

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
JUNE 4, 2007 – 7:00 PM**

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

REGRETS: Rick Griffin

Chairman Moore called the meeting to order at 7:00PM

PUBLIC HEARING - Acceptance of Base Station Radios for Fire Department Dispatch Centers plus accessories.

In accordance to RSA 31:95-e, a public hearing was held prior to accepting Base Station Radios for the Fire Dispatch Centers as well as accessories (value is over \$500) from the NH Department of Safety. Chief Lipe came before the Board to discuss the items that will be provided as part of Homeland Security funding. The radios will be received at no cost to the Town and will upgrade the current radio system.

There were no public comments.

Mrs. Bridle-Russell MOTIONED to accept the base station radios for the Fire Department Dispatch Center along with the accessories. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

CHANNEL 22 SCHOLARSHIP PRESENTATION

Chairman of the Cable Advisory TV Committee, John Nickerson and Chairman Moore presented Alex Mason with a scholarship for \$500. Alex has been a dedicated Cable Committee volunteer for over a year and is pursuing a career in film production at the New England Institute of Art. The Scholarship was proposed by the Cable Advisory Committee on April 25, 2007 and approved by the Board of Selectmen on May 14, 2007.

SALUTE TO THE FLAG

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Lally thanked the American Legion, Post 35 and all those who participated in the Memorial Day events.

Mr. Moore thanked all the volunteers who assisted in the barn raising event last Saturday. The frame was set and the barn should be completed by late summer.

APPOINTMENTS

1. TRACY EMERICK – PLANNING BOARD UPDATE

Chairman of the Planning Board discussed the items they are working to accomplish. The Planning Board is working to upgrade the Lafayette Road and Winnacunnet Road intersection. Businesses such as Starbucks and Kinko have indicated interest in investing in the area. The Galley Hatch has also expressed interest in working to have the intersection updated.

Mr. Emerick noted that the Planning Board is working on updating the 1995 Master Plan. The Board is working with the Town Manager to upgrade Town services and facilities.

The Town has been awarded the Design Charette program through Plan New Hampshire. The objective of the Charette is to create a functional plan for the Winnacunnet Road Town facilities.

A workable solution for seawalls on Town land is in the process. A logical sequence for all stakeholders and people with responsibilities has been developed. Mr. Emerick suggested that the Town needs to review some of the options it has regarding its obligation and liability with having seawalls on Town land.

The Planning Board is also working on restructuring and modifying Beach zoning for businesses in the area.

Mr. Moore asked if the Planning Board could provide the Selectmen with a deadline for zoning warrant articles so that it can be announced during the weekly meetings in attempt to avoid any confusion.

2. MICHAEL CASTAGNA – PLAN NH DESIGN CHARRETTE

Michael Castagna, the President of Plan New Hampshire came before the Selectmen to discuss the Design Charette that is scheduled to be held on September 21 & 22. Plan NH is a state wide organization that has access to many talented and experienced engineers, architects, and financial analysts at no cost to the Town. Donations are gratefully accepted by the organization to cover basic costs and functions. Plan NH received 17 applications, and Hampton was one of the three towns chosen for a Design Charette.

On September 21 the Charette team will review and evaluate Town property (Town offices, uptown fire station and library) along Winnacunnet Road. The citizens of Hampton will be a fundamental component of the project's success and two public hearings will be held to give the Plan NH team an opportunity to listen to local residents suggestions. The final plan will be formally presented on September 22 along with tangible estimates and grant options. The intention of the Charette is to provide a road map for the Town to move forward with the 10 year plan.

The Board expressed their excitement about the Charette and encouraged citizens to donate to Plan NH.

Mr. Castagna provided sample Design Charette plans from other New Hampshire towns. These samples will be available for public viewing at the Town Manager's office.

3. FIRE CHIEF LIPE – FIRE DEPARTMENT UPDATE

Fire Chief Lipe prepared an in-depth report on the accomplishments and challenges of the Fire Prevention Bureau and provided it to the Selectmen. He also discussed the happenings in his Department for the first five months of 2007. It has been extremely demanding for fire crews since they have responded to and extinguished thirty fires (19 structural, 5 vehicles, 6 other). Since January, ambulance staff responded to 660 ambulance calls, with staff support

from our engines on 507 of those incidents. During the April storm the Department also experienced a high volume of calls during the storm.

The Department has implemented new data reporting software to provide accurate analysis of emergency calls.

Due to budget constraints, training has dwindled with recertification requirements and contractual obligations. No new training has occurred with the exception of two employees in Paramedic School. They are scheduled to graduate in January of 2008.

The Department is seeking FEMA funds and insurance reimbursements for the damages to the vehicles and Beach Station resulting from the flood. The fire prevention cars experienced major salt water/electrical damage during the April Nor'easter while evacuating citizens. All truck undercarriages, brake assemblies, wheels, were professionally washed, cleaned and re-lubricated.

All year the Fire Department experienced personnel shortages due to job-related injuries. Three firefighters have been injured in the course of duty.

The Department is also working on writing grants for various items.

The Fire Department recently launched their website: www.hamptonfirerescue.com.

BOARD OF SELECTMEN'S RESPONSE TO THE REPORT

Mr. Lally asked the Chief if the uptown station needs to be upgraded before considering rebuilding the station at the Beach. Chief Lipe would like to see if the emergency management center and administration can be consolidated at the uptown station. Therefore, the uptown station would need to be expanded and restructured before building in the Beach area. He also suggested that a substation type structure should be considered at the Beach because of the cost of building in the area. Mr. Lally noted that it would be beneficial for the Chief to be involved in the Design Charette.

Chief Lipe talked about the demand for Fire Prevention in the community. The Fire Prevention Bureau is responsible for code enforcement, fire investigation and fire prevention education. Fire Prevention Officer Jon True noted that most of the fires that the Department deals with are accidental and there are a few that are still under investigation.

Mrs. Bridle-Russell asked if it is common practice for Realtors or potential buyers of property to inquire about fire codes. Officer True said that it is rare, but would recommend that potential buyers contact the Fire Department and Building Department prior to purchasing property.

Mrs. Bridle-Russell also asked what aspects of the Bureau are suffering as a result of default budgets. Mr. True believes that inspections are suffering and there is a need to do more. Since Hampton is a resort community there is a tendency for an increase in calls and complaints regarding noncompliance. Chief Lipe mentioned that Officer True has implemented a new program for small low risk businesses. In effort to cope with the workload, the program involves sending small businesses a self checklist and if they have any questions they may contact the Fire Prevention Bureau.

4. TOM WASSON – TRENCH APPLICATION FOR WINNACUNNET ROAD

Mr. Wasson is a local contractor who has purchased the lot located at 419 Winnacunnet Road. He requires a trench permit in order to have the sewer line connected. When the eight lot subdivision was developed the sewer was cut off.

Mr. Moore asked if the Public Works Department had discussed the \$15,000 bond required for the trench application. Mr. Wasson is prepared to meet all necessary criteria.

The property owner at 423 Winnacunnet Road is dealing with a similar situation and needs to have his sewer line connected to the mainline as well. Mr. Wasson will be working with the property owner on that project as well and would like to deal with both connections at the same time.

Mr. Welch recommended that the Board grant the permit and to have Mr. Wasson and Public Works work together to ensure that the trench patch is repaired appropriately. Mr. Welch suggested temporarily waiving the bond until the details can be worked out.

Mr. Lally MOTIONED to approve a trench permit for 419 & 423 Winnacunnet Road and require Mr. Wasson to collaborate with Public Works to ensure that the necessary bond and trench patch requirements are met. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

5. SKIP SULLIVAN, DOC NOEL & JUDE DAVID - SEAFOOD FESTIVAL

Mr. Sullivan announced that the 18th annual Seafood Festival will be this September 7th, 8th, 9th. Seafood Festival General Chairperson Jude David mentioned that her and other Festival Representatives met with the Town Manager and Department Heads last week to discuss traffic and security matters. The Festival puts Hampton Beach on the map and extends the business season in the seacoast. There are over 80 arts and craft vendors as well as many beach merchants selling end of season bargains. There will be entertainment at the Seashell stage and beer tent, with fireworks on Saturday evening.

In order for the event to be a success over 600 volunteers are needed. Anyone interested in volunteering may contact the Chamber or register online at www.hamptonbeachseafoodfestival.com.

During the event a free shuttle service is available throughout town. The buses are donated and the drivers volunteer their time.

The Festival will start the evening of Friday, September 7 and admission is free. During the weekend (September 8 & 9) admission will be \$5 per day or \$8 for both days. A portion of the admissions goes to the Hampton Rotary Club and to Special Olympics.

Ms. David requested that the Festival has permission to gate A Street through H Street during the festival.

The Seafood Festival has been rated as one of the top 100 events in North America.

Mr. Lally MOTIONED to gate A Street through H Street during the Seafood Festival. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

II. MINUTES - MAY 21, 2007 & MAY 28, 2007

The May 21, 2007 minutes stand approved as distributed.

The May 28, 2007 minutes stand approved as distributed.

IV. OLD BUSINESS

1. TOWN MANAGER'S REPORT

The New Hampshire Department of Transportation (DOT) has forwarded a number of notices regarding the resurfacing of Ocean Boulevard and Route 101. The work has commenced on both projects at this point in time. A pre-construction meeting was scheduled for last week on the Ocean Boulevard repaving with an expected completion date of June 18th. Route 101 preparation for paving is underway from last reports. Mr. Welch noted that there has been no coordination with the Town's Public Works Department regarding the necessary questions on the raising of manhole structures. Notice of the preconstruction meeting scheduled for last week was received the same day as the meeting.

The preliminary planning meeting with the Town for the upcoming Seafood Festival scheduled for September 7 through September 9 was held last Friday in the Town Hall. It appears that all required coordination is in place and the Festival will proceed without problem.

The Town Manager received a report indicating that the steps at Brown Park on the North Beach had been damaged (washed out). Public Works has cordoned them off until they can be repaired within the next two weeks.

Mr. Welch was contacted by our Regional Planning Commission representative, Warren Bambury regarding a presentation to the Board on renewable energy. He believes that the Board should be aware of long term cost savings that may be attainable for the community. With the Boards permission Mr. Welch will attempt to schedule a presentation at a future meeting of convenience for both parties.

The Board Policy on the Administration of Leased Parking Spaces is complete from the standpoint of the operating Departments and will be discussed later in the meeting.

The Police Department continues to progress on its required studies of roadways posted for less than 30 MPH. The process will be lengthy and is not expected to be completed until October.

BOARD OF SELECTMEN'S RESPONSE TO THE TOWN MANAGER'S REPORT

Mr. Lally asked if the steps were damaged by the April storm or by vandals. Mr. Welch reported that it was caused by the storm and that the cost of repairing the steps may be submitted for reimbursement from FEMA.

2. CABLE TV ADVISORY COMMITTEE MEMBER APPOINTMENT

On May 21, 2007 the Board decided to add three alternate positions to the Cable TV Advisory Committee.

Mr. Lally MOTIONED to appoint William Lowney as an Alternate Member to the Cable TV Advisory Committee.

Mrs. Bridle-Russell SECONDED.

Discussion:

The appointment certificate will be amended to include "alternate member" before the Selectmen sign it.

VOTE: UNANIMOUS FOR

3. PERMISSION TO SERVE ALCOHOL AND FOOD ON DECK – STACY JANE'S LLC

The Fire, Police and Building departments have been consulted in regard to serving alcohol and food on the deck at Stacy Jane's (Ashworth Avenue).

The owner of Stacy Jane's has been working with the Fire Department to obtain his assembly permit.

The Police Chief has indicated after visiting the applicant's restaurant and deck he believes that there is a valid concern for increased late night, noise complaints as a result of serving on the new deck area.

The owner is looking to capitalize on attracting new customers and increase food and beverage sales and would like to keep the deck open until 1 a.m. (closing time). At this time the business owner is not interested in having entertainment on the deck.

Police Chief Sullivan considered past call history related to Stacey Jane's and the complexity of the adjacent neighborhood. He is concerned about receiving an increase in complaints if the deck is allowed to remain open until closing (1 a.m.). The Town Manager spoke to the Chief earlier today who recommended that a reasonable closing time for the deck would be 11 p.m.

Mr. Lally received many emails and calls regarding the serving of alcohol and food on the deck at Stacey Jane's. Mrs. Bridle-Russell received approximately 20 phone calls about the subject. She said that many of the callers were against the deck being open past 9 p.m.

Owner of Stacy Jane's Charles Hughes noted that often the fireworks are not over until after 10 p.m. and that the request to close at 9 p.m. is unreasonable. The business owner understands that there are residents in the area but noted that visitors come to Hampton Beach to enjoy the nightlife and that 9 p.m. is too early to close the deck. He would accept the proposed 11 p.m. closing in protest.

Mr. Lally is concerned about worsening the situation for residents in the area. Mrs. Bridle-Russell noted that there are a lot of people in the neighborhood who are very concerned and hope that the deck does not add to the problems in the area.

Michael Robinson (4 Dover Avenue) came before the Board. He lives across the street from Stacy Jane's and is very concerned that the deck will contribute to the loud, rude and disruptive clientele that frequents the restaurant/bar. Mr. Robinson referred to the Town of Hampton Code of Ordinance, Chapter 2, Article 8 (Regulation of Noise in Dance Halls) and questioned how the noise level will be regulated on an open aired deck. He asked the Board to consider this ordinance prior to making a decision. Mr. Robinson believes that the bar has outgrown the neighborhood as it has doubled in size and it is detrimental to the neighborhood the way it is right now. He said that

there is nowhere for the patrons to park. He has requested a summary of past calls and complaints about the clientele leaving Stacy Jane's to the Police station from Chief Sullivan.

Mr. Lally agreed with Mr. Robinson's concerns as there are a lot of residents in the area who are not going to tolerate additional disruption from the patrons of Stacy Jane's. He also noted that there are a number of other drinking establishments in the area and that are in residential areas.

Mr. Lally MOTIONED to permit the serving of food and alcohol until 11p.m. on Stacy Jane's deck. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

4. DISPOSAL OF TWO TAX DEEDED LOTS IN TAYLOR RIVER ESTATES

There are two un-buildable lots within Taylor River Estates that were tax deeded back to the Town in 1996. Within the past few months the Taylor River Estates Homeowners Association has requested the Town return these lots back to the Association due to unpaid homeowners' fees.

Town Attorney Gearreald has reviewed all necessary documents relating to the request. Within his memo to the Selectmen, it suggests that if the Selectmen vote to convey these two parcels to the Association they should do so only via a quitclaim deed and have the Association sign a release of any assessment against the Town. In addition, he recommended that the release of these lots be recorded at the Rockingham County Registry of Deeds.

Mr. Workman MOTIONED to transfer tax map parcels 170-RCL-005 and 170-RCL-006 respectively in return for unpaid homeowners' fees to the Taylor River Estates Homeowners Association. The agreement will include a caveat that does not allow combining or building on these lots. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

5. BUDGET COMMITTEE – PETITION FOR INJUNCTIVE RELIEF

Chairman Moore noted that Mr. Griffin, (Selectmen, Budget Committee representative) had signed a letter correcting the statutory reference in the May 28, 2007 letter sent by the Selectmen to the Budget Committee. The reference should have referenced RSA 32:16 not RSA 32:23.

OLD BUSINESS CONTINUED

Mrs. Bridle-Russell MOTIONED under RSA 91-A: 3 II(a) to enter into a nonpublic meeting. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS by role call

There was an error in the printing of veterans' exemption tax bills. The first dollar amount line on the tax bill is incorrect. Mr. Lally received a call from a property owner who was upset about the mistake. The Tax Collector has provided this individual with a corrected bill and has placed a notice about the error in the newspaper and on Channel 22.

Mrs. Bridle-Russell asked about the status of the private road project. Mr. Welch reported that the task has proven to be difficult. An easier way must be established for researching and notifying all parties of interest. He also noted that there is a need to amend the statute and that there is no easy solution.

III. NEW BUSINESS

1. RESOLUTION – CODE OF ETHICS

Mr. Welch presented the Selectmen with a Code of Ethics Resolution. It is a voluntary nonbinding resolution so that all municipal government levels operate the same.

Mrs. Bridle-Russell MOTIONED to adopt the Selectmen’s Resolution, Code of Ethics. **Mr. Lally SECONDED.**

Discussion:

The Resolution will be placed on the website and sent to all Town committees and boards. Mr. Moore does not believe that there is a need to legislate ethics.

VOTE: UNANIMOUS FOR

2. ADMINISTRATION OF TOWN LEASED PARKING SPACES POLICY

Town Manager Welch has formulated a policy regarding the Administration of Town Leased Parking Spaces. The Policy includes an annual review by the Selectmen.

Mrs. Bridle-Russell MOTIONED to adopt the Administration of Town Leased Parking Spaces. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

3. REQUEST FOR ABATEMENT OF PROPERTY TAXES

Mr. Lally MOTIONED to grant the request for Abatement of Property Taxes as provided by the Town Assessor. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

4. REQUEST TO INSTALL SIGN ON THE WELCOME TO HAMPTON SIGN

Mr. Moore commented on the size of the sign (30” by 24”) as it seems quite large in comparison to the other signs. Mrs. Bridle-Russell will convey the message back to the Church and ask them to consider conforming to the other sign sizes.

5. REQUEST TO USE RESIDENTIAL PARKING LOT(S)

A Hampton couple is planning on hosting a retirement party for a Public School Special Educator on July 13, 2007 at their home. It is expected that there will be many people attending and they are concerned about parking in their neighborhood (Seaview Avenue and Willow Lane).

Mr. Workman MOTIONED to permit the use of the residential parking lot at the corner of Ancient Way and Ocean Boulevard and the residential parking lot at the corner of Cusack and Ocean Boulevard on the evening of July 13, 2007 from approximately 5 p.m. to 11 p.m. for the retirement party as requested. During the specified time period the residential parking permit will be waived. Space will depend on availability and cannot be reserved. **Mrs. Bridle-Russell SECONDED.**

Discussion:

The Police Department will need to be notified.

VOTE: UNANIMOUS FOR

6. TRENCH PERMIT – HIGHLAND AVENUE

Town Ordinance requires any road that has been paved within the last five (5) years to be approved by the Selectmen. Aquarion has submitted a trench application for Highland Avenue. It was the consensus of the Board to revisit the application at next week’s meeting once the Town Manager has confirmed Aquarion’s plans.

VI. CONSENT AGENDA

- 1. Welfare Lien
- 2. Raffle Permit
- 3. Dance Hall Permit

Mrs. Bridle-Russell MOTIONED to approve the consent agenda as presented. **Mr. Lally SECONDED.**

**VOTE: 3 FOR
Abstained – Workman**

VII PUBLIC COMMENTS

Richard Reniere asked if the NH DOT has indicated if they are planning on painting street lines and crosswalks on Ocean Boulevard. He noted that is a safety issue and he would like to see the Town put pressure on DOT to get the work done.

VIII. CLOSING COMMENTS:

Mr. Lally agrees with Mr. Reniere’s concerns about the lack of crosswalks and street lines on Ocean Boulevard. It creates a situation that is unenforceable and dangerous for Hampton Beach visitors. Mr. Lally suggested that a letter be sent to the DOT in attempt to expedite the painting project before June 18.

IX. ADJOURNMENT

Mr. Workman MOTIONED to adjourn at 8:55 p.m. into a non-public meeting. **Mr. Lally SECONDED.**
VOTE: UNANIMOUS FOR

Chairman