatory.

Discussion

Mr. Lally would only point out that one might be careful about recycling paper items that include your personal information.

Mr. Bateman MOTIONED to approve the Recycling Order to be effective 09/07/2010. Mr. Znoj SECONDED.

VOTE: 5-0-0

IX. Consent Agenda

1. 2010 “Excavation Tax” Warrant
2. Eagle Scout Project at Founder’s Park – Andrew Fallon
3. Lane Memorial Library – New Sign Request
4. Jewel Towne Vineyards – Permission to sell Wine at the Hampton Farmers Market
5. Solicitation Permit “Voluntary Toll Booth” Hampton Firefighters Local 2664 on 08/15/10
6. Dance Hall Permit – Wally’s Pub 114 Ashworth Avenue
7. Street Closure Permit – Jenness Road on 08/21/2010
8. One Day Entertainment License – 24 North Shore Road on 08/14/2010
9. Taxi Operator License – Gerald Carofano for “Sunshine Taxi”
10. Taxi Operator License – Rose DiCiocco for “ABBA Taxi”
11. Taxi Operator License – John Fowler for “ABBA Taxi”
12. First America Corelogic request for Town of Hampton’s GIS Information, to be provided by Cartographic Associates, Inc.
13. Naming of Access Road to Winnacunnet High School “Warrior Way”

Mr. Bateman MOTIONED to move the Consent Agenda. Mr. Griffin SECONDED.

VOTE: 5-0-0

X. Closing Comments - None

XI. Adjournment

Chairman Nichols MOTIONED on a roll call vote to enter into a nonpublic session under RSA 91-A:3., II., (a). Mr. Bateman SECONDED

ROLL CALL VOTE: 5-0-0

  
Chairman