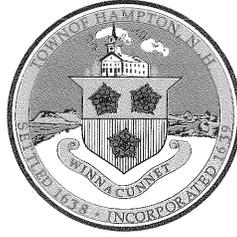


Town of Hampton



TOWN OF HAMPTON MEETING - BOARD OF SELECTMEN MINUTES OF MAY 05, 2008

PRESENT: William Lally, Chairman
Richard Griffin, Vice Chairman
James Workman
Richard Nichols
Richard Bateman
Fred Welch, Town Manager
Kristina Ostman, Administrative Assistant
Mr. Gearreald, Town Attorney

Chairman Lally called the meeting to order at 7:00 p.m.

SALUTE TO THE FLAG

I. Public Hearing for Emergency Lanes – Francis and Lyons Streets

Atty. Sharon Somers, Donahue Tucker and Ciandella. Atty. Somers representing Gary and Edie Pole of 4 Lyons St to request that Francis and Lyons Streets be designated as Emergency Lanes.

Attorney Somers explained that it was initially presented petition for Lyons and Francis, but advised by Town Counsel that Williams St is one way, on to Lyons and should have been included in the request. It was our understanding is that one way status not enforced, but we have revised petition to reflect how streets are shown

Atty. Somers explained as practical matter, all parties, including those on Williams St have been notified, but we acknowledge potential need for continuance to give revised notice

Atty. Somers specified two reasons to grant the petition; public welfare and public safety

Public welfare: Board should consider context of request. That the Poles not here because they bought into subdivision with private roads and now want them plowed, here in response to Town letter; they were advised last fall that roads will no longer be plowed.

The Town position is different than that shown since 1997, when Poles bought property and when roads plowed. The Poles had reasonable assumption that Town practice would continue. And given the circumstances of request, we believe public welfare requires measure to lessen impact on property owners on street, and requires response which is fair to all, to designate the streets as emergency lanes would accomplish this task.

Public safety: Fire is major concern in beach area, fire can spread quickly given small size of lots -keeping roads plowed in winter will prevent fires from escalating quickly and spreading.

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We don't necessarily agree with town's position that this is private road, but first and foremost, we want to ensure that road is plowed next winter. The fire lane status will remain in effect regardless of whether emergency lane request is granted or denied. There will be no change in where cars can legally park as a result of action on the emergency lane request.

Atty. Somers suggested an alternative; that the Town has legal authority to do is to consider designating portion of road as emergency lane. Thus, since only objections voiced are Francis street owners between intersection of Lyons and Church, Board should consider deeming Williams and Lyons emergency lane, and Francis St only from intersection of Lyons to marsh area.

PUBLIC:

Mr. Gary Pole, 4 Lyons Street is a petitioner. For emergency purposes Mr. Pole asks that Board to designate Lyons Street as an emergency lane.

Mr. Pole submitted a letter from Ms. Piccucci

Tom Angold, 10 Francis Street. Mr. Angold stated his concerns with the removal of the "on street parking." He noted that the removal of the "on street parking" would destroy his apartment business.

For the record Mr. Lally clarified that a letter indicated that Mr. Angold was not in favor of the Emergency Fire Lane. Mr. Angold stated that the petition was signed by his son for them and Mr. Lally was correct.

Mark Wall, 41 Albion Street, Medford, MA (8 Francis Street.). Mr. Wall is against the designation of the street as an Emergency Lane. He does not want to lose his "on street parking." He has never seen an incident impair emergency vehicles from entering the streets.

Atty. Somers acknowledge statements made about parking. Atty. Somers explained that she understands that the objection is not so much as the roads being designated as Emergency Lanes, as that there is the potential loss of "on street parking." According to the Towns Ordinance on Fire Lanes, which Lyons and Francis are, both sides of the streets are designated as Fire Lanes and the ordinance states that no parking is allowed on either side of the streets, which means that parking in the right of way is not legale. We are unaware as to whether the fire lane ordinance is enforced.

Elaine M. Czesniuk, 9 and 12 Lyons Street. She has concerns about emergency vehicles getting stuck in the winter months.

Neal Keane, 717 South Main Street, Manchester, MH (8 Lyons Street). As a summer resident. He questions trash pick up and hopes to see services continue.

BOARD DISCUSSION

Mr. Bateman had no comment.

Mr. Griffin will comment when this issue is continued at a later date.

Mr. Nichols questioned the state law that prevents the town from plowing a private way.

Mr. Gearreald, Town Attorney did not want to comment on the law during this meeting.

Mr. Nichols questioned Atty. Gearreald as to what happened in other towns.

