



**Hampton Beach Area Commission  
100 Winnacunnet Road  
Hampton, New Hampshire 03842  
Hampton Town Hall-Selectmen Meeting Room  
7:00 PM**

**February 23, 2012**

**DRAFT MINUTES**

**In Attendance:**

John Nyhan, Chairman, Town of Hampton  
Fran McMahon- Rockingham Planning Commission  
Bob Preston- Hampton Chamber of Commerce  
Bill Watson, Vice Chairman-NH Department of Transportation  
Geannina Guzman-Scanlan--Hampton Beach Village District  
Rick Griffin, Town Selectmen  
Chuck Rage, Hampton Beach Village District  
Deputy Richard Sawyer, Citizen at Large  
Michael Housman, Operations Supervisor, DRED (Seacoast Parks/Recreation)

**Other:** James Steffen – Town Planner  
Laurie Olivier- Secretary

**1. Introduction of Commissioners**

Mr. Nyhan introduced the Commissioners.

**2. Public Comment Session – related to agenda items**

Mr. Charlie Preston appeared. He discussed the multi-million dollar fire station. He hopes taxpayers reject this warrant article. On January 9<sup>th</sup>, the flooding was brought to the Board of Selectmen. January 12<sup>th</sup>, they were told it was corrected, but it was not. Water could not get out with the combination of excessive rain and sealed surfaces. The area is puddling into a small pond and small lake. This is in a documented flood zone in the Town. He discussed how for this project the rules should be the same as given to abutters for other projects dealing with wetlands. That location is not the place to put the Fire Station. We cannot afford to spend a lot of money for this project. Mr. Preston

added that possibly putting a transportation center in that location would be a good option.

Mr. Rage asked if the picture Mr. Preston was referring to was from January 2, 2010 and Mr. Preston stated “yes”. The back flow was put in before then. He has seen the flood, but not to the extent that Mr. Preston discussed.

### **3. Review & approval of 01/26/12 Minutes**

**To be reviewed/approved at the March 22, 2012 meeting.**

#### **Appointments –**

##### **1. Senator Nancy Stiles – Legislative Update**

Senator Stiles appeared. She discussed matters going on in the Senate. All Bills are sitting in the Senate now. Jimmy Donahue is going to be recognized by allowing the lifeguard station to be named after him. It will happen during the gala opening.

The graffiti bill was lost. The Chairman stated the Bill is going to be killed because current statutes can do that. She discussed restitution. Judges have the ability to do that. She wanted to twist the Bill around and she was told “no”.

The gaming Bill is still in the house. It came to the floor this past week and was sent back to the Committee for more work. It will have to come out before the end of March.

Senate Bill 324; the parking meter fund was discussed. All State parks are self-funded by the fees they collect. The first \$350,000 will go into the CIP Fund to be used for capital purchases that will benefit the Seacoast parks. The balance goes to parks operations. Seacoast parks will be adequately staffed and hopefully that will help with the graffiti issues at the Beach.

One Million Dollars is in the capital budget for the seawall. Repairs may start at the end of March or April. RFPs are out.

The amount of \$450,000 for the North Hampton Beach State park to address the sewage problem was discussed. Article 19 speaks to that. Outside sewage being voted on by Hampton was discussed. All Towns got together along with the DPW and they came forward with the Warrant Article. She is hopeful that that Article passes because North Hampton has to do something. They've been pumping out into the Hampton station multiple times a week. It is expected about 410 gallons over a 3-month period will be generated. We are better to receive it in a pipe rather than waste being dumped into the facility as it is now. This is no cost to the Hampton taxpayers.

Mr. McMahon asked about the \$350,000 for capital improvements for parking meters and asked if that is all through DRED. It goes into a special fund held by the treasurer. Phil Bryce is on top of that for capital expenditures. Mr. Nyhan asked if this was passed through the Senate and Senator Stiles said it is in finance right now, but she expects it to go through. Then it goes to the House.

