

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
OCTOBER 15, 2007 – 7:00 PM**

PRESENT: Ben Moore, Chairman
Bill Lally, Vice Chairman
James Workman
Virginia Bridle-Russell
Rick Griffin
Fred Welch, Town Manager
Maureen Duffy, Administrative Assistant

REGRETS:

SALUTE TO THE FLAG

Chairman Moore called the meeting to order at 7:00 p.m. and introduced those in attendance.

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Workman announced the Fire Safety open house at Station #2 on Saturday, October 20th starting at 10 a.m.

Chairman Moore reported that the Hampton Energy Committee will be meeting this Thursday, October 18th at 7 p.m. in the conference room. In addition, he announced a local author signing night at Barnes & Noble in Portsmouth this Thursday, October 18th at 7 p.m. Authors of the "Postcard History of Hampton", Elizabeth Aykroyd and Betty Moore will be there signing books.

II. APPOINTMENTS

1 – JOHN NICKERSON & BRAD JETT – CH22 EQUIPMENT PURCHASE

Mr. Nickerson cancelled tonight's appointment as the committee is still waiting for another quote before coming before the Board.

III. MINUTES – OCTOBER 8, 2007

Page 11 – second paragraph – Chuck Ray should read Chuck "Rage"

The October 8, 2007 meeting minutes were approved as corrected.

IV. OLD BUSINESS

1. TOWN MANAGER'S REPORT

Mr. Welch commented on the dedication of the Town's Fire Boat to fallen Firefighter Bryan J. Litchfield. The ceremony took place at the Town Governmental Pier yesterday (Sunday, October 14, 2007).

A bid was awarded to Northern Business Machines, Inc. to provide a replacement copier for the Department of Public Works. Northern was the low bidder at a cost of \$3,575.00

The State Department of Transportation will be holding a public informational meeting on the draft feasibility study to replace the Taylor River I-95 Bridge and dam at the Hampton Falls Town Hall on Monday, October 29th at 7:00 PM.

Mr. Welch was pleased to announce that Officer Steven Henderson and Officer David Hobbs were appointed effective October 9, 2007 as Police Sergeants.

SELECTMEN'S RESPONSE TO THE TOWN MANAGER'S REPORT

Mr. Griffin asked about the fire boat. Mr. Welch reported that the boat has an engine problem and is being transported to Portsmouth to be repaired.

Mr. Moore noted that the Board received the accounting for the Kings Highway project. He asked if there is anything to report regarding FEMA funding. Mr. Welch said that it is still outstanding.

2. FISH HOUSE

The Town Manager said that there are two items that need to be addressed. The first is that the Town owns one of the fish houses and is in violation of the current law. The second item is that the current owner of the other house is not a fisherman and built a completely new structure without proper permission.

To address the fish house matter, the Board needs to determine if they would like to sponsor a warrant article for both houses or enforce the current law (tear down or remove the structures).

Mr. Griffin was approached by a local commercial fisherman who is interested in taking over the Cropper fish house. Mr. Welch noted that being a commercial fisherman is the criteria for ownership. Mr. Moore said that it sounds like the Board should consider an article for the Town owned house and then if a fisherman took ownership of the other there would be no need for an additional article.

Mr. Lally asked how the Selectmen can sponsor a warrant article and change the decision of the Supreme Court. Chairman Moore noted that a Town vote determines rules and that the Court rules to enforce the voters' decision.

Town Attorney Gearreald pointed out that the Cropper house is a replica and is not an original. He also said that there is bill of sale for the old building. In March of 2007 the Selectmen authorized Mr. Cropper permission to restore the fish house, not to tear it down and build a new one. The Selectmen have the authority to request that the structure be removed.

Mr. Welch noted that if the Selectmen decide not to sponsor an article then they will have to enforce the 1959 Supreme Court decision.

Mr. Moore said that it was the consensus of the Heritage Commission to leave the fish house replica as is. He also noted that if the Town owns both properties then there is no concern about future ownership.

Chairman Moore requested a draft motion from the Town Attorney before the Board takes action.

3. BUDGET – FINAL REVIEW OF 2008 OPERATING BUDGET

Chairman Moore noted that the main issue that the Board needs to discuss is the proposed solid waste collection plan. Last week Public Works Director Hangen presented a plan for the Selectmen to consider. After a week of receiving public comments and time to contemplate the plan the Board revisited the item.

Mr. Griffin MOTIONED to restore the \$169,000 to the Public Works budget and maintain the current solid waste collection policy. **Mr. Workman SECONDED.**

Discussion:

Mr. Griffin said that overwhelmingly people do not approve of the proposed plan and that other avenues need to be considered. Mr. Workman noted that the Town needs to address the economics and reduce the amount of solid waste. He also believes that the proposed plan is too dramatic and would be disastrous for Hampton. Mrs. Bridle-Russell thinks that the Town should have more pickups during the summer months in the beach area and reduce it in the winter. She also raised the question of condominium trash management and believes that many of the condo developers present plans to the appropriate boards that include trash removal. However, once all the condos are sold then the Town is somehow persuaded to take over trash removal, costing taxpayers when it should be condo associations paying. Mrs. Bridle-Russell believes that this is a subject that cannot be left and must be made a priority to resolve during the 2008 year. Mr. Lally received 29 emails against the plan and two for it. He also pointed out that a citizen petition was received. Mr. Lally noted that he was listening to a local radio talk show today that was discussing the subject. He said that he called the station and discussed the politics behind the proposed policy. He mentioned that often residents don't fully understand the reasoning behind many of the decisions that are made by the Selectmen. Mr. Lally believes that the proposal is a dramatic move and there are things that can be done to reduce the amount of waste. Mr. Lally said that he is willing to participate in a committee that investigates and provides waste management options for Board consideration. As a resort town and an influx of people during the summer, Mr. Lally believes that the discussions have opened. Mr. Griffin thinks that a mandatory recycling program warrant article should be sponsored by the Selectmen. He also noted that some condos receive trash removal and some do not and it is not an equal system. In addition, Mr. Griffin pointed out that trash is picked up at the trailer court. In addition, Mr. Griffin believes that residents want the current policy restored and that the proposed plan is straining relations between the Beach and uptown. Mr. Moore also commented on the fairness of trash removal at condominiums.

VOTE: UNANIMOUS FOR

Chairman Moore stated that the operating budget is \$24,753,063 (approximately 2% above last year's figure). He also pointed out that the figure is still approximately \$400,000 to \$500,000 below the anticipated default calculation.

Mr. Workman MOTIONED to pass the presented 2008 operating budget to the Budget Committee. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

Mr. Moore mentioned that the Board has yet to review the appendixes for salaries and rolling stock. In addition, the default budget has not been reviewed and recommended that these items be on next week's agenda.

IV. NEW BUSINESS

1. PIPE STAGING REQUEST

Mr. Welch noted that the portion of the sidewalk being discussed on Ocean Boulevard is owned by the State of New Hampshire.

Mr. Lally MOTIONED to approve the pipe staging request along K Street with the understanding that Hampshire Development Corp. must seek approval from the state regarding Ocean Boulevard. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

2. ENERGY COMMITTEE APPOINTMENT

Mr. Lally MOTIONED to appoint Susan Kepner, Ann Carnaby, Warren Bambury, Don Tilsbury and John Tinios to the Hampton Energy Committee. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

Mr. Moore noted that a maximum number of members have yet to be established.

OTHER NEW BUSINESS

Mr. Moore suggested organizing the proposed warrant articles into categories.

Chairman Moore listed the following items that need to be addressed before the end of the year:

- Fish House and associated warrant articles – *(October 22 – agenda item)*
- Solid Waste Disposal and Recycling – *(agenda item until addressed)*
- Revenues - *(October 22 - agenda item)*
- Default Budget – *(October 22 – agenda item)*
- Private Roadway Services/establishing Emergency Lanes - *(October 29 - agenda item)*

Mr. Moore announced that the Selectmen will be meeting in a non-meeting in accordance with RSA 91-A: 2, I (b) at the conclusion of this meeting. Attorney Gearreald said that there is a litigation matter that needs to be discussed after tonight's meeting as well.

Mr. Griffin would like to see the Selectmen sponsor a recycling warrant article.

Attorney Gearreald suggested grouping the Social Services warrant articles together to reduce the length of the ballot. Town Manager Welch also noted that election and zoning articles have yet to be included in the warrant. He suggested that the warrant be posted on the website for voters to review.

VI. CONSENT AGENDA

None

VII PUBLIC COMMENTS

Judy Curtis (143 Woodland Road) read her husband's letter into the minutes. Mr. Curtis's letter as read by Mrs. Curtis stated the following:

"In regard to the Doggett fish house replacement, it is clear that the new structure is illegal. However, after much thought I now believe this new building should be allowed to remain. The current ownership is illegal, since Mr. Cropper is not a commercial fisherman. At the September 10 Selectmen's meeting, Mr. Cropper offered to sell the new structure to the Town of Hampton, for what he has invested. Indeed, we should accept this offer, and present it as a warrant article. The land this building sits on is Town land and is a public park.

The various Hampton boards erred. If research had been done on fish house history and the legalities, this unfortunate situation would have been avoided.

This is not a personal vendetta. I do not know Dave Cropper. I only know the law. It was illegal for the Doggett fish house ownership to be transferred to a non-commercial fisherman. It was illegal to demolish a historic building without a permit from the Heritage Commission.

From 1950 to 1960 fish house occupants endured heartache, court battles, and great expense, none of which was reimbursed. The NH Supreme Court ruled that only a commercial fisherman could own a fish house. All others had to be removed or destroyed. If you, the Board of Selectmen, allow this illegal, private ownership in essence you are thumbing your nose at the NH Supreme Court."

Judy Curtis mentioned that she is not in favor of transferring the property to another person/fisherman as proposed by Mr. Griffin. She believes that the new structure should stay and be transferred to the Town by warrant article and that the Town of Hampton maintains the house on the public park.

John Christensen (12 Epping Avenue) expressed his appreciation to the Board for reconsidering the trash proposal and for leaving the current pickup in the budget. He agrees that something has to be done with recycling and believes that most business owners and visitors want to recycle. In addition, Mr. Christensen suggested that the Selectmen consider issuing a "green sheet" (in response to the "yellow sheet") that discusses the Selectmen's reasoning for recommending or not recommending warrant articles. He believes this would assist voters in their decision making process.

Richard Reniere (29 Highland Avenue) came before the Board to discuss the solid waste program. He is happy that the Board is planning on continuing discussions about the subject. Mr. Reniere noted that condos and businesses in the Beach area would have been the most affected by the plan that was proposed at the last Selectmen's meeting (October 8). He noted that the reason he wanted to discuss the various aspects of the plan was because he is certain that the Selectmen will be revisiting many of these ideas at a later date. As an

individual home owner he is content with the allowed three barrels of trash. He raised concern about the additional work involved with the 100 lbs of free trash at the Transfer Station. Mr. Reniere asked who is going to do the work and that additional staff may be required to handle the work load. He also believes that purchasing trash bags would create a two tiered problem because there will be a need to have staff to sell the bags. Mr. Reniere concluded by stating that these items may come up during discussions and to carefully consider the burden to taxpayers with changes to the solid waste removal.

Karen Current (22 Hedman Avenue) asked for clarification regarding the Board's request for a draft motion for the Fish Houses. She is curious how a warrant article can be created when the structure was sold illegally, torn down illegally and built illegally. Mrs. Bridle-Russell mentioned that the Selectmen are seeking advice from the Town Attorney and what action to take before the Town vote. Ms. Current asked what the consequences (or punishment) are regarding the past illegal occurrences. Mr. Workman said that there are not always consequences and construction projects like this have happened in the past. Mrs. Bridle-Russell noted that the demolition procedure is lengthy and would like to know why Mr. Cropper did not get the proper permits. Ms. Current also noted that the plans, accompanying the building permit include a picture of a new building with windows even though it states that the permit is to repair and restore.

Mike Pierce (16 Hedman Avenue) addressed the Board. He would like to see separate warrant articles for the social services. Mr. Pierce believes that this enables voters to support individual organizations. In addition, he mentioned that he admires the Selectmen for making a concerted effort to discuss the solid waste and recycling issue. He said that something has to be done to control the cost of solid waste. More recycling may help in reducing the amount of waste and ultimately reduce the cost to the Town. Mr. Pierce also noted that these are tough economic times and that difficult decisions need to be made and the Selectmen cannot continue to give in to public outcry. Mr. Pierce also mentioned that he spoke to the Chamber of Commerce regarding recycling at the Seafood Festival. He said that the organization is not interested in taking on the task. Mr. Pierce is pleased to see the establishment of a committee to discuss trash alternatives. Mr. Pierce also talked about the benefit of including the cost of trash disposal in property tax as it can be deducted and for that reason he is not in favor of a bag and tag system.

VIII. CLOSING COMMENTS:

Mr. Griffin noted that recycling is not just a beach issue it is a problem for the entire Town.

Mrs. Bridle-Russell said that the only way to increase recycling is to make it a financial burden for Hampton citizens.

Mr. Workman does not believe that recycling is the only answer and that all trash removal options need to be considered.

IX. ADJOURNMENT

Mrs. Bridle-Russell MOTIONED to adjourn at 8:18 p.m. **Mr. Griffin SECONDED.**

VOTE: UNANIMOUS FOR

Chairman