Atty. Gearreald explained the Jaffrey, Nottingham, and others had similar cases. Legislature attempted to assist by instituting an Emergency Lane Law. There are issues with this law such as a provision that states if even one person with interest objects it cannot move forward. Also the law does not address parking,

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plowing, and emergency vehicle concerns. There has not been an injunction against selectman however; Atty. Gearreald would not advise the Board to violate the law. Fire Chief should comment at some point.

Mr. Workman asked if the selectmen can change the emergency lane status without revising the fire lane. Would revising the fire lanes alleviate parking concern?

To Atty. Gearreald understanding they are listed as fire lanes with no-parking on either side. If they leave the status in place the matter would be whether or not to enforce parking issue

Mr. Workman and Atty. Gearreald confirmed the provision that states if even one person with interest objects it cannot move forward.

Mr. Lally explained the history of the situation. This issue has existed for decades. One complaint brought the situation to Board. The complaint addressed an issue of unfairness as some private ways were plowed by the town while others were not. According to Mr. Lally the law clearly states that private ways cannot be plowed by the town and the law must be adhered to. Mr. Lally emphasized that he and the board want this issue resolved. He mentioned taxpayers concerns regarding the cost involved with plowing private ways. Mr. Lally believes cost will remain the same with the exception of rising fuel cost. Although this issue cannot be solved tonight, Mr. Griffin and Mr. Lally agree that the people on Williams Street will be notified properly, are welcome to speak, and all those who spoke tonight are on record.

The date of May 19, 2008 was set to continue on these issues.

Mr. Lally asked Atty. Gearreald to confirm that everyone with legal right to the street must agree. Atty. Gearreald explained that a portion of a road can be declared an Emergency Lane. All property owners and mortgage holders have the legal right to deny the law. It also must be understood that if we plow narrow streets parked cars cannot be in the way.

Fire Chief Lipe explained that Fire Lanes are lanes on both sides. Fire Lanes regulate parking on the street. He will check if signs are posted properly. Chief Lipe would also like to remove the utility pole.

Fred Welch, Town Manager stated that the pole is on private property.

Chief Lipe hopes that the residents affected will not object and will see the need for safety of establishing an Emergency Lane. Its imperative emergency vehicles are not blocked especially in the winter months.

Leo Walsh, 12 Francis Road Asked about the width of the road. According to Public Works Francis Road is 12 feet. The fire lane would in fact be 12 ft.

Arthur Moody, 3 Thomsen Rd. Mr. Moody stated that the Fire Lanes under the fire code is a civil matter. Police can not tag and tow, however they can in Emergency Lanes.

II. Announcements and Community Calendar

Mr. Workman- May 10th Fire Safety and Children

May 17th – Fishing Derby at Bachelor Pond – Fishing licenses are available at Town Hall

May 17th - American Legion's Old Fashioned Ham and Bean Supper at the Legion Hall– Seating at 5 and 6 pm

Mr. Lally- checked the fields, fixed the boards at the in-line skate park. Commented on a great job and thanked them.

III. Appointments

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1. Police Chief Sullivan - Departmental Update

April Monthly Report

Below is a summary of the significant activities of the Hampton Police Department for the month of April 2008

General Overview: Our yearly activity continues to increase in all areas. Incidents are at 418, Arrests 360, Accidents are at 124, Calls for service 8624 (about 70 per day).

The Department covered a major accident in the interchange necessitating the closure of Route 1 to traffic for a period of time. The operator suffered numerous injuries and needed to be removed from the vehicle using the Jaws of Life tool by the Fire Department. Chief Sullivan said, "I was very proud of how our officers and the firefighters worked so well in this situation."

Operations plans are being reviewed and set up for the summer season.

Personnel: We will swear in our newest Officer, Robert Kenyon tomorrow afternoon in the Selectman's meeting room. The hiring of Officer Kenyon will bring the PD back up our full time authorized staffing levels.

Friday night we will hold our badge pinning ceremony for the nine new Part-Time Officers joining the department. They have all successfully completed the NH Part-Time Police Academy Training and an additional course of in house training required by the PD. This process began for them last September and as of Friday they will be available to work shifts for the summer.

Budget: Currently we continue to operate well with in the allotted 2008 budget.

Mounted Patrol: Chief Sullivan was pleased to announce that with the aid of private donations the PD has taken delivery of a new Tennessee walking horse named, Butch. Butch will join Arrow working the streets of Hampton Beach this summer. A special note of thanks to the Hampton Beach Casino Ballroom for their significant donation of \$3000.00. We will need to schedule a public hearing to formally accept the horse, who's purchase price was \$7,000 total.

Training: Our busy training schedule continues, we have completed hands on emergency vehicle operations class, and use of force training is being conducted this week. In the coming weeks our M/C training, CPR, first aid and legal refresher training will be conducted.

National Police Week: The week of May 11-17, 2008 is National Police Week. This is a week to pay respects to all officers who have paid the ultimate price for the service and are remembered during this week. You may see the Blue ribbons of COPS (Concerns of Police Survivors) tied to the antennas of vehicles, please take a moment and recognize the members of Law Enforcement during this week.

Chief Sullivan asked if the Board has any questions.

Mr. Nichols asked about expected careers of horses. Chief Sullivan said approximately 17 to 18 years.

Mr. Workman asked about summer staff.

Chief Sullivan noted that they were low but that they are okay.

Mr. Lally asked how many new men were from Hampton.

Chief Sullivan noted that there are only a handful of residents that are officers. It may be the process in which they hire full time vs. part time employees.

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Chief Sullivan mentioned the DOT letter. He is fine with their response. The bridges cannot accommodate pedestrians. The state will work with the town.

2. Open Discussion on the proposed new Fire Station Facility

Public:

Mr. Nichols explained his objective on the discussion on the Fire Station. He believes that the issues of why the voters did not pass the Fire Station should be discussed. Mr. Nichols believes that it was the cost of the up town Station that the vote failed. Mr. Nichols said it would be preferable to have the support and agreement of the Village District Precinct Commissioners on the location and issues related to the land occupied by the existing Beach Fire Station. His personal objection is that it is unfair for the Precinct to turn responsibility for the Fire Station over the town and expect to take the land used for 80 years for something else. Taxpayers suffer the costs. The Precinct is saying that we're keeping the land; Mr. Nichols stated that turning the land over should neither affect the town or the Precinct in a negative way. He would like to see town and Precinct work together and invites Commissioners comments.

Mr. Workman stated they need to get as much information as possible so they know exactly what the people want.

Mr. Bateman realizes the problem needs to be solved by the town of Hampton. He will comment more after hearing more information.

Mr. Griffin is only in favor of having one Fire Station going to vote. The decision of which fire station should go first must be discussed. A plan needs to be realized to determine the best avenue to proceed.

Mr. Lally said in the last year the opinion was to do the town first. Mr. Lally was against putting both stations on the ballot last year due to economy.

Chief Lipe stated the Fire Station at the beach has served as the headquarters since 1923. He does not believe it is an ideal location due to the beach being a high hazard distract. It can be built however, he believes it will be in harms way due to weather etc. He thinks an expanded station up town is needed as a safe place to serve as headquarters. The substation is not practical to vote on first. The substation would work well on the beach. Chief Lipe can present a good plan although he is concerned on the high cost of a "green" station.

Mr. Lally reiterated the discussion. The uptown Station should be designated to be the headquarters and that station should be built first.

Mr. Griffin explained his strong position on the building being built "green". He believes the public wants to go "green" and will pay more for a "green" station.

Mr. Lally and Chief Lipe agreed that the cost would have to be considered as a "green" building would be more expensive.

General Discussion on the cost of building "green"; topics that were identified: location, energy, efficiency, design, construction, cost, voter's wants, leadership, and Predicts input.

3. Hampton Beach Village District Precinct Commissioners

a. Beach Fire Station Future:

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Beach Precinct Members Chuck Rage, June White, and Gary Kubic commented. Mr. Rage explained that the Beach Precinct is not a separate area from the rest of the town. Former Commissioners had an agreement with the town to build a footprint of the station. However, thus far, no one has been contacted.

Chuck Rage spoke further about the agreement and they are open for discussion regarding the Fire Station.

General Discussion by the Board and Precinct Members on parking issues at the Beach and the location of the station.

Chuck Rage commented on giving away parking and how it will affect beach business.

Mr. Nichols stated the site for the station was still uncertain and noted different plans and ideas.

Gary Kubic agreed that much discussion is needed and they are willing to work together.

Mr. Griffin also mentioned different plans and ideas that could arise. However, he believes the substation would work well where it is and has always been.

Mr. Workman noted flooding conditions and placement.

Chief Lipe responded to elevation and flooding issues by referencing to the 8 Ft - 100 year old -float plan that must be dealt with.

June White stated that the most important issue is the new lease and maybe a renovation of what is now.

Mr. Lally commented on the headquarter change and it will be in the town.

Mr. Bateman noted that signing a lease or contract now would be putting the cart before the horse.

Mr. Bateman commented that utilization must be confirmed. He would want it to be the towns. Many issues need to be addressed. The station should be serviceable to the town and our guests. He also made reference to the State Reservation for the possible location for the Fire Station.