Mr. Sawyer discussed the Criminal Mischief Bill. He stated the Circuit Courts are limited with restitution matters. Senator Stiles will ask her Chairman if more work needs to be done.

## 2. Christine Davis – DRED – Economic Development Division

Mr. Nyhan introduced Ms. Davis and gave her background information and experience with economic development. They are based in Concord. Knowing who Hampton's businesses are is key. Eighty percent percent of business growth is from what we have; not always from new businesses. Attracting businesses was discussed and what resources can be used. Dan Gray is our Economic Developer contact person, and how he would interact with the Chamber was discussed. Hampton should let businesses know that we care. We should have a list of businesses and once a year stop in and see how they are doing. Hampton should invite businesses to get involved. If a business feels like they are a part of a community, they won't leave. Mike Bergeron is the recruiter. He gets businesses from out of State to the State of New Hampshire. Confidentiality of businesses coming into the Town is important. Certain information should be on our website; something geared to businesses coming into the Town. There should be a checklist with a contact name, number and email. There should be a direct line or a person for someone interested in the Town to call. The website is very important for the Town. Eighty (80%) percent of companies moving goes to the website. Are there pictures of people on the website? It should have people, not just buildings. Economic Revitalization should be added in. We don't have financial incentives in New Hampshire which is tough. Economic Revitalization Zones were discussed. Finding under-utilized areas were discussed. There is a form on DRED to fill out for interested Towns; [www.nheconomy.com](http://www.nheconomy.com). New businesses and hiring is divided into two parts. It is \$40,000 per year for five years if a new business comes in and jobs will be offered. Research and Development tax credit was discussed. NHDES advertises jobs for new businesses and trying a new employee out before hiring by keep potential employee on benefits until hired. An on the job training program was discussed. Other resources on her presentation were discussed. The website [www.nhjobtrainingfund.org](http://www.nhjobtrainingfund.org) was given. It provides job training grant information. R&D tax incentives and energy efficiency programs were discussed. Government contracting has no cost. There are companies looking to export. Any businesses can go to this organization and it will be assisted and guided in a positive direction.

Ms. Davis discussed recruiting companies. They are interested in location, size, facilities, etc. A listing of all potentially-available properties in the State are given. Commercial listing definitely should be on site in Concord. Michael will then work with the Town of Hampton to help businesses get to Hampton. Dover is doing a great job of recruiting. They have a paid professional, full-time person. It is paid by the City, but there is a non-profit also in helping get deals done and it has a Board of Directors. It was asked if Hampton can do this as well. Dan (in Dover) gave her tips. They have a TRC and work closely with the Planning Department. Newsletters about the Town randomly go out. Seventy percent of time is on recruitment. The remainder is on retention. Letters go out all the time to companies to keep them sparked on moving to the City. Roughly one of about 100 companies would come out and take a look. One of 1,000 will move. Having good relationships with commercial brokers in Town is good.

Some ideas of what could be placed on the website are:

- Map on the website where we are;

- How far from Boston we are
- What the major highways are;
- Where the airports are.
- Cost of labor – let them know wages.
- Put universities on the website.

Things move fast now so there needs to be an immediate contact person. ER Zones should be marketed.

Mr. McMahon stated Hampton has entities who do what she does. He asked how to coordinate that. They are not involved unless somebody calls them. It is the Precinct, Town Manager, Chamber of Commerce. When a business comes in, those entities let them know we're here to serve.

Mr. Griffin stated the presentation should go before the Board of Selectmen. He agrees about the website. It needs a fresh re-do. She stated to at least get a link with FAQs about Hampton.

The official applicant is the Town government. Mr. Nyhan asked about the recruiters. How would Hampton find out if we are on the radar screen? An open relationship should be established. Recruiters will go to Towns and check out areas in Hampton. Michael from her office can come and talk exclusively about recruitment.

Water and sewage holds communities back; wetlands hold communities back. Mr. Griffin stated that Foss and Smutty were given grants for their projects.

