

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
April 11, 2005 7:00 PM**

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

ABSENT: James Workman

I. SALUTE TO THE FLAG

Mr. Pratt led the audience in the flag salute.

II. ANNOUNCEMENTS

Mrs. Bridle congratulated Captain Rusty Bridle on his 25 years of service to the Town of Hampton. He was wished the best of luck in his upcoming retirement. Mr. Pratt noted that there are not too many people that have served the town for 25 years.

III. APPOINTMENTS

1. Mr. Peter Howe, Infrastructure Project Update

Mr. Howe updated the Board on the project and highlighted the upcoming activities. He pointed out that the general project area has been isolated to Ashworth Avenue from Ocean Boulevard to I Street and the lettered streets from A to H Street. The plan is to get things buttoned up and traffic back to normal before Memorial Day in those sections. The sewer work has been completed for the Spring and the work is continuing on the water mains, drainage and gas lines. Mr. Howe said that the work that will begin this week to reconstruct the roadway will be quite disruptive and will last three to four weeks and then the paving will begin. Simultaneous with the work the town is doing, the gas company is replacing the entire gas main on Ashworth Avenue which is going well and will not delay the project in any way. R. Zoppo is also putting in a new water main on Ashworth Avenue for Aquarion Water. Mr. Howe said the relocation and replacement of the utility poles is going very well, with much of the work being done on the weekends. The sidewalk and curbing work will begin on Ashworth Avenue immediately after the paving goes down, just before or after Memorial Day. Mr. Howe said that they are finished with the curb cut designs and they are confident with the current plan. Mr. Howe noted that he received a call from a representative of the Royal Market who has some concerns about the plan for that property.

Due to the late start date, the contractors are not going to be able to accomplish everything that was planned prior to Memorial Day and there have been some options presented. One option is to extend the contract by three months into the Fall of 2006 which will result in some cost escalations. The other option is to work during the summer in certain areas at the beach, which they understand is not popular and would be difficult to do. Mr. Howe told the Board that it is FST's recommendation to extend the project by three months.

Mr. Howe told the Board that they had identified a few properties that were encroaching onto the right-of-way that needed to be pulled back. Resolution of the encroachments at two of the properties is being worked on by Attorney Gearreald and one on N Street will not need to be taken care until the next construction season. There are some smaller encroachments, such as bushes and fences, that they are notifying property owners about through a post card. He added that so far, seven or eight of those have been sent out. Mr. Howe said that there are some loading zones that are currently approved by ordinance throughout the beach area, some of them make sense while others do not. With the change in the parking areas, some of the loading zones conflict with the travel way and will need to be dealt with through the ordinances. He explained that possible loading zones can be created on every other street or specific time frames should be set for loading zones. The Department of Transportation has been assisting FST with this and both agree that there is definitely a need for loading zones on Ashworth Avenue with the new traffic pattern.

Mr. Moore asked what the risk is to finishing by Memorial Day and getting the equipment off the beach. Mr. Howe said that the biggest risk is with the weather, explaining that if there is a lot of rain the week before the paving that could cause a delay in the paving. He added that there is about one week of "float" in the schedule and they are currently 2-3 days ahead of schedule. Mr. Moore asked about the sidewalks and curbing being done after Memorial Day and the amount of equipment that will be in place. Mr. Howe said that the lighting conduits will be done at the same time as the concrete and curbing crews so there will be some small excavating equipment and 2 -3 crews. On the lettered streets the sidewalks will be done through D or F this year, with the work ceasing by the third week of June. Mr. Moore asked about the additional cost for the extension of the project. Mr. Howe said that the actual cost of the extension will be based on the actual cost escalations with the estimate being between \$85,000 - \$100,000. Mr. Howe told the Board about the change orders and explained a design change that was required by DES, which resulted in 16 additional manholes and longer pipe lengths which resulted in change orders for additional costs as well as credits that will be calculated.

