

**HAMPTON BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
April 19, 2004 7:00 PM**

**PRESENT:** William Sullivan, Chairman, Virginia Bridle, James Workman  
Cliff Pratt, Rick Griffin  
James Barrington, Town Manager  
Karen Anderson, Administrative Assistant

**PUBLIC FORUM**

The Board of Selectmen held a public forum to take comments from the public in regard to the proposal by the State of New Hampshire to re-institute one-way tolls on Route 95.

Mr. Bob Landry, Department of Transportation told the Board that he is the Project Manager for the temporary, one-way toll test for the 2004 season. He explained that on August 20, 2003 one-way tolls were approved by the Governor and Council for a ten-week test period. The plan went into effect on August 22, 2003. Mr. Landry said that the experiment was deemed a success in 2003 because the congestion was limited and there were no vehicular accidents. In 2005, the EZ Pass system will be operational and it is anticipated that will further reduce the congestion at the toll plazas. Mr. Landry apologized for the lack of public outreach when this was implemented last year and they are making every effort this year to keep the lines of communication open and solicit comments from the local communities. Several traffic counters will be in place this year in order to gather accurate data. Mr. Landry said that they will be considering all of the comments received at the public forums and will be making a report and recommendation to the Governor and Council. If approved the one-way tolls will be operational prior to Memorial Day and will end soon after Columbus Day. Mr. Landry said that they understand Hampton's concern with traffic being diverted onto Route 1.

Mr. Mark Collins, Love Lane, Rye told the Board that he is a former Hampton resident and understands the concerns of the Board. He told the Board that he conducted a survey in April and found that while some people felt there was an increase in traffic on Route 1 others did not notice any impact during the test period last year. Mr. Collins said that there are many reasons in addition to the one-way tolls that could have caused an increase in traffic and noted that some businesses would find that increase desirable. Mr. Collins suggested that the Board support the one-way toll option and he suggested that there are revenue opportunities for the State at the toll plazas. Mr. Collins suggested that the Hampton toll plaza be the first in the State to add a screen for "Amber Alert" highway notifications or even sell advertising space as has recently been done on the Tobin Bridge.

Mrs. Bonnie Searle, Penniman Lane appreciated the Board of Selectmen holding this forum and said that she feels strongly that whatever is done this year will become the permanent arrangement, although maybe on a seasonal basis. Mrs. Searle stated that Hampton streets are already overcrowded and while drivers, as a general rule, are courteous it is always difficult getting into traffic along Route 1. Mrs. Searle noted that Mr. Rice made a good suggestion at the forum held in Hampton Falls, to have an additional toll booth in Seabrook which would deter vehicles from leaving Route 95 and would likely alleviate some of the congestion in Hampton. Mrs. Searle acknowledged that it would be very difficult to try and collect the tolls only in the Southbound direction, noting that she has talked with a toll plaza employee who explained some of the restrictions. She asked that a study be done to determine the best way to alleviate the congestion before a change is made for this year. She asked if the comfort and convenience of tourists is being considered more important than that of the residents of the seacoast.

Mr. O'Malley, of the Department of Transportation, said that the recommendation last year had been for a one-year test and while the perception is that this is a done deal, that is not the case. Mr. O'Malley said that the Governor wants to hear the concerns from the residents and local law enforcement agencies. Mr. O'Malley said that one of the reasons they are looking at doing this test again this year is because EZPass will not be in place until the Spring of 2005. The test last year was considered a success because it did reduce the back-ups on Route 95. The recommendation will be for one year only.

Mr. Griffin said that it is a good idea to have an additional toll in Seabrook. Mr. O'Malley said that toll plazas are established through the legislative process, not by the Department of Transportation. He noted that it is not that easy and there are logistic problems as well as federal regulations that would impact the addition of a toll plaza in Seabrook.

Mr. Sullivan asked if drivers are able to get on or off the Everett Turnpike without paying a toll. Mr. O'Malley said that there are no tolls in Nashua and other toll plazas are unmanned at certain times.

Mr. Workman said that he appreciates what is trying to be done. He asked what the goal would be of the test again this year. Mr. O'Malley said that the goal is to improve safety and reduce the back-ups. Mr. Pratt noted that Hampton is unique from other communities because it owns Route 1, not the State and the additional 18-wheelers utilizing it regularly will ruin that road very quickly. Mr. O'Malley said that the Department of Transportation recognizes that and has also noted the growth rate in Hampton. Mr. Pratt said that it is his opinion that the State's responsibility is to the residents of New Hampshire, not to the tourists that come.

Mr. Sullivan asked if there was still a tunnel under the toll booths. Mr. O'Malley said that there was and it is primarily for utilities. Due to the narrow spiral staircase in the tunnel, the toll attendants are encouraged to cross safely above ground.

Mr. Vic Lessard asked why this can't wait until EZ Pass. He noted that in New York you only pay a toll one way, but you can't dodge the toll by taking an alternate route. Mr. Lessard said that concerns have been raised about the number of trucks on the road, but as a truck operator he knows that cars do more damage to roads than the large trucks because the weight is balanced. Mr. Lessard asked if the weight limit for trucks on Route 95 is 80,000 lbs. Mr. O'Malley said that New Hampshire has a temporary exemption on the weight loads of 99,000

Chief William Wrenn said that the Department of Transportation has heard his comments before and he thanked them for agreeing to keep the dialogue open during the test. Chief Wrenn also thanked Governor Benson for taking the time to discuss this with him today. Chief Wrenn noted that he received several calls last summer during the test and he was disappointed to see that none of the people with those concerns were present to share their thoughts. Chief Wrenn told the Board that the four police chiefs of the immediate area are opposed to this test again and they feel that the impact from last year was enough to convince them that the increased traffic on Route 1 was not necessary. Chief Wrenn said that there are quality of life issues to consider and this is encouraging people to get off Route 95 to avoid the increased toll. Chief Wrenn asked that the recommendation to the Governor and Council be for two-way tolls this year and institute the EZ Pass in 2005. If a test is to be conducted with one-way tolls, he recommends that it be tried in the opposite direction.

Mr. Griffin asked Chief Wrenn if he recommended that the north bound direction be free from the tolls. Chief Wrenn said that would be his recommendation if a test was to be done, although he knows that the Towns of Greenland and Stratham would see the impact onto Route 33.

Mr. Landry said that there is a permanent traffic recorder in North Hampton and during the test an additional counter was put in at the Hampton/Hampton Falls town line.

Mr. Pratt asked if it is an assumption that when EZ Pass is implemented the tolls would return to both ways. Mr. Landry said that the recommendation being considered is for one year only.

Mr. Gerald Dignam said that there has always been a problem at the tolls in both directions and he suggested that waiting one more year would not be a problem.

Mr. Nathan Page suggested that if one-way tolls go into effect again, that the rate for trucks not be increased in order to encourage them to remain on Route 1. He also asked if there could be more

enforcement and inspections of trucks by the Department of Safety on Route 1. Chief Wrenn said that there are limited areas where the inspections can be done on Route 1 although Governor Benson has committed more enforcement from the Department of Safety.

Governor Benson said that there have been a lot of issues raised and he appreciated the opportunity to discuss them. He confirmed that the Department of Safety has agreed to man the weigh station on Route 95 twice per week, at various times. Governor Benson reviewed the traffic counts obtained during the test period last year, noting that the counts were taken in North Hampton at the permanent counter site. During the three weeks prior to the one-way toll experiment last year there were an average of 10,500 vehicles in each direction on Route 1 on a daily basis. During the test, the average was 10,000 vehicles per day in the northbound direction and 9,500 vehicles daily going southbound. The number of trucks on route 1 stayed the same before and during the test at 180 per day. The daily truck average was 130 going southbound and 50 going northbound.

Governor Benson said that the savings people would realize bypassing the northbound toll and re-entering Route 95 in Portsmouth, while using tokens is \$1.00 and he does not feel that people will take the additional time to travel on an already "lousy" Route 1 for that amount of savings. The Governor said that the traffic congestion on a weekday bothered him more than the congestion on the weekends, pointing out that most of those vehicles are New Hampshire residents trying to get to home.

Governor Benson told the Board that the State has been warned by the Federal government about the level of air pollution on the highways and this is one way that some of that can be mitigated. He emphasized that prior to the toll experiment Route 1 was lousy and during the experiment it was still lousy and something needs to be done, but a seven mile back-up on Route 95 is not the way to go. Governor Benson said that the number of accidents on both Route 95 and Route 1 was reduced during the 10-week period and it is important to roll out the red carpet for our residents as well as the tourists. He said that EZ Pass will reduce some of the congestion, however, is not the panacea that some people think; the key will be how many people participate in the program, with the number expected to be 20% of the vehicles. He did feel that trucks will be more apt to stay on Route 95 with EZ Pass. The experiment this year will provide the State with better traffic counts and more reliable data.

Mr. Lessard stated that the sale of tokens at the toll plazas creates a great deal of the congestion. Governor Benson said that they tried one weekend with tokens not being sold and that did not make enough of a difference. Governor Benson stated that this is by no means a done deal and he is looking at his responsibility to the residents of the Seacoast as well as his responsibility to get people home safely and as quickly as possible.

Mrs. Bridle said that if the roads get deteriorated by the additional traffic a percentage of the parking meters at the beach would be helpful.

Mrs. Searle asked how the town could get a test done of the air pollution in the center of town. Governor Benson said that there was no study done on Route 95 that he is aware of.

Mr. Lessard said that what bothers him is the concerns expressed about the trucks and he said if you stop 10 cars for an inspection you will find 50% with defaults and if you stop 100 trucks you will only find 10% with defaults.

In regard to the suggestion that the test be done in the opposite direction this year, Governor Benson said that can not be done because the highway layout does not provide enough length to safely merge the vehicles back into a four-lane formation.

**PUBLIC HEARINGS:**

The Board of Selectmen held public hearings in regard to the acceptance of the following grant:

- 1) NHEP Grant in the amount of \$12,196.00 for the Conservation Commission for the Prime Wetlands Delineation in cooperation with Hampton Falls.

Ellen Goethel, Chairman of the Conservation Commission stated that this project was reviewed and approved by the Board of Selectmen in October and this is the hearing for the acceptance of the grant. The town's contribution is the in-kind donation of labor. After the survey is completed there will be a request to accept the delineation of the wetlands.

There were no comments from the public.

**Mr. Pratt MOTIONED** that the Board of Selectmen accept the grant as outlined above.

**Mr. Workman SECONDED**

**VOTE: UNANIMOUS FOR**

The Board of Selectmen held the second of two public hearings on the acceptance of drainage easements on Playhouse Circle under the RSA 41:14-a process.

There were no public comments and the vote on this matter will be held on May 4<sup>th</sup>.

**I. SALUTE TO THE FLAG**

Mr. Brian Goetz led the audience in the flag salute.

**II. ANNOUNCEMENTS**

Book Sale

In recognition of National Library Week, the Lane Library will be holding a book sale beginning on Thursday, April 22<sup>nd</sup>.

Elder Abuse Forums

Mr. Workman announced that on Monday April 26<sup>th</sup> two free public forums will be held on elder abuse.

May 6<sup>th</sup> 5:30 at the Galley Hatch Conference Center, reception for Charlotte Preston and Paul Lessard for their roles as Supervisor of the Checklist and Moderator. Tickets are available for \$20.

The Tax Collectors office will be closed on April 22<sup>nd</sup> while the staff attends a conference.

**II. APPOINTMENTS**

1. Mr. Brian Goetz and Mr. Larry Bingaman, Aquarian Water Company Updates

Mr. Goetz thanked the Board for the opportunity to present the annual update for Aquarian Water Company. He introduced Mr. Larry Bingaman, Senior Vice President of Operations from the office in Connecticut. Mr. Goetz told the Board that Aquarian has 8,500 customers in the Hampton, North Hampton and the Jenness Beach area of Rye. Mr. Goetz told the Board that he had good news to share, noting that due to the increased water sources they have developed, the growth moratorium has been lifted by the Department of Environmental Services. He explained that since 1995 when the moratorium was put into place, six new wells have gone on line, bringing the total to sixteen ground sources. An update on the conditions of the water supply has been provided to town officials on a monthly or more frequent basis as needed. Mr. Goetz told the Board that the current conditions are very good, with more than seven inches of rain in the last two weeks at a time of the year that the ground is porous and the rain is well received by the aquifers.

Mr. Goetz said that although the moratorium has been lifted, efforts will continue for water conservation and a close watch will be kept on the seasonal conditions. He added that the company has begun work on updating their Master Plan, which will include a hydrologic study. Mr. Goetz noted that they will continue to look at additional water sources, researching the feasibility of desalination and pursuing interconnections with neighboring systems. Mr. Goetz informed the Board that the company does have plans to file for a rate increase early next year. He noted that since 1999, \$5.5 million has been invested in the system with another \$1 million anticipated to be invested this year.

Mr. Goetz said that as a result of the town's vote of \$12 million for infrastructure improvements at the beach the company is trying to work with the town and offer their support of the plan, but are finding it tough to come up with concrete costs and plans because the specific work has not been determined. Mr. Goetz noted that at this time there is nothing included in their Capital Improvement Program for that area.

Mr. Bingaman thanked the Board for the opportunity to meet them and said that he plans to visit on a periodic basis. He confirmed that Aquarian Water Works is committed to invest in the Hampton system and that has been the case in each of the past two years. He assured the Board that the company is committed to operating as efficiently as possible and actively participating in the community. Mr. Bingaman told the Board that Mr. Goetz will continue to have the full support of the company to continue his efforts for Hampton.

Mr. Griffin said that one issue that always gets brought up at the Planning and the Zoning Board meetings is the concern that there is not enough water to support the development in town. Mr. Griffin asked if this was true and if so, if strong efforts were underway to prevent that. Mr. Bingaman said that even though the moratorium has been lifted, they continue to remind customers to use water wisely and not to waste it. With the two additional water sources, Hampton is in better shape than it was a few years ago and is not in danger of running out of water. Mr. Goetz said that the newest wells are bedrock wells, which is harder water to get to, but provides an abundant source. Mr. Griffin asked if the future rate increase is tied to the infrastructure investments. Mr. Bingaman said that the company is allowed a rate of return on the investment that is made and the PUC will determine what is allowed to be put on the rate base. Mr. Bingaman said that the average customer in Hampton pays \$330.00 per year for water. Mr. Griffin asked about the sediment people get in their systems, and if that would go away if a water softener is added. Mr. Goetz said that if you add a water softener the sediment will go away but there are quality issues that can occur. He explained that the sediment is a result of the calcium in the water when it evaporates.

Mr. Pratt asked if they have worked with communities that have recycled their effluent from wastewater treatment plants. Mr. Bingaman said that they have not been involved with that, although it is getting more common in California. He understands that it has been very successful in the desert areas where they have a severe water shortage. Mr. Goetz said that they met with Mr. Barrington about this a couple years ago and while it was studied, there were a lot of questions that were not able to be answered at that time.

Mr. Sullivan encouraged them to continue their efforts for the interconnection with the Exeter system and noted that Maine has been very successful with connecting systems.

### **III. OLD BUSINESS**

#### Town Manager's Report

##### District Court

Mr. Barrington reported that Peter Goodwin, the State Court Administrator called on Monday to report that the siting of the new court is on hold until the legislature decides if there is to be one court or two for Hampton and Exeter.

Concession Stands

Recreation and Parks Director Dyana Martin has advertised for service delivery at the Tuck Field concession stand again this summer. Mr. Barrington said that interviews of three firms that responded have been conducted and a decision is pending.

School Resource Officers

Mr. Barrington reported that at the Hampton School Board meeting last Monday, there was apparently some confusion over the funding source for the School Resource Officer. Tuesday morning Superintendent Gaylord reported that the School Board had asked if it would be possible for someone from the Town to attend their next meeting to answer questions the School Board has. Mr. Barrington told the Board that he and Chief Wrenn would probably try to make themselves available for that meeting. Mrs. Bridle asked if the overtime for school dances and like activities was paid from the Special Revenue Fund. Mr. Barrington said that he was not sure, but it is likely that the details for the dances and other events did come from the special revenue fund. Mrs. Bridle said that the Chief should have the information about where the salary and where the overtime comes from available for the School Board meeting.

USS Hampton

Mr. Barrington told the Board that the Commander of the USS HAMPTON called from the North Pole at 10:00 AM where the submarine and a British submarine were involved in some training exercises under the ice cap. The crew is expecting to continue the training for awhile and will be in Norfolk late spring or early summer.

Drakeside Road

Mr. Barrington said that the lift station on Drakeside Road is at a point where it could operate, although he was told that the gas is not operating in order to power the generator. There are minor cleanup details remaining but the lift station is expected to be operational shortly. Mr. Barrington explained that while repair efforts were underway on the section of road that failed a natural spring was found under the road bed that seems to have contributed significantly to the failure in that area. The contractor is working on a system to channel the water out from under the roadway.

Mrs. Bridle said that she would like a specific date when the pump station and the generator will be up and operating. Mr. Barrington said that he will ask Mr. Nigrelli for that date. Mr. Barrington said that the development that was tied to the completion of the lift station will be ready for occupancy around mid-May and no occupancy permits will be issued for either of the buildings until the pump station is operating. Mrs. Bridle asked that all of the department heads be made aware of that restriction.

School Resource Officers

Mr. Workman asked when the WHS School Board would be meeting to discuss the funding of the school resource officer. Mr. Workman said that it may be beneficial to have the Town Manager attend the meeting. Mr. Sullivan said that it appears that the Police Chief is paying a close attention to what private details are being filled because he has noticed some minor construction on side roads that have not had a detail present. Mr. Pratt said that he thinks a date should be set, such as June 1<sup>st</sup>, for the Board to determine how to handle the funding for the school resource officers. Mr. Pratt said that in regard to the high school, his is completely opposed to Hampton paying the full cost for three other towns. Mr. Sullivan suggested that it could be helpful for Mrs. Duhamel to attend the school board meetings.

Non-Public Meeting

Mr. Barrington requested to meet with the Board in a non-public session under RSA 91-A:3 II, (d) at the conclusion of the meeting to discuss a real estate matter.

**Mr. Pratt MOTIONED** that the Board of Selectmen meet in a non-public session under RSA 91-A:3 II, (d) at the conclusion of the meeting to discuss a real estate matter.

**Mr. Workman SECONDED**

**VOTE: UNANIMOUS FOR**

2. Changing Street lights on Lafayette Road (Town Center)

Mr. Sullivan reminded the Board that it was approved last year to change the lights in the town center from the mercury vapor lights to the high pressure sodium lights and it has not yet been done. Mr. Barrington said that he did not realize it had not been done as Unitil has agreed to do it at no additional cost to the town. Mr. Sullivan asked that Mr. Barrington follow up on that with Unitil.

**NEW BUSINESS**Request for streetlight to be changed on High Street

Mr. John Nyhan, of the Victoria Inn has requested that the street light in front of his property on High Street be changed to the brighter, high pressure, sodium lights. Mr. Barrington said that he has inquired of Unitil if that was possible and Mr. Wade has responded that it can be done. Mr. Griffin asked if all of the neighbors are in agreement with the change. Mr. Barrington said that Mr. Nyhan has indicated that he has talked to the residents on the corners and they do not have an objection. Mr. Griffin asked who bears the cost for that. Mr. Barrington said that Unitil could charge the Town, but Mr. Wade has led him to believe that because only one light is being done, there would be no cost to the Town. Mr. Sullivan suggested that Mr. Barrington wait a couple of days to proceed in order to see if any other neighbors express concerns.

**Mr. Pratt MOTIONED** that the street light on High Street, near the Victoria Inn be changed to the brighter, more cost efficient light.

**Mr. Workman SECONDED**

**VOTE: UNANIMOUS FOR**

2004 Surplus Property

The Board reviewed the list of surplus property for 2004 as compiled by the Department. Mr. Barrington discussed the potential of bringing in a professional auctioneer for the auction this year in an effort to increase the revenue. He also noted that some towns have had success selling vehicles on E-bay. Mr. Sullivan asked if the other departments have been provided a copy of the complete list. Mr. Barrington said that not has been done yet but he will do that to determine if another department may be able to use something before it is disposed of.

Mr. Sullivan said that he would not have any problems with looking at other options. Mrs. Bridle said that in a default budget year, she is not sure this is a good year to try something new. She asked if the auctioneer would be donating the service. Mr. Barrington did not know if that would happen and will provide more information next week.

National Library Week

**Mr. Workman MOTIONED** that the Board of Selectmen sign a proclamation in recognition of National Library Week.

**Mr. Pratt SECONDED**

**VOTE: UNANIMOUS FOR**

Eagle Court of Honor

**Mr. Workman MOTIONED** that the Board of Selectmen sign a certificate of recognition for Peter Argue for his attainment of the rank of Eagle Scout.

**Mrs. Bridle SECONDED**

**VOTE: UNANIMOUS FOR**

High Street Cemetery

Mr. Pratt told the Board that he got a letter from a resident that found an Easter Egg Hunt taking place at the High Street Cemetery while visiting their family's plot. Mr. Pratt said that this was inappropriate and asked that a letter be sent to the Cemetery Trustees expressing the Board's concerns. Mr. Barrington said that it is likely that it was the same resident that called him and he referred her to the Cemetery Trustees. Mr. Barrington said that the explanation he has heard is that the egg hunt is an individual family's tradition that started on their own plot and has apparently expanded. Mr. Barrington will send a letter to the Cemetery Trustees.

**IV. MINUTES**

The minutes of April 5, 2004 were accepted as written.

**V. CONSENT AGENDA**

1. Land Rent Abatement
2. Cemetery Deeds
3. Entertainment Permit- Victoria Inn
4. Coin Operated Amusement Permits
5. Nursing Home Referral

**Mr. Workman MOTIONED** that the Board of Selectmen approve the consent agenda.

**Mr. Griffin SECONDED**

**VOTE: UNANIMOUS FOR**

**VI. PUBLIC COMMENTS**

Mr. Vic Lessard spoke about the ongoing work on Drakeside Road and the spring that was found to have caused a section of the road to fail. Mr. Lessard reminded the Board about the water problems that had existed in the past near the Woodman property and the efforts that had been made to correct that. At this time they are waiting for the engineers to certify that the work that has been done to divert the water to the sides of the road will work prior to repaving that section. Mr. Lessard told the Board that as far as the pump station is concerned, he knows that it is not on line as yet but the gas line has been dug and the hold-up may be the gas company.

**VII. ADJOURNMENT**

**Mr. Workman MOTIONED** that the meeting be adjourned. ( 9:22 PM)

**Mr. Pratt SECONDED**

**VOTE: UNANIMOUS FOR**

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Chairman