### **Chairman's Report**

#### **1. TSCP Grant Application & TIGER Application – Update**

Mr. Nyhan stated the grant was submitted last month and he's been told \$300,000 is allotted for transportation planning. We should hear something from Federal Highway sometime in March. If we get it, he asked if we could start right away and there may be some administrative work done, but in two to three months it should be up and working.

The TIGER application pre-application for the grant was focused on Ocean Blvd from Haverhill Avenue to Ashworth Ave. We are looking for \$10 Million with a match. A new road, sidewalks and drainage systems will be put in where needed. The full application will be next. That is due in Washington the 19<sup>th</sup> of March.

#### **2. Meeting with NHDOT Commissioner – 2/23/12 – Outcome**

Mr. Nyhan discussed concerns on the application. He discussed issues regarding sidewalks and had a meeting with the Town Manager about the sidewalks, etc. He also had a meeting this morning with Bill Watson and the DOT. The result is that all parties have agreed that there's a goal to accomplish and that is to continue the redevelopment of Hampton Beach as spelled out by the Master Plan. All will fully support the TIGER application for Ocean Boulevard and fully support \$10 Million and the State through the Legislative process, With the Capital Budget Process, that's where we go after getting the match of \$2.5 Million. All parties are willing to come to the table and talk. Hampton Beach may be looked at as a region. The State is willing to support efforts with Hampton

Beach. We are moving ahead to put in the application. Only three applications will be submitted into the State. He thanked all involved. Mr. Griffin asked how this fits in with the Warrant Article. Mr. Nyhan stated the Warrant Article 31 is an advisory article. If the town says “no” on that article indicating they do not recommend that the Board Of Selectmen go into agreement with the DOT to maintain sidewalks from Haverhill Avenue to Ashworth Avenue, it's only an advisory recommendation and it does not prohibit the Board Of Selectmen and the Town Manager to continue to find solutions that everyone can be satisfied with in that area. Mr. Welch concurred. Mr. Griffin stated he did not think that was how it was portrayed.

Mr. Welch appeared. It will be a different Board as new members are getting elected. The Board of Selectmen will need to review the results. It is an advisory question. Mr. Nyhan was raising the advisory warrant article issue. Keeping conversations with the DOT active is what his interest is. Mr. Griffin said the next Board of Selectmen will have dealt with this issue at that time. Mr. Nyhan stated there is a short window with submission of the grant and the election. He wants this on the agenda of the Board of Selectmen. Mr. Nyhan stated that in conversations to date, he believes the Commissioner wants to support this effort and is continuing to express that he is willing to sit down with Board of Selectmen along with the Town Manager to continue discussions.

### 3. HBAC update in 2012 State Park Stage Gala Opening

Mr. Nyhan discussed earlier hurdles. He asked if the HBAC can host the gala. He reviewed the Master Plan and gave the Commission his opinion and copied DRED and the State Treasurer and he agrees also. Authority is given.

Channelling money was discussed. The HBAC fund within the State was discussed. There's no problem putting money in, but what State laws do we have to follow in following financial regulations before paying any vendors? Mr. Nyhan met with the State Treasurer; she will put together documents to put a simple process in place. We can collect donations and deposit them into the HBAC account. The Beach Commission will receive invoices after we identify which vendors we need, what the cost is involved and this Commission would authorize payment to that vendor. We send minutes of meeting with the invoice to DRED, and DRED is authorized to pay that vendor.

Lining up a big act was discussed. Friday night could be a combination of many groups who play throughout the year and Saturday night would be the world-wide entertainer. Fred Schaake, Jr. has been our negotiator and we are close to signing a deal with an entertainer to play at the stage. Negotiations are still being worked out so not sure if it will be the first or second weekend in June. The contract will be complete within the next week.

How will this all be paid for? Mr. Preston is the Financial Chairman. A donation program will be put in place. Business owners have jumped in offering to help. The amount of \$100,000 to \$125,000 must be raised.

Mr. Preston has a lot of people helping him out and named many people. Utility companies may help also. Lottery would help also. Channel 9 will be there, NESN, etc. Mr. Rage is going to look for help from the Precinct for a donation as well.