Mr. Howe said that the work in beach area will start back the week after the Seafood Festival. The work on Island Path is planned to be completed this summer. He said that there is drainage that needs to be put in and it is hoped that the work will be completed by the end of June. Mr. Howe said that Island Path could be temporarily patched up for the summer and opened back up in the Fall. He said that the drainage design that needed to be permitted has created the delay. Mr. Griffin asked about the schedule for Kings Highway. Mr. Howe said that as the work progresses in the beach area, aside from Island Path, those crews will be shifting to Kings Highway and they will have two crews out there through the summer. The water company is going to replace the water main in that area as well. Mr. Griffin said that many times people have asked him about the work being done in the summer. Mr. Barrington said that all along it has been understood that work will be done during the summer in the Kings Highway area. Mr. Howe said that the contract does not preclude work in the summer, but there are restrictions on the traffic patterns. He added that the contractor does not want to work during the summer because of the amount of people and the traffic at the beach. If they are not going to get the extension they will work during the summer. Mrs. Bridle said that she is in favor of the extension and not putting the business people at a disadvantage during the summer. She said she felt bad for the residents of Island Path that have been without water and sewer this winter. Mrs. Bridle said that anything that can be done to make it easier for the residents and landlords during June, July, and August will be appreciated.

Mr. Barrington said that FST has been committed to staying within budget and recently reduced their indirect rate to help stay within the budget. Mr. Pratt said that with the Royal property, he would like to see a letter sent from the Town Manager indicating that the Board decided to go with the Town Manager's recommendation. Mr. Pratt asked for a consensus of the Board regarding the extension request. Mr. Barrington said that he is in favor of the extension and he would not like to see work being done during the summer. Mr. Howe said that they can "button up" to Jones Avenue because the drainage work starts at Jones Avenue. The option is putting the drainage in now or in the Fall. He noted that by contract, Island Path is a west-side street and there is no restriction to working on that street during the summer. The consensus of the Board was to extend the contract into the fall. Mrs. Bridle said that she would like to have paper trails on all of these changes. Mr. Barrington assured her that there has been adequate documentation on this project. Island Path has been difficult with numerous water breaks and utility problems and that stretch has taken much longer than anyone had imagined. The Board discussed the option of temporarily paving Island Path for the summer and delay the drainage into the Fall. The Board will review this further at the April 25th meeting.

2. Mr. John Ozberak, Re: Tides Motel Damage

Mr. Ozberak thanked the Board for allowing him to come before the Board. He wanted to give his version of the project update. He explained that his property is located between H and I Street on Ashworth Street and he is in full support of the project, but he has felt in the gutter of the project in some manner. On January 31 there was \$3,500 damage caused to his property and he thought he took the right approach and contacted the police department, took pictures and filed a damage report.

Mr. Ozberak told the Board that based on the height of the damaged awning and tire tracks he assumed that the damage was done by a dump truck. Police suggested he see the construction contractor which he did and was told by a representative of Zoppo that they would take care of it. Since that time he has been dealing with insurance companies who are all trying to determine which subcontractor did the damage. Mr. Ozberak said that he is before the Board because he has made all the efforts he can and would like to be reimbursed for the \$3,500 in damages that were caused. He said that his mistake was taking the picture of the truck and determining that the damage was done by Bayside Paving of Greenland NH. He showed several photos of the damage and matching tire treads. He noted that two weeks later, on February 18th further damage was done to his porch. Mr. Ozberak said that no one has taken responsibility and it is not fair what they have done to him. Mr. Ozberak said that his insurance company has paid him, less his \$1,000 deductible but his insurance premiums will likely increase. He urged the Board of Selectmen not to let Zoppo walk out of this without paying for the damages he has suffered. Mr. Ozberak expressed concerns about the supervision of the contractors.

Mrs. Bridle-Russell asked who is the Clerk of the Works that is overseeing the project for the Town of Hampton. Mr. Barrington said that Dick Violette oversees this for the town as well as inspectors for FST that oversee the project. Mr. Howe said that FST is the design consulting firm hired by the Town and R. Zoppo is a contractor with no ties to FST that was also hired by the town. Mr. Howe said that there are multiple entities doing work in the area, not all of which fall under Zoppo or FST.

Mr. Howe discussed the confusion that has occurred with the damage at Mr. Ozberak's property. Mrs. Bridle-Russell asked how this resident gets his property fixed in a timely manner. Mr. Barrington said that there are two or three insurance companies involved that are saying it is not their problem and he has been trying to coordinate information and get it resolved. Thus far, Zoppo has said that they have turned it over to their insurance company. Mr. Moore said that it is definitely an insurance matter and unfortunately they can take extraordinary amounts of time to make decisions, but he does not think that the Board of Selectmen can make a decision on how to make Mr. Ozberak whole. Mrs. Bridle-Russell said that she would like to see the steps that need to be taken. Mr. Barrington said that it is obvious to him that Mr. Ozberak is the victim and he needs to be made whole for the damage. Mr. Barrington said that he can explore the options that could escalate this to the next level.

Mr. Griffin said that he would also like to see Mr. Ozberak taken care of. He realizes that it could be done at Small Claims Court. Mr. Pratt said that the Board wants to resolve this for him; the question is which contractor caused the problem. Mr. Pratt thanked him for making the Board aware of the problem and assured him that the Board wants to resolve it.

III. OLD BUSINESS

Town Manager's Report

Retirements

Mr. Barrington noted the retirement of Captain Bridle as the Board mentioned at the beginning of the meeting. He informed the Board that there are two other retirements from the Fire Department on the same day; Firefighter Robert Thompson and Firefighter David Weber announced that they are retiring. The Board noted that they each have several years of service to Hampton as well.

Property Tax Relief Form

Property Tax Relief forms must be sent directly to Concord between May 1 and June 30. Mr. Barrington noted that he included a copy of the form in the Board of Selectmen's packets for their information.

2004 Budget Surplus

Mr. Barrington explained that last Monday evening there were some statements made about the amount of surplus at the end of 2004. The actual amounts from the annual audit (Schedule A-3 on page 28 of the audit report) show that there was a surplus of revenues over budget of \$260,478, and an unexpended balance of

appropriations of \$134,365 (made up of a balance of \$81,219 from the general fund and \$53,146 from special warrant articles). This created a contribution of \$394,843 to the fund balance. The total net contribution to fund balance was only \$94,843 since the fund balance was reduced by \$400,000 to offset the 2004 tax rate and increased by \$100,000 by a reduction in the fund balance reserved for contingencies.

Boat Dock

Mr. Barrington reported that he spoke to the Marine Patrol Director, Dave Barrett. He and Deputy Commissioner Sweeney will be meeting with him on Tuesday, April 12th to discuss the dock.

Hurd Farm

Julie Iffland of the Trust for Public Land told Town Attorney Mark Gearreald and Finance Director Dawna Duhamel that they are now expecting the closing on the Hurd Conservation Easement to take place on Thursday, April 14, 2005.

Trustees of the Trust Funds

Mr. Glyn Eastman, Chairman of the Trustees of the Trust Funds, met with the Town Manager on Friday afternoon concerning the pay level of the Administrative Coordinator for the Trustees of the Trust Funds. Mr. Barrington told the Board that they have agreed that the pay would not exceed last year's level. That amount was actually slightly higher than the budgeted amount for his wage, but within the total budget for the Trustees of the Trust Funds. Mr. Lessard stopped by later to report that the Trustees are going to discuss their options at a future meeting.

Ambulance

Fire Chief Lipe has reported that he went to inspect the newly arrived ambulance on Thursday. He is expecting the "outfitting" of it to be completed so the Town can take delivery and put it into service in about three weeks.

School Board Meeting Schedule

Mr. Barrington told the Board that he spoke to Superintendent Jim Gaylord on Thursday about the School Board meeting schedule. Mr. Gaylord initiated the call to express the School Board's concern that the Board of Selectmen would not be allowing the School Board to use the room on the third Monday's and was told that the Board of Selectmen had not yet made a decision in that regard, but also asked if the School Board had considered other meeting nights. Mr. Gaylord indicated that the School Board had expressed willingness to consider alternate meeting nights and he was given the available schedule of meeting nights for him to share with the School Board to see what alternate night might fit their schedule.

