

Town of Hampton



TOWN OF HAMPTON BOARD OF SELECTMEN JUNE 01, 2009 MINUTES

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 7:00 PM and introduced the members of the Board.

SALUTE TO THE FLAG

- I. Public Hearing – Under RSA 31:95-b Authorization to submit for a Federal Grant in the amount of \$800,000.00 to construct water and sewer lines on Towle Farm Road at no cost to the Town.

Discussion

Mr. Welch informed the Board that in conjunction with the construction of Smuttynose Brewery the corporation is proposing closing the water and sewer line gaps on Towle Farm Road. There are federal funds available and the corporation is going to pay the Town's match. This is a great deal for the Town since there is no cost to the taxpayer.

Mr. Nichols asked about the flow process through the treatment plant and the average usage amount for a household. Mr. Welch believes it to be somewhere in the neighborhood of 60,000 gallons per year.

Mr. Znoj asked about the pretreatment. Mr. Welch explained that some waste must be treated on sight before it is discharged. This treatment is done in various ways and can involve chemicals.

Mr. Bateman added that this was discussed by the Planning Board and that it is a filtration system that is in place to remove a residue during the brewing process.

Mr. Znoj and Mr. Lally both comment that this is a good idea.

Chairman Griffin also agrees that it is a good idea and closed the public hearing.

Mr. Bateman MOTIONED to approve the Authorization to submit for a Federal Grant in the amount of \$800,000.00 to construct water and sewer lines on Towle Farm Road. Mr. Nichols SECONDED.

VOTE: 5-0-0

- II. Acceptance of three grants: Highway Safety Grant for DWI enforcement action, "JAG" which is the Justice Assistance Grant and 101 Corridor which is also a highway safety agency grant for speed enforcement out on rte 101.

Deputy Chief Sawyer explained each grant. The first one is the speed enforcement grant. This is a highway safety agency grant for the east corridor of rte 101 and is a coordinated effort. There are a number of agencies participating and they have select times and dates. The grant is not to exceed \$6,917.

The second grant is also a highway safety agency grant for the purpose of coordinating DWI patrols. These will be 6 hour patrols and will not exceed \$2,548.808.

The third one is the 2009 recovery act justice assistance grant. The Town will receive \$48,543.

Discussion

Mr. Znoj asked if these grants were applied/asked for by the Town of Hampton. Deputy Chief Sawyer explained that yes most grants have to be applied for by the department.

Mr. Bateman MOTIONED to approve the Acceptance of Highway Safety Grant for DWI enforcement, the "JAG" grant and the 101 Corridor Speed Enforcement Grant. Mr. Lally SECONDED.

VOTE: 5-0-0

- I. Public Comment Period - None
- II. Announcements and Community Calendar

Mr. Lally thanked everyone who participated in the Memorial Day Events.

Mr. Bateman heard that many people participated and he appreciates the support that was shown.

- III. Appointments

- 1. Chief of Police - Departmental Update.

Chief Sullivan touched on the following: May continues the trend so far this year, slightly down on the number of calls for service and arrest, up in the number of incident reports which includes motor vehicle accidents, part one crimes down 24%, part one property crimes up 36%, public crimes against society down 8%, part two crimes down 39%, burglary reports up substantially from last year, the increase in burglaries could be related to the fact that manpower hours are down, in the process of filling a fulltime position, working below budget,

summer issues: schedule starts June 22nd, 132 shifts per week utilizing 40 special officers, concerned that the police presence on the beach will not be as great as in the past, without the high visibility deterring crime is not as effective and lastly touched on the protocol to follow when there is a power outage which includes determining if single case or wider spread, if wider spread an officer is dispatched to determine the area without power and if they can see cause such as poll down, dispatch will contact Unitil to report what officers find, Chief Sullivan has contacted Unitil to see if something can be done to help this process.