Mr. Nyhan will send out the date and who the entertainer is as soon as he knows.

4. 2012 Town warrants impacting the Hampton Beach area

Mr. Nyhan pulled the five Articles that have direct impact on Hampton Beach. He wants the Commission to vote for, against or abstain. He believes the HBAC should take a stand and it's based on his personal opinion.

Article 8 - Appropriation of funds for beach fire station:

**MOTION** by Mr. Nyhan to approve this Article.

**SECOND** by Mr. Rage. He says it's important for what's needed for the Town. He stated we need the station. Mr. Nyhan stated residents depend on professional recommendations and Chief Silver's work on this has been thorough. He will vote in favor of Article 8. Mr. Rage said we need new, modern facilities. New equipment does not fit in the station. It's a Town issue, not a Beach issue.

**VOTE: 6 – 1 (Mr. Preston) – 2 (Mr. Housman & Mr. Watson abstained). MOTION PASSED.**

Article 9 - Church Street Sewer and pumping Station.

Mr. Nyhan stated this is very important. If something happened to the pumping station in July, does the Town have the ability to have a temporary fix. Mr. Griffin stated "yes". Mr. Griffin stated there are safety precautions.

Mr. Welch appeared. He stated the Town live tapped the force main and did put in an emergency connect system so we can take from the station to pump into the force main. Even at that, if it's in the middle of the summer, we would have a spill. Before summer, it should be hooked up to go immediately. If a station goes down and the pump system fails, the beach has to be shut down. Everything. Mr. Rage asked about the pump station. Mr. Welch stated it's everything on the beach from the south side of Boars Head to the Town line. Everything goes through that pump station.

**MOTION** by Mr. Rage to accept the Article.

**SECOND** Mr. Preston.

Mr. McMahon stated we do a horrible job maintaining infrastructure and we shouldn't be in this position. Maintenance issues should be raised well before it gets to this point. Mr. Preston cannot imagine what would happen if there were a spill. Putting business out of business for even a short time is unacceptable.

**VOTE: 8 – 0 – 1 (Mr. Watson abstained)**

**MOTION PASSED.**

Article 19 – Sewage Use and Construction Ordinance.

We currently receive all waste and it's 10 to 12 fold density and much thicker than going through the pumping station.

**MOTION** by Mr. McMahon to move this forward.

**SECOND** by Mr. Preston.

Mr. Griffin stated he knows many people are irate about this. This will not cost the Town of Hampton anything. Mr. Preston stated if this allows us to have better facilities, and costs nothing to the Town, it makes sense.

**VOTE: 9 – 0 – 0**

**MOTION PASSED.**

Article 31. Memorandum of Understanding – repairing sidewalk along Route 1A. State DOT would be responsible to repair sidewalks. TIGER grant for federal dollars to pay for cost of new road, etc.

**MOTION** by Mr. Rage to say “yes” to Article 31.

**SECOND** by Mr. McMahon.

Mr. Rage stated he wants a definition from the Town on what maintaining is. It's not plowed now. If State is going to build and repair, he wants the definition of “maintenance”. If there's a pothole, it shouldn't be a big deal to patch it. Sidewalks have a life span of about 20 years.

Mr. Welch discussed the ADA statute. It says that maintenance includes snowplowing. The State has a policy to not maintain sidewalks. They have regulations. Mr. Griffin will abstain. Mr. Sawyer is still confused over this. Now we are asking public to decide. Is it appropriate to be there where it's so confusing. The Memorandum of Understanding isn't just about sidewalks.

Mr. Watson stated the Department is ready to go to the Board of Selectmen to discuss the Memorandum of Understanding. ADA issues come in when you spend new Federal money. New ADA rules have come into play. Mr. Rage asked how other towns get around shoveling out walkways, etc. The State now does not allow those ordinances.

Mr. McMahon asked if it does pass what does it mean and if it doesn't what does it mean. Mr. Griffin said “not much”. This last-minute grant is bringing this into play and the new Board will have to decide how it will work.