Mr. Kubic mentioned the basket ball courts located behind the current station on Brown Ave.

General discussion on the need to work together on the Beach Fire Station. Everyone agreed much investigation must be done.

Arthur Moody was called upon by Mr. Lally regarding the Royal Property. Mr. Moody believes the lease has about 20 years left. He notes that the basketball courts are on a private piece of land and that the Hampton Recreation Department put them there.

Michael Pierce - 16 Headman Ave. Notes that the beach fire station has not been flooded even when the water level rises. He wants to know why the town doesn't build a new station on the footprint of the old one and that we should keep the elevation of the building in mind.

Charlie Preston - Proposes the State Reservation for the possible location for the Fire Station. He notes the elevation regulations at the beach. Comments that the new station is doable and he request that the selectmen ask the State for the sub-station location on May 15th, when they are having the meeting for the renovations to the Seashell.

Mr. Bateman explained his understanding of the proposed new station. It would create a larger emergency presence with a more private EMT area. Land utilization is a concern and is being worked on, parking spaces in front of the station could be better used to serve the fire department and the public.

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Mr. Art Gopalium - 21 Mill Lane. Speaking as a tax payer he explained that the cost is a daunting figure and there should be more articulation of what the core needs and requirements are of the Fire Department and other departments if they are include. The building should be fundamental and functional, and the cost effectiveness should be analyzed to ensure savings in going "green".

Open discussion among Board Members on the station for uptown and the beach and requested a second meeting with the Beach Precinct Commissioners. The next meeting with the Beach Commissioners is scheduled for June.

Rick Reniere, 33 Highland Ave. Complimented the Board of the public comment portion of the discussion and will be back to comment when needed.

Maury Freidman - Spoke to the discussion he had three weeks ago. Reminded the Board to speak to Jim Gaylord about space.

b. Master Sand Sculpting Event.

Greg Grady requested that the Town continue to support the event in the following ways:

Provide the 500 feet of fencing like they have in the past. 6/12/08

The filling of the water barrels from the fire department as they have done before. 6/18/08

Police detail for the event to provide a presence. 6/20/08- 6/21/08

IV. Minutes

April 21, 2008

Correct through out documents all present tense to past tense. Correct capitalization. Change the words he and him to Surnames.

Page 1. Delete In reference to and replace with: To enacting.

Page 2. Delete the following sentences in paragraph 3. also noted that large trucks come into the town hall lot and park in the proposed drop off zone Also, during the winter months, when snow banks reside along Winnacunnet Road there many other safety concerns. The current use of the town hall parking lost does not lend itself for a drop off pattern.

Page 3. Delete the following words. Mr. Lally notes that this

Page Five. Insert the following after the motion on Hardardt's Way. Chairman Lally read the memo from Dyana Martin, Recreation Director about her concerns with opening the gates and the subsequent safety issues that would occur.

Page 6 re-word first paragraph to say the following: Mr. Workman agrees with Mr. Nichols that there is a lot of information on this issue. However, he does not believe the gates should be open. Couple this with the Board of Selectman's and past town binding votes and now to have this be an access road without Legislative intent. Mr. Workman stated that there was a binding vote against the opening of the gates starting in 2000. Mr. Workman stated that we would be opening ourselves up to liability and disrupting the lure created by the recreational facilities located on the road. Mr. Workman is not in favor of opening the gates.

Page 7. Ninth sentence. Delete the following: is there anywhere

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Page 8. Restructure sentence to read: Hampton Beach Village Distinct to help publish the Hampton Handbook.

Page 8. Restructure sentence to read: Chairman Lally explained to the viewers at home and those present this evening that the Board had met with Attorney Higgins last week to discuss these matters.

Page 8. Restructure sentence to read: could be liable to fund it even if the voters were to vote it down.

Page 9. Restructure sentence to read: Mr. Welch recommends that the Board "not" sign the contract.

Page 9. Restructure sentence to read: overall tax affect spending will be for the taxpayers.

Page 10. Restructure paragraph to read Mr. Welch explained the bill and its intent. The letter states three problems associated with Bill 65, the first being, which would allow the Pease Development Authority (PDA) to engage in long term leases without any governmental approvals. Also, it allows for the PDA to directly appoint their own director of ports and harbors. without any oversight approval from the city and towns who are directly effected by the PDA and then taking all the revenues generated by the effected ports and harbors, which normally would be deposited in the general fund and deposited into a non-lapsing fund controlled by the PDA. This is a concern because Hampton has a harbor and Hampton would not have any say in the matter. As the House of Representatives have already approved this Bill, this was a request to draw up a letter to be sent to Senator Clark of the Senate identifying that the Town of Hampton is in opposition to this Bill.

Page 10. Insert the following sentence after Mr. Hangen. It was mentioned that the Town does not have the authority to request such a contingency.

Page 10. Correction of the vote referencing the nay vote of Mr. Bateman (Nichols to Bateman).

Page 11. Insert the following sentence after the third sentence: However, he does believe that the utility companies will install concrete poles, as they are expensive.

Mr. Nichols MOTIONED to accept the minutes as corrected. Mr. Workman SECONDED

VOTE: UNANIMOUS FOR

April 28, 2008

Page 8. Change Mr. Price to Mr. Pierce.

Page 8. Change the 5th paragraph to reflect that the discussion regarding the sewer issue as presented by the Keer's were allegations that were made by Mr. & Mrs. Keer.

Page 8. Change Mr. Rey to Mr. Reniere

Mr. Nichols MOTIONED to accept the minutes as corrected. Mr. Workman SECONDED

VOTE: 4 - 0 - 1(Bateman)

V. Old Business

1. Town Manager's Report

- A. Hold the date of Saturday, May 17, 2008 to attend the American Legion's Old Fashioned Ham and Bean Supper at the Legion Hall, 69 High Street. There will be two servings, one at 5PM and one at 6 PM. Proceeds to the Post 35 Building Fund.

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- B. Comcast provided assistance in replacing the back and side boards at the In-Line Hockey Rink as a part of Comcast Care Days. We deeply appreciate the efforts of Comcast in helping to make Hampton a better place to live.
- C. The Town Clerk reported that a total of 1347 dogs were registered by the close of the licensing period on April 30, 2008. That is a 40% increase in the number of dog registered in 2008 over the same period in 2007. There are approximately 500 dogs left unregistered.
- D. Please remember that the NROC Meeting is scheduled for this Thursday, May 8, 2008 from 7 to 9 PM in the Selectmen's Meeting Room at Town Hall. Both the Innovative Land Use Planning and the Hampton Open Space Committees will be meeting.
- E. Mama Leone – Liquor License, request for 15-day period to be waived.

Mr. Workman MOTIONED to accept the send license to the state. Mr. Bateman SECONDED

VOTE: UNANIMOUS FOR

Discussion on DOT Agreement

Mr. Griffin MOTIONED to Sign DOT agreement. Mr. Bateman SECONDED

VOTE: UNANIMOUS FOR

- 2. Liquor License – Aaron Brown dba Victoria Inn Annex

Mr. Workman MOTIONED to the License. Mr. Bateman SECONDED

VOTE: UNANIMOUS FOR

- 3. Discussion on Agenda Format Change – Public Comment Period

Mr. Griffin MOTIONED to change the agenda format and the public comment on items on the agenda and is limited to 2 minutes. Mr. Bateman SECONDED

VOTE: UNANIMOUS FOR

VI. New Business

- 1. Request to authorize disposal of Used Furniture

Mr. Griffin MOTIONED to authorize disposal of the used furniture at the Town Manager's description. Mr. Nichols SECONDED

VOTE: UNANIMOUS FOR

- 2. Request to authorize Sale of Forestry Truck

Mr. Bateman MOTIONED to authorize sale of forestry truck. Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

- 3. Intermunicipal Agreement for Treatment and Disposal of Wastewater

To be discussed at the May 12th Meeting.

- 4. Removal of Mace Road from the Five Corners Interchange

To be discussed at the May 12th Meeting under business

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VOTE: UNANIMOUS FOR

VII. Consent Agenda

Request to remove the Fire Box 25 by Mr. Lally. Consensus to pull item.

1. Management Agreement for the Ice Pond
2. Walmart Donation of \$1000.00 for Fire Prevention Week supplies
3. License for Coin Operated Devices – 121 Ocean Blvd.
4. Request for Fire Box 25 by the Kennedy Family

Mr. Bateman MOTIONED to move remaining items on the consent agenda. Mr. Lally SECONDED

VOTE: UNANIMOUS FOR

Open Discussion by the Board Members on the Fire Boxes.

Consensus to investigate the value of the boxes and the Town Manager to report back.

VIII. Public Comments

Rick Reniere, 29 Highland Avenue. Spoke about the fire boxes.

Arthur Moody, 3 Thomsen Rd. Asked about the administrative surplus ordinance. Spoke about the following items: Donor towns; new agenda items should be clearer; and the Rye sewer agreement.

Mr. Bateman MOTIONED to adjourn. Mr. Nichols SECONDED

VOTE: UNANIMOUS FOR

Meeting adjourned at 10:10PM.

Non-Meeting with Counsel – RSA 91-A:2, I (c)

