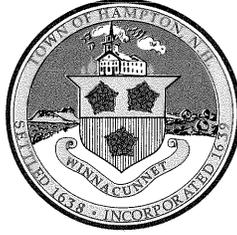


# Town of Hampton



## TOWN OF HAMPTON MINUTES OF THE BOARD OF SELECTMEN MONDAY, APRIL 27, 2009

PRESENT: Richard Griffin, Chairman  
Richard Nichols, Vice Chairman  
William Lally  
Richard Bateman  
Gerald Znoj  
Frederick Welch, Town Manager  
Mark Gearreald, Town Attorney

7:00 PM Board of Selectmen Meeting

Chairman Griffin called the meeting to order at 7:01 PM and introduced the members of the Board.

### SALUTE TO THE FLAG

I. Public Comment Period - None

II. Announcements and Community Calendar

Mr. Bateman would like to remind everyone at home that now is the time to sign up for the summer camps offered by the Recreation Department. He went on to describe some of the camps being offered.

Mr. Lally would like to remind everyone of the dedication of the tennis courts at 5:30 on Friday.

Chairman Griffin mentioned that the Hampton Beach Beautification Committee has received an award from the NH Arborists Association. The Community Beautification Award will be presented to the committee on May 1<sup>st</sup> in Concord by the Governor.

III. Appointments

1. Chief of Police - Departmental Update – Chief Sullivan spoke about the following topics: Emergency Management and the Swine Flu update stating cause for concern but not alarm at this point, avenues for the public to obtain information include [dhss.state.nh.us](http://dhss.state.nh.us) or by calling 1-888-330-6764, there are also links on the police website and hope to have them on the Town's website tomorrow. General information for the month of April

includes: slightly down on number of arrest, slightly up on the number of incidents, part one crimes like sexual assault down 21 %, part one property crimes are up 30%, part one crimes against society are down 12%, part two crimes like DWI's down 28%, touched on this weekend and summer like weather 262 calls for service and made 23 arrest over the weekend, one item of concern includes a felony criminal threatening offense which occurred with a loaded fire arm between some pedestrians and a vehicle, the officers were able to make an arrest, other things over the weekend included domestics, resisting arrest, incidents involving alcohol, number of accidents and significant impact on traffic over the bridge, last week detectives spent a lot of time reconnecting a senior citizen with his family, if the warm weather continues concerned with the impact it will have on the operation of the department, personnel Sgt. John Galvin has retired with over 34 years which is the longest service time for a fulltime officer, and lastly budget remains under allotted numbers and have given the Town Manager recommendations for further cuts.

#### Discussion

Chairman Griffin commented on the problems with the dogs on North Beach and wonders what the police department can do about at it.

Chief Sullivan commented that they will do what they can but with dwindling resources it is a low priority compared to some of the other things they are dealing with. He does agree that it is an issue and they will continue to do what they can. He has asked the animal control officer to keep an eye on this issue. He will do whatever the Board directs him to do and depending on what the Board wants to do he does believe that education for the public is very important.

Chairman Griffin questioned the signage and whether it is the responsibility of the State.

Chief Sullivan confirmed that the Town would be responsible for the Town Beaches and the State for the State Beaches.

Chairman Griffin has heard that the State is planning to put up more signs and he wonders if maybe they would also be willing to put out some bags.

Chief Sullivan added that the main issue with the waste is that catching someone in the offense is the problem. As for dogs on the beach it is an issue of clearly setting the standard, clearly delineating that standard and consistent enforcement that's the issue. Like he said before the biggest issue would be the message. This is always a heightened issue as we head into the season. Chief Sullivan also mentioned that he has been in contact with Mr. Warburton and they will be working together on this problem.

Mr. Nichols would like to comment on the signs and give two examples. One is on Brown's Beach and the other being down near Haverhill on the main beach. Down at Brown's Beach/Plaice Cove there is a sign that clearly shows and states that you must clean up after your pet. The sign at the State Beach near Haverhill Street has about 200 words quoting RSA's and he wonders who is going to read the sign. The sign at the Town's beach is much more effective. He agrees that the signs are very important. Another idea he has is to have a sign stating that there will be officers in plain clothes on occasion to enforce this.

Chief Sullivan feels that his sentiment is right but he thinks the key issue is getting a consistent message out as to what it is the community wants. Once we get the message out, put up some basic signs that we strictly enforce and make sure that we have the mechanism to enforce.

Chairman Griffin wonders if there is money in the budget to buy these signs and Mr. Welch said that we can do whatever the Board wants.

Mr. Znoj agrees with the Chief that we should come up with some sort of a plan that emphasizes communication and education and then followed by random enforcement.

Chairman Griffin feels that it will be easier to enforce along the sidewalks.

Chief Sullivan commented that he does not see the sidewalk as the beach. He interprets the statue to mean the sand as the beach therefore dogs can be on the sidewalks.

Chairman Griffin commented that they are not picking up after their pets.

Chief Sullivan added that not picking up after your pet is a separate issue. There was clarification that one issue is dogs on the beach and the other is picking up the waste.

It was the consensus of the Board that the Dog waste was the bigger problem.

Chairman Griffin and Mr. Nichols both agree that the people who live in the area are not the offenders. Chairman Griffin thinks that by having a cruiser patrol this area we can possibly enforce this.

Chief Sullivan commented that it is not that easy to catch someone in the act of not picking up after their pet cruising by at 30 mph. Chief Sullivan also added that it is not as easy since the North Shore is quite a distance to cover with 2 miles from Boars head to the end of the wall and then another two miles beyond. He went back to the fact that communication and education are key factors.

Chairman Griffin wonders if we have a consensus from the Board that not picking up your dogs waste is something that we want to enforce more.

Mr. Lally wonders if the animal control officer has the statutory right to write a summons for this. Chief Sullivan stated that under this ordinance he does have the right.

Chairman Griffin asked the Town Manager if we want to work with Mr. Warburton on the signage. Mr. Welch informed the Board that Mr. Warburton is having a terrible time with signage. All the signs that have been posted in regards to dog waste have been removed or stolen.

Chief Sullivan suggested that we get together with Mr. Warburton and the animal control officer so that we can all get on the same page. After they come up with a plan they will come back to the Board.

Chairman Griffin thanked Chief Sullivan and asked for any other questions from the Board.

Mr. Lally commented on the traffic problem on the beach on Saturday. One of the main problems was with the flagmen hired by the State to control the traffic on the bridge. Not all flagmen know how to direct traffic and this was clearly the case on Saturday. In regards to the One Way signs from M Street south he suggests that these not be changed until there is two

way traffic on the bridge again. He would also like to point out that the staffing level is still the same as it is in February.

Chief Sullivan commented that they augmented an additional 4 officers per shift over the weekend. You will see the budget recommendations and we have to make cuts on the preseason coverage. At some point there will be a breaking point.

Mr. Znoj would like to know if we have a time frame for the dog issues.

Chief Sullivan asked for a couple of weeks so that he can meet with Mr. Warburton and then get back to the Board.

Mr. Znoj also asked about some gang activity on the beach over the weekend. He informed the Board that a family came into the coffee shop and said they saw a gang fight and were scared for their lives and would not come back to Hampton.

Chief Sullivan responded that they did have a call for a fight among a large number of people and knives were involved. When the officers arrived the group had disbursed.

Mr. Bateman would like to give notice and education to the community that the President has given a proclamation that May 15<sup>th</sup> which is National Peace Officers Memorial Day all flags should be at half mast.

Mr. Nichols asked about the FEMA reimbursement from the Ice Storm and if the Chief could give a rough estimate on the amount submitted or expected to be reimbursed.

Chief Sullivan said that the paperwork is still being processed but he believes that the amount submitted by the Town was in the \$60,000 range.

Chairman Griffin asked about the motorcycle noise.

Chief Sullivan stated that they do have a decibel meter but once again the problem is the decibel number of 106 approved by NH law is very high. There was an effort made to change this number but it did not pass through the State Legislature. They have found in the past that a better way to enforce things is by controlling speed, helmets, protective eyewear, altered exhaust and other items along this line.

Chairman Griffin and Mr. Lally both agreed that this would be a good item to bring up when the Legislatures come back.

Mr. Welch added that before the Chief leaves this evening the Board might want to discuss the work planned for the fall on the bridge. We made some agreements with the State last year which they have not honored and he is a little concerned about that. Mr. Welch would like to see some direction from the Board allowing the Chief, himself and the people who have to deal with this mess to go back and negotiate with the State.

Mr. Lally pointed out that he specifically remembers discussing with the State that there would be an issue on the first nice weekend and he was exactly right. He is not necessarily saying that they have to have a police detail however, the flaggers do need to be trained in traffic control in order to do the job properly.

Mr. Welch explained that there is a host of other problems. A few examples are asking for signage at rte 286 and rte 1A, asked them to approach the Commonwealth to put up signs at rte 1 and rte 286 and none of this was done. They were also given plenty of warning that the nice weather was coming and they did nothing. Something needs to be done so that we do not have this same problem next year.

Chairman Griffin commented that on Saturday night he was having dinner with friends from Salisbury and it took them an hour and a half because there was no sign on 1A and 286.

Mr. Welch added that if there had been a major fire in Sun Valley neither Hampton nor Seabrook Fire Departments would have been able to get there.

Chairman Griffin asked if there needs to be a motion or just a directive from the Board.

Mr. Welch explained that what he is suggesting is that the Board approach the State and void the current agreement and start over.

There was a consensus among the Board to allow Mr. Welch to negotiate with the State in regards to the work on the bridge.

Chief Sullivan and Mr. Lally both agreed that they are not trying to force the State into having a detail. However, by using an officer to control traffic there is more coordination since the police have dispatch and are able to know what is happening further down the beach.

Chief Sullivan also pointed out another problem that he had with the State. There is a need for signs in the North Beach area warning traffic of pedestrian crossing. He was given the run around until he was finally referred to Mr. Warburton who helped him to get this done.

Chief Sullivan feels that a strong sentiment from this Board saying that they want police officers directing traffic at these times and those sentiment and concerns should be brought to the State.

Chairman Griffin asked Mr. Welch if he would be notifying the individuals responsible for the construction on the bridge by mail.

Mr. Welch commented that he has been chasing the State and the individuals involved with the agreement since the day they signed the documents and is still chasing them.

Chairman Griffin added this was their first big project in Hampton and they have obviously failed. Mr. Welch will continue to chase them.

Mr. Znoj suggested that the Board needs to tell them exactly what the Board wants to happen.

2. Lisa Robinson – Waiver Request of Liquor License Waiting Period – for the name change of the L Street Café.

Mr. Lally MOTIONED to move the 15 day waiting period for a Liquor License for Milley's Tavern on L Street formerly known as the L Street Cafe. Mr. Bateman SECONDED.

VOTE: 5-0-0

Discussion

Mr. Znoj questioned whether the Town has copies of all the other permits needed and that whether it is within the scope of this Board to do waiver this request.

Mr. Welch confirmed that all the proper steps have been taken.

Mr. Lally pointed out that the Board has granted this request for other businesses.

3. Theodore Blood – Service of Alcohol Request – Mr. Blood explained that his daughter is getting married at the State Beach on May 30<sup>th</sup> and they would like to have alcohol. They are looking to the Board for permission to serve alcohol. He has meet with Chief Sullivan and addressed any concerns that he had. Kevin Sullivan from the Galley Hatch Catering will be tending the bar. They will have a duty officer present when the alcohol is being served.

#### Discussion

Mr. Znoj inquired as to if they were erecting a tent. Mr. Blood explained that they will be using the Pavilion and it that the Pavilion will be tented on three of the sides. They will also have the area roped off so that the public can not wander into where the alcohol is being served.

Mr. Lally MOTIONED to give the Blood's the request for alcohol service. Mr. Bateman SECONDED.

VOTE: 5-0-0

#### IV. Minutes of April 13 & April 20, 2009

April 20, 2009

Page 3. Correct the 5<sup>th</sup> paragraph. Correct the grammar and create a sentence out of the last comment by Representative Stiles.

Page 7. Correct the rate from 2.7 percent to 0.25 percent under Ms. Lavin's explanation of the rate from the Federal Home Loan Bank.

Page 8. Correct Mr. Znoj's comment to be the following. "Mr. Znoj is very familiar with this and has worked with this type of lean initiatives before. He thanked Mr. Myer for coming in".

Page 11. Insert the following after Mr. Nichols comment, second paragraph. "Consensus of the Board that there is a need for an escalation policy for the Town".

Mr. Lally MOTIONED to approve the minutes of April 13, 2009 as submitted and April 20, 2009 as amended. Mr. Bateman SECONDED.

VOTE: 5-0-0

#### V. Town Manager's Report

A bid was awarded to Crack-Sealing Inc., as the low bidder of three applicants for Roadway Crack Sealing in the amount of \$12.23 per gallon applied.

A bid was awarded to Brox Paving as the low of three bidders for Asphalt Cement in Place at \$67.70 per ton; Emulsified Tack Coat at \$0.14 per square yard; Milling at \$2.80 per square yard; Hand Work at \$12.00 per square yard.

A bid was awarded to Pike Industries as the low bidder of three for the pickup of Asphalt mix at the plant at a cost of \$65.00 per ton.

A bid was awarded to Highway Safety Systems, Inc., as the low bidder of four for painting highway centerlines and fog lines as follows on a cost per linear foot – water based yellow and white paint at \$0.029 LF; Rubber yellow and white paint \$0.032 LF.

I'm pleased to note that our quarterly highway block grant in the amount of \$62,210.89 was received on time from the State of New Hampshire.

The Conservation Commission is selling rain barrels as a part of their water conservation program. Barrels cost \$75 each as opposed to the retail price of \$125 for Hampton residents. Each unit holds 60 gallons of rain water, is fully screened to keep out insects and mosquitoes, is equipped with a spigot for connection to a hose or drip irrigation system. For information call the Commission at 929-5808 or Jay Diener at 929-6325. Order early as delivery is May 30<sup>th</sup>.

Please note that a Public Hearing will be held on Tuesday, April 28, 2009 at 5:00 PM in the Durham Town Hall concerning Senate Bill 168, which will affect 44 Towns on the Sea Coast with connections to Great Bay and Hampton Harbor. This bill concerns the septic and sewage issues on the seacoast and the proposed Seacoast wide sewer east project.

Mr. Welch has offered to Mr. Warburton to assist with the painting of the crosswalks and the parking lines for DRED since this is something that has not been done until after July 4<sup>th</sup> in the past. This offer was made with the understanding that the Town will be reimbursed for any cost involved.

He received an email from Mr. Kubik asking to change the commissions scheduled meeting with the Selectmen from May 4<sup>th</sup> to May 11<sup>th</sup>. It appears that two of the commissioners will be away. Mr. Welch would suggest meeting with them on May 18<sup>th</sup> since that is the first time that both Boards will have all members present.

#### Discussion

Mr. Nichols wonders how the cost of asphalt is compares to last year.

Mr. Welch responded that it is up from last year. He further explained that there is one vendor who sells to three vendors and they all have the same price. It is up about \$1 over last year.

Chairman Griffin wonders if Mr. Welch has any information on exactly what's happening on May 4<sup>th</sup> in Concord that has to do with the monies for the Hampton Beach Sea Shell improvements.

Mr. Welch responded that at this time nothing has been forwarded to him. Obviously the Legislature is still meeting on this and the budgets for most of the States departments were discussed last week. It is important that the monies for this project remain in the budget and he has been told that there is a very substantial chance that they will.

Chairman Griffin stated that he has been invited to be there and testify on Monday. He will be attending and anyone who has any ideas that they would like him to share can email them to him.

Mr. Welch explained that the finance director, town counsel and himself will be in court on Monday and they would not be able to attend the hearings. He requested that the all of the Selectmen go and testify in these hearings, and anyone else that is concerned, please do. The Senate and House committees are really responsive to this type of testimony, especially when a Selectmen shows up. The Town benefits and results happen.

## VI. Old Business

1. Action on Increased Efficiency in Town Government -Garry Myer of American Service Corp of Experienced Executives.

Mr. Welch informed the Board that he has thought about this and Public Works might be a place to start. Since he has been instructed to reorganize this department for the 2010 budget process he feels this could be a starting point.

### Discussion

Mr. Nichols believes that what Mr. Myer had proposed is two weeks at no cost or commitment from the Town, and he has a concern where we are not paying anything but kicking a percentage back of the savings. If this was his own little business he could deal with it but he is not sure how this works in the public sector.

Mr. Welch explained that grants are normally sought to help with the cost of this type of initiative. The Town has been approached by several different organizations in regards to this type of initiative. With that in mind, municipalities are a large sector of the work environment where this type of business can help and there are Federal funds available for it to be paid for. The monies that are involved; to be spent for this; would be something that would have to be worked out in the contractual obligation discussion. It is a straight corporate expense and it would have to come back to the Board to be reviewed.

Mr. Nichols thinks that it is important to pick a project that can be completed in the two weeks. Mr. Welch feels that since they have already started to look at the Public Works Department, it is definitely a good place to start.

Mr. Lally agrees that the Public Works Department would be a good place to start.

Mr. Znoj likes the initiative and has seen what lean initiatives can do in other industries, it is a transition, so there is pain involved, but he believes that it is good for the industry and the company. He thinks the same can be true for municipalities. Where do we have duplication going on and where can we eliminate waste. He also thinks that the Manager needs to decide where the best opportunities are.

Mr. Welch has the consensus of the Board to work with Mr. Myers.

### Other Old Business:

Mr. Nichols informed the Board that in light of the budget cuts being prepared he requested that the Trustees of the Trust Funds forecast the amount of money that will be coming to the Town. He felt that having this number will help with the reorganization of the budget and the cuts being made. He received a forecast that was put together by TD Banknorth and it totaled \$500,000. This is \$150,000 less than what Mr. Schwotzer forecasted. If you add the shortfall

from the trust fund and the shortfall from motor vehicles we are almost at are \$450,000 number. This is also before anything from the State and he just wanted to point that out.

Mr. Welch stated that both he and the finance director are aware of those facts.

Mr. Lally wants to make sure that everyone is prepared for the changes that will result from the budget cuts. He understands the emails that they receive in regards to quality of life issues like dog waste and motor cycle noise but by making these cuts to the budget things will change the quality of the whole Town.

## VII. New Business

Mr. Znoj spoke about the memo from Mr. Welch in regards to choosing the locations for the Deliberative Session and Elections from Jane Cypher. He wonders if Mr. Welch needs an endorsement from the Board.

Mr. Welch explained that the Board determines where the elections will be held and now is the time to request the SAU to have the elections at Winnacunnet. He would like to know from the Board, preferably tonight, if they would like to hold the 3 elections at Winnacunnet.

Mr. Znoj would prefer to have the elections at the Marston School.

Mr. Lally stated that the biggest problem he had with the high school was with signage letting people know where the entrance was and the handicap accessibility was also a problem. The problems with the high school are all fixable and he feels that the space and lighting were better than at the Marston School.

Mr. Bateman expressed concern as to whether the high school will be able to accommodate the 3 elections. Mr. Bateman voted absentee since he was not in Town, so he cannot say which location he prefers. He thinks that Marston is sufficient if you have a normal turnout.

Mr. Nichols would defer to Mr. Lally and Mr. Znoj since they were there all day. However, since they have split opinions he would probably choose Winnacunnet. One thing that he does feel strong about is that all 3 elections should be held at the same location.

Mr. Welch has spoken with the Town Clerk and the Moderator and with this issue being discussed, would it be correct to say that the Board has chosen to stay at Winnacunnet.

The majority of the Board agreed to hold the next 3 elections at Winnacunnet with the hope of making the necessary changes. Some of the changes are for better signage, a place for candidates to stand, additional accessible parking and the availability of wheelchairs.

## VIII. Consent Agenda

1. 279 Ocean Blvd, Ocean View Restaurant – Restaurant with Lounge Liquor License
2. Reach the Beach Relay – Parade & Public Gatherings License
3. New Hampshire Tow Assoc. Town and & Trade Show – Parade & Public Gathering License
4. Seacoast Safari – Parade & Public Gathering License
5. Seacoast Safari- -Application to use Town Property

Discussion

Mr. Lally thinks that someone should contact the NH Tow Association to make sure that the wreckers involved in the parade are aware of the working being done on the bridge since they meet at the State Park.

Mr. Lally MOTIONED to move the Consent Agenda. Mr. Bateman SECONDED.

VOTE: 5-0-0

IX. Closing Comments

Atty. Gearreald requested of the Board that they enter into a Non-Meeting with Legal Counsel.

X. Adjournment

Mr. Znoj MOTIONED to adjourn. Mr. Bateman SECONDED.

VOTE: 5-0-0

Meeting adjourned at 8:24 PM

  
Chairman

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