Discussion

Mr. Nichols issue is that dispatch notify someone in charge such as Chief Silver or Chief Sullivan within a certain amount of time whether that be 4, 6 or 8 hours. Chief Sullivan added that he is aware of power outages and is notified when the need arises such as increased number of calls for service.

Mr. Znoj asked when it comes to Unitil does he have a way to get to the man in charge at Unitil and know what is going on. Chief Sullivan does have a way to get in touch with the person in charge. Mr. Znoj would like to have Unitil in and let the public know when they are coming so they can come.

Mr. Znoj questioned the shelter locations during the ice storm. Chief Sullivan explained that Red Cross has always been the primary shelter organizer and since this was so wide spread it was decided at the State level to open regional shelters. After this event the State has decided that Red Cross will no longer be the primary organizer now DHHS will be the primary organizer. Chief Sullivan said now the Town needs to decide if they want to go away from this plan and come up with their own plan. Mr. Znoj suggested that we could come up with some sort of shelter plan of our own. Chief Sullivan said that it is all doable but it will cost money and a plan would need to be developed.

Mr. Nichols wonders if Chief Sullivan has any opinions as to how effective DHHS is going to be as the primary organizer since they have budget cuts. Chief Sullivan feels that it is too early to comment on this. Mr. Nichols feels that it might be worthwhile to follow up with DHHS once the State budget is finalized.

Mr. Lally questioned Mr. Welch as to whether it was the Red Cross who made the decision to not open a shelter in Hampton. Mr. Welch said that the decision was made by the State not the Red Cross. Mr. Lally feels that it is important to start investigating the cost and all the things involved with a shelter.

Chairman Griffin asked if this would be a good item for a future agenda. Chief Sullivan stated that he would begin to do some research.

Mr. Lally asked if the burglary increase was in one specific area. Chief Sullivan stated that they are not in one certain area.

Mr. Nichols asked if the Chief would point out where the information can be found about the location of the burglaries. Chief Sullivan explained that residents can go to www.hamptonpd.com and click on crime mapping located on the left side.

Mr. Znoj asked if Chief Sullivan could provide tips to the public in regards to the burglaries. Chief Sullivan suggested the following: lighting around property, keep bushes trimmed, pay attention to neighbors, lock doors and windows, lock your car and remove valuables.

Chairman Griffin thanked Chief Sullivan for his report and the services his department provides.

2. Seaview "After the Fact" DES application – Vincent Iacozzi of Thibeault Properties.

Attorney Bussiere explained that they are here tonight to go over some concerns that were raised by Atty. Gearreald. An application was submitted in January 2005 for 18 slips in Hampton Harbor. After the slips were granted some concerns came up that abutters were not notified. There is a legal case but nothing has been decided. At this point they are asking that DES approve the current structures, which includes 14 slips.

Discussion

Atty. Gearreald explained that he wrote the letter to Thibeault Properties since the letter they submitted to DES suggested that the Governmental Pier and the piece of land that which it emanates is somehow in jeopardy as a result of the potential revocation of the January 2005 application.

Atty. Bussiere is still of the opinion that they must keep all of their options open they hope to never have to reach the point of making the decision as to what should have been done. In the event that they do not succeed in their contest with the Department of Environmental Services administrative hearing or in the event that the permit they have applied for is granted.

Atty. Gearreald expressed that this Board cannot take it lightly when its property and that which it shares with the State and other municipal entities is somehow in jeopardy.

Atty. Bussiere does understand the Town's position however they are different from his. In his opinion his clients have submitted an application to DES for an "After the Fact" application which contains a cover letter that suggests why DES should approve the application. He could be wrong in suggesting that the Homeland Security Pier might be in jeopardy.

Mr. Thibeault explained that one avenue that was suggested to them was to reapply for the application and that yes they are looking for support from the Board.

Atty. Gearreald asked if Mr. Thibeault could explain what the club is used for currently. Mr. Thibeault explained that the yacht club was approved for use by the condo owners and marina members. The club is open Friday, Saturday and Sunday and is open until 9 or 9:30 and there is no liquor license. It is mