

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
June 27, 2005 8:00 PM**

PRESENT: James Workman, Chairman, Cliff Pratt, Vice Chairman
Rick Griffin, Ben Moore, Virginia Bridle-Russell
James Barrington, Town Manager
Karen Anderson, Administrative Assistant

PUBLIC HEARING

The Board of Selectmen held a public hearing to take comments from the public in regard to the acceptance of a gift from the Crimeline of the Hampton's of computer equipment valued at \$941.00.

There were no public comments

Mr. Pratt MOTIONED that the Board of Selectmen accept the computer video equipment valued at \$941.00 from the Crimeline of the Hampton's.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

I. SALUTE TO THE FLAG - Chief William Wrenn led the audience in the flag salute.

II. ANNOUNCEMENTS

Black Gold

Mr. Moore said that the compost at the Transfer Station has been sifted and is excellent "black gold" which is free to Hampton residents. Residents do need to bring a container or bag to put the compost in for transporting it home.

Vehicle Registrations

Residents with June birthday's were reminded to register their vehicles.

Sand Castle Competition

The Hampton Beach Village District was commended for a great event with the Sand Castle competition this past week. The sculptures will remain up for the remainder of this week.

III. APPOINTMENTS

1. Mr. Warren Mackenson, Re: Trust Funds

Mr. Mackensen thanked the Board for the opportunity to speak about the Hampton Real Estate Trust Funds. He gave a brief history of the source of the Real Estate Trust Funds and noted that the funds currently consist of about \$16 million in assets that are managed by three elected Trustees. He said that it is his opinion that the trust funds should keep pace with inflation and that is what he would like to speak about. The focus of the trust funds has been to turn over all of the income from the funds each year to offset the tax rate and that has been done without fail. There is no growth component to the funds and that is what he would like to address. In 1991, the principle balance was \$13 million and if it had been able to keep pace with inflation, it should be \$18 million today, however the current balance is approximately \$16 million. The only reason the fund has grown is due to increases to the principle from additional land sales. The town is just about out of the sales, so there is little chance for the balance to increase.

Mrs. Bridle asked if the Board of Selectmen have any say over the investment of the trust funds. Mr. Mackensen said that he does not believe they do, but what he would like is the endorsement of the Board of Selectmen for a warrant article to change the investment policy of the trust funds for more growth potential. He explained that he met with the Trustees and they indicated a willingness to change the investment policy upon approval by Town Meeting. Mr. Mackensen has suggested a "Unitrust" which is one way to add a growth factor, and he explained the concepts and growth potential of the "Unitrust".

Mr. Moore asked if the Trustees have any control over the current investment policy. Mr. Mackensen said that it does seem that the Trustees have their hands tied somewhat because there is a sentence in the enabling legislation that states that the "principle shall remain intact". Mr. Moore noted that this is a separately elected Board and before he would be willing to endorse this, he would want to know that the Trustees were in support. Mr. Griffin commended him for taking the time to do this and provide the opportunity for the town. Mrs. Bridle agreed that she appreciated the work that was done and she would like to hear the thoughts of the Trustees of the Trust Funds on this. Mr. Workman noted that this is a lot of food for thought and it is likely that the Board of Selectmen will invite the Trustees in to discuss this with them later in the summer.

1. Mr. Russ Bernstein, Re: Accounting for budgetary expenses

Mr. Bernstein told the Board that it is bothering him to hear from people that they feel the town is being mismanaged. The thoughts are out there because it is perceived that the town should be able to operate on the default budget amount, since it is greater than last year's budget. He said that as a budget committee member, he understands that there are increased costs, but he believes the town's leaders need to explain the differences in costs from one year to the next to help the public understand the problems the town is facing. Mr. Bernstein said that such an explanation would make the voters more comfortable with the budget numbers. The town needs to regain the voter's trusts and confidence in the decision process by giving them the facts. He said that there is a credibility crisis that could be bigger than the budget crisis.

Mr. Moore said that the statistics about what we are spending is a public matter and the reports are available and the difference from one year to the other was spelled out in the budget. Mr. Bernstein said that the perception of the public is that they are not legitimate increases. He understands where the increases are and is able to review the budget line by line, but the public is not able to do that. Mr. Bernstein said that more information will assist the public in their understanding.

Mrs. Bridle said that she has been on the Board of Selectmen for 10 years and has been on the Budget Committee for 14 years and she does not understand why there is so much difficulty this year. Mr. Workman asked if Mr. Bernstein was looking for the Board to provide a line by line budget or a summary of the increases from last year to this year. Mr. Bernstein said that a general summary to show where the increase is being spent would be very helpful. Mr. Barrington said that he would be willing to work on that if Mr. Bernstein could meet with him so that he could better understand the information he is looking for. Mr. Bernstein said that he would do that.

2. Mosquito Control Commission

Ms. Ann Kaiser, Chairman of the Mosquito Control Commission was present with the other members, Mr. Richard Reniere and Mr. Russ Bernstein. Ms. Kaiser noted that the Mosquito Control Commission came in with a smaller budget for 2005 than the previous year, although with the default budget it was further reduced. The funds for the adulticiding (spraying) and placement of the green head traps were removed. The contractor, Dragon Mosquito, put the 160 greenhead traps out at no additional cost to the town. Ms. Kaiser said that the problem is that we know that West Nile Virus is here and we do not know what the Equine Encephalitis outbreaks are going to be like. While the mosquitoes have not been horrendous so far, they would like to request additional funds for spraying if needed. Mr. Reniere noted, however, that Sarah MacGregor, of Dragon Mosquito, has reported that she did not know if she would have the personnel to do the adulticiding even if additional money was available. They did not hire staff to spray after both Hampton and North Hampton decided not to spray. Mr. Reniere pointed out that their 2004 budget was \$103,000 and when they went out to bid for a contractor they were able to secure Dragon Mosquito Control at their proposal of \$93,000. With the adjustments due to the default budget their budget was reduced to \$66,000. The work that Dragon Mosquito is doing consists of population monitoring of 97 sites and larviciding where necessary and monitoring over 1600 catch basins and treating them as needed. There are 160 greenhead traps located around the town in the marshes and in addition, light traps are placed in various areas to determine mosquito populations. Initially the town's program included the spraying and that is the money that was cut.

Mrs. Kaiser said that if there is an outbreak of EEE or West Nile Virus, the Town may or may not be able to control that so they are asking the Board for additional funds to supplement their budget to take care of that problem. Mrs. Kaiser said that they want the public to be aware that the spraying is not going to happen unless there is an emergency.

Mr. Moore said that hopefully there won't be a need for emergency funds and commended the Commission members for doing a good year in a difficult year. Mrs. Kaiser asked the general public to make sure that they don't have any open containers of water around their yards that could become a breeding site for mosquitoes and if they find streams or bogs that no one seems to be checking, please call the town office to report the location. The site will be checked to determine if it is a breeding site. Mr. Griffin said that he has noticed a lot of activity with the larviciding and it seems to be working well. Mrs. Kaiser commended Dragon Mosquito for their efforts and thanked them for putting out the green head traps without the extra funds.

IV. OLD BUSINESS

Town Manager's Report

Transfer Station – Holiday Hours

With the July 4th weekend coming up, the transfer station will be open on Monday the 4th and on Tuesday the 5th. Regular trash collection will take place on Monday.

Infrastructure Questions/Concerns

Mr. Barrington outlined the answers to some of the questions that have been raised regarding the infrastructure project.

1. Parallel parking vs. diagonal parking – diagonal parking was considered during design development and was not advanced due to the lack of right-of-way width. The diagonal spaces take up a perpendicular distance (across the ROW) of 17.5 feet at 45 degrees, and nearly 20 feet at 60 degrees. With 18 foot minimum distance for emergency access, this leaves a total of as much as 4.5 feet and as little as 2.0 feet for sidewalks (combined for both sides). In addition, the number and width of curb cuts makes diagonal parking a no go. Also, the reality of the ROW, with over 70 encroachments and with most streets less than 40 foot ROW, makes this option unrealistic.

2. Sewer work in the Island Area - The current contract calls for sewer work in the Island area, but no sidewalks, curbs, or drainage work. Since this is in the last phase of work, we could evaluate how much contingency is available at that time for any additional work that would be desired.

3. Update from FST on the sidewalk installation and final cleanup -

A. * Kings Highway * -. Zoppo is working a four day week, with no work on Friday (unless something happens that they have to address....not anticipated) and will be installing the permanent bituminous concrete patch on High St. Monday and Tuesday.

B. ** Beach Area ** - Zoppo is planning on four day week with no work on Friday. However, if they don't finish the driveway aprons (paving) they may need to be out there Friday morning only, but that is not anticipated at this time. The concrete sidewalks will be finished by Wednesday, with pours on Tuesday and Wednesday. Cross walks on Ashworth are scheduled to be painted on Thursday. The current plan is for them to begin work at 2:00 a.m. on Thursday and be completed with the painting before 11:00 a.m. General clean up and small items will be done this week and next. No lane closures next week. Mr. Barrington said that it was hoped that all of the traffic signs would be installed this week, but they have not come in to DPW as yet and it looks like they will be installed next week.

4. Do we have a legal problem re: the costs of reconnects to the sewers? Attorney Gearreald is reviewing this question and will have an answer.

5. Is there a good legal argument on why we are relocating the sewers from current locations in backyards, etc. to the streets? – Mr. Barrington said that his initial response is that it is more of an engineering reason than a legal reason. Access to the sewer lines and removing problem areas before they become totally unmanageable were the primary initial considerations. Many are older clay pipes that are leaking and need to be replaced. The standard over the years has been to put the sewer line into the street rather than deal with backyards that have obstacles such as decks and fenced, it makes sense to have the lines where they are most accessible.

6. The loading zones, no parking issues, direction of traffic on Ashworth Avenue – Mr. Howe has explained to the Town Manager that the problem with leaving the traffic one-way with the current design is that the crown of the road is in the wheel path of one of the lanes. If the Board is interested in revisiting the question of one-way vs. two-way traffic on Ashworth Avenue, it should be done with Mr. Howe present at the July 25 meeting.

Mr. Workman asked if his understanding was correct that all work was to be completed by June 20th. Mr. Barrington said that was his understanding and Zoppo is finishing cleanup at this time and will be out this weekend; the utilities are still finishing up their work. Mr. Moore said that if they are going to be painting at night they need to be careful to sign the area appropriately to avoid any problems with paint getting on vehicles. Mr. Moore asked when the old poles will be removed. Mr. Barrington said that in Hampton, Unitil is responsible for the poles, they have set the new poles and moved their wires onto the poles and they leave the old pole in place until the other wires are moved. Verizon, Comcast and the fire alarm systems have to be moved in a specific order and when all of the lines are moved the poles are removed.

Mr. Moore asked about the decision from Aquarion about moving the line on Kings Highway. Mr. Barrington said that the last he heard was that they were not going to be replacing the main.

Mr. Griffin said that he would like to see the work all closed up before the 4th of July. Mr. Griffin said that it is a good idea for the Board to come to a decision regarding the one-way or two-way traffic on Ashworth Avenue, the sooner the better so that residents will understand what is going to happen. He noted that over the past weekend he was trapped on Ashworth Avenue for almost an hour trying to get over the bridge. The bridge was open for over twenty minutes and traffic was severely backed up. Mr. Griffin suggested that the Board of Selectmen get together with some representatives from the State to see what can be done about the bridge opening and closing so many times. While sitting in the traffic he was able to see the many places that are not abiding by the current loading zone ordinances and they are not being enforced, many of the business owners are using loading zones as their personal parking spaces. Mr. Griffin said that there are two sides of the story and at the meeting last week, the Board of Selectmen heard from the people who feel one way, but he is getting calls from a lot of people who feel differently. He asked about the property on Kings Highway, the Blue Spruce, how they will be affected by that project. Mr. Barrington said that the town's work is only going as far as 12th Street and that will address the moratorium area that exists. Mr. Griffin asked if part of the general cleanup includes the street sweeping on the side streets. Mr. Barrington said that they are working on blocking one side of the street one night and the other side the next to be able to get the streets cleaned up.

Mr. Pratt asked that Mr. Barrington write to the residents of N Street informing them that the Board of Selectmen upheld the Town Manager's decision. Mr. Workman confirmed that had already been done. Mr. Pratt suggested that the times for the loading zones should be refined to start later than 6:30 AM. There were some constructive ideas brought forward at the meeting, however there were some inappropriate comments directed at the Board of Selectmen.

Surplus Auction

The Town Surplus Auction will be held on July 9th beginning at 8:30 AM at Public Works and continuing at the old town office at 9:30 AM. Mr. Pratt volunteered to conduct the auction. Mr. Barrington said that an expert has looked at the baseball cards and his recommendation is to sell them as a whole lot. Sealed bids for the 95,000 bids will be accepted prior to the auction to be opened at the auction.

Tides Motel

Mrs. Bridle-Russell asked how Mr. Ozberak is going to get reimbursed for the awning damage. Mr. Barrington said that Mr. Zoppo has done what he can with his insurance company. Mr. Ozberak has been reimbursed, less his deductible, by his insurance companies and now the various companies are fighting with each other. Mr. Barrington said that he does not see an answer to this. Mr. Workman asked what we can do to encourage all of the companies to resolve this. Mr. Barrington said that we have done that and in today's society with everyone having an attorney, and everyone concerned with precedents of paying without proof, no one is willing to pay the claim to make it go away. Mr. Barrington said that it is not right the way this has happened but he does not see a solution.

Budget Work Session

Mr. Moore said that the Board has had some discussions about having a work session prior to the budget review sessions and he suggested this could be done on July 25 or August 8th. The Town Manager's vacation schedule was compared and it was determined that August 15th would be appropriate for the work session to discuss budgets, special revenue funds and the school resource officer funding. Mr. Moore requested that the Board of Selectmen get a copy of the budget instruction memo when it is issued to the department heads. Mr. Barrington said that he will do that. Mrs. Bridle-Russell requested a report on the legal expenses that have been spent to date.

V. NEW BUSINESS

Mr. Workman reminded the Board that they received a grievance from Local 2664- IAFFF and need to schedule a hearing for July 11th.

Mr. Moore MOTIONED that the Board of Selectmen hold a hearing for the Local 2664 grievance (vacation time) on July 11, 2005 at 7:00 PM.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

Mr. Pratt MOTIONED that the Board go into non-public session at the conclusion of the meeting to deliberate on the grievances heard prior to this meeting.

Mrs. Bridle-Russell SECONDED

VOTE: UNANIMOUS FOR

Mrs. Bridle-Russell requested that the Board of Selectmen received any financial implications for this grievance prior to the July 11th hearing.

Seacoast United Soccer

Attorney Gearreald told the Board that an application is pending for a tax exemption from Seacoast United Soccer Club. He has prepared a letter for the Board's approval requesting additional information and he wanted to be sure that the Board of Selectmen was in agreement with the letter. Attorney Gearreald told the Board that the applicant would like to meet with the Board of Selectmen to discuss the application. Mr. Workman said that the information should be submitted by the end of the July and the appointment can be scheduled with the applicant after that.

Town Manager

Mrs. Bridle asked if the Board of Selectmen needs to do an evaluation of the Town Manager. She noted that the Board has not been receiving the quarterly reports. Mr. Barrington said that the reports were not mentioned at the last review so he has not continued them. The consensus of the Board was that the reports were not necessary.

District Court

Mr. Workman asked if the letter has gone out to the other communities served by the Hampton District Court. Mr. Barrington said that he has been working on the it and expects the letters to go out Tuesday.

VI. MINUTES

The minutes of June 20, 2005 were reviewed.

Mr. Moore MOTIONED that the Board of Selectmen accept the minutes of June 20, 2005 as prepared.
Mrs. Bridle-Russell SECONDED **VOTE: UNANIMOUS FOR**

VII. CONSENT AGENDA

- 1. Elderly Exemption
- 2. Boot Drive Request – Burn Foundation

Mr. Pratt pulled #1 and requested Mr. Estey to meet with the Board on this.

Mrs. Bridle-Russell MOTIONED that the balance of the consent agenda be approved.
Mr. Workman SECONDED **VOTE: UNANIMOUS FOR**

Mr. Estey will be asked to meet with the Board on July 11th.

VII. PUBLIC COMMENT

Mr. Michael Pierce said that it is important that the Board of Selectmen look into the future of the special revenue funds early in the budget process. He asked the Board if the grievances will become public, if the public will learn what the complaints and resolutions are. Mr. Barrington said that the final decisions are public, to the extent that there are monetary settlements, but if they are personnel matters they may not be public.

Mr. Richard Reniere asked if there will be trash pick up on July 4th and when the three-times a week trash collection will begin. Mr. Barrington said that there will be regular collections on July 4th and it is his understanding that the summer trash collection schedule began on June 14th.

VIII. ADJOURNMENT

Mrs. Bridle-Russell MOTIONED that the meeting be adjourned. (9:40 PM)
Mr. Griffin SECONDED **VOTE: UNANIMOUS FOR**

Chairman