Mr. Rage pushes to vote “yes”. He doesn't want to tie up the Board of Selectmen by voting “no”.

Mr. Preston said we need to address the west side. The sidewalks are terrible. How long do we wait? Substantial improvement can be made to the beach. It has to be done.

Ms. Guzman-Scanlan is torn with her opinion. It's confusing to voters how it's presented. She believes voters may not understand it now. It's too late to remove from the warrant, so it will be advisory only. The Memorandum of Understanding is vague. We want to be a year-round community.

Mr. Nyhan stated he wishes the article were not there. Since it is, He will vote “yes” on this, but with the understanding that it's meant to show a continued effort to support the Town and the DOT to have faith in both organizations to come up with a common goal. He is saying “yes”, that the Town and the DOT should continue with discussions. People reading them the first day may be confused. He does not want the TIGER grant jeopardized.

Mr. Sawyer stated with everything so confusing why vote on this tonight. That needs to be refined. He wants to make a motion to delay voting on this.

Mr. Rage stated he would like to vote on this.

Ms. Guzman-Scanlan discussed advisory articles. Mr. Griffin discussed how the warrant article came along.

**MOTION** by Mr. Nyhan to grant the article.

**SECOND** by Mr. McMahon.

**VOTE: 4 – 2 – 3**

**MOTION PASSED.**

Article 38. – Games of Bingo and sale of Lucky 7 tickets. This is not an appropriation article.

**MOTION** by Mr. McMahon to support article 38.

**SECOND** by Mr. Rage.

Mr. McMahon has been to the place and there is no one there this time of year. Bingo may broaden the base of who comes to the facility. Mr. Griffin said some charities have done well. RSA 287 is the statute that regulates the functions. The town has to accept that statute. It can happen for anyone in the Town.

**VOTE: 7 – 0 – 2**

**MOTION PASSED.**

**Ms. Guzman-Scanlan recused herself.**

#### Old Business

1. State Park Project Update (Housman)
  - a. DRED & Town MOA update

Mr. Housman stated they are working on Town MOA and will be meeting with Mr. Welch next Wednesday to discuss the MOA. That is at 2:00 p.m. on the 29<sup>th</sup>. On March, 31<sup>st</sup>, there will be a meeting for community to invite members to come tour new facilities and have some questions and answers about where we are at.

Mr. Nyhan stated Phil Price would be willing to help get a better understanding of operations. DRED wants input from Town how last summer went. He would like to hear any new suggestions or recommendations.

2. Request to Review – Old Surf Hotel land (Preston)

Mr. Preston met with the McKeons to discuss the plans for the new project. It is a work in process. It is for five stores. They are not sure when it will happen. They want to do bigger, but the economy is not good. It fits in with Mrs. Mitchells.

3. DOT Project Updates (Watson)
  - a. Little Jack's drainage update

Mr. Watson said minor maintenance work has been done on drainage issues, but work won't start until April. As soon as the permit allows, they will be in.

3. Crime line – signage along the beach re: graffiti (Sawyer)

Mr. Sawyer discussed signs and they are getting together the week of March 5<sup>th</sup>.

4. Commissioner project updates
6. Other Old Business

New Business

1. Other New Business

Mr. McMahon discussed the proposal on the J-K Street lot. He would like Mr. Preston to take a look at that.

Mr. Nyhan asked about the RPC coming in to talk with the Commission to find out about what we are doing and what they are doing, etc. He will be working with Mr. McMahon to get together before the next meeting. Mr. Watson said we should get Cliff and Scott and others for all of the Commissioners to hear about what is going on. Mr. Nyhan asked about the House Bill that discusses doing away with the RPC. It died per Mr. Watson.

### **Adjourn**

**MOVED** by Mr. McMahon to adjourn.

**SECOND** by Mr. Sawyer.

**VOTE: 9- 0 – 0**

**MOTION PASSED.**

Meeting adjourned at 9:20 p.m.

Laurie Olivier  
Secretary