HJH School Resource Officer

Mr. Barrington reported that he has discussed the SRO at the Junior High with Chief Wrenn. Our current officer is out of service due to a personal health situation. After discussions with Superintendent Gaylord, and after working out some scheduling difficulties, it is our intention to temporarily assign another officer to HJH until the regular SRO is available for duty.

Parking Space Leasing

Mr. Barrington told the Board he is continuing to work on the lease question on parking spaces.

Exeter Road Bridge

The manager reported that he got the proposed easement documents for Foss and Lamies for the Exeter Road bridge reconstruction from Mr. Barry. Mr. Barrington said that there are some issues to discuss with Mr. Barry and then the easements will go to the property owners.

Auditors Contract

Mr. Barrington noted that the current contract with Plodzick & Sanderson is due to be renewed and the Board of Selectmen had requested that an RFP be put out for auditing services. Mr. Barrington said that the Finance Director has been working on putting the RFP together and at the same time is in the process of

upgrading the accounting software. Mr. Barrington said that Mrs. Duhamel has asked if the Board would be willing to offer a one year extension on the contract to Plodzick & Sanderson in order to aid the transition to the new accounting software. Mr. Moore suggested that the Board of Selectmen defer the decision on this until Mr. Workman is present.

Hurd Farm Bond

Mr. Moore asked if a term had been established for the Hurd Farm bond. Mr. Barrington said that it is being planned for a 15 year bond because it will be a lower interest rate. Mr. Pratt said that he would like to have Julie Iffland or someone from the Hurd Farm come to a Board meeting to announce that the closing took place and be able to thank them for their efforts.

April 18th Meeting

Mr. Moore asked if there is any preparation that the Board of Selectmen needs to do prior to the meeting with the Exeter Board of Selectmen next week. Mr. Barrington said that the Exeter Town Manager will be putting together an agenda for next week which will be forwarded to the Board.

School Board Meetings

Mr. Griffin pointed out that the Board of Selectmen has not decided if the School Board will be allowed to use the 3rd Monday of each month for their meetings. Mr. Barrington explained that each year the Board has discussed the school board's use of the room and it has been approved for the past two years. Mr. Barrington added that April is not a problem because this Board will be meeting in Exeter, and in May the School Board will be meeting with the Board of Selectmen when it can be discussed at that time.

2004 Budget

Mrs. Bridle-Russell asked if the \$81,000 that was left over in the 2004 budget was after the decisions were made to purchase items that were not budgeted. Mr. Barrington said that it was.

Layoffs

Mrs. Bridle-Russell asked if the retirement of two additional firefighters has resulted in the recall of two firefighters. Mr. Barrington said that four firefighters received layoff notices and the Chief received the retirement notice from Firefighter Thompson in time to rescind one notice. The other three received their severance payments on Friday. Today the town received the retirement notice from Firefighter Weber and as a result Firefighter Timson has been recalled. Mr. Barrington said that there are three more retirements that are certain in other departments that will happen later in the year. The town has received notice that a Fire Alarm Operator, someone in the Finance Department and a detective will be retiring before the end of the year. Mrs. Bridle-Russell requested that the Board receive a report on the financial impact of the layoffs at some time. There are several other employees that are eligible to retire and the retirement liabilities are budgeted based on the likelihood of retirements during the year.

N Street

Mrs. Bridle-Russell asked about the letter to the N Street residents. Mr. Barrington said he does not believe a letter was generated and he will take care of that.

Private Detail Special Revenue Fund

Mrs. Bridle-Russell noted that there is \$118,000 sitting in the private detail special revenue account that can not be touched. Mr. Pratt said that next year there should be a warrant article to be able to do something with that money.

IV. MINUTES

Mr. Moore MOTIONED that the minutes of April 4, 2005 be approved as corrected.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

V. CONSENT AGENDA

1. Cemetery Deeds
2. Road Race Permits

Mr. Griffin MOTIONED that the consent agenda be approved.

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

VI. ADJOURNMENT

Mr. Moore MOTIONED that the meeting be adjourned. (8:36PM)

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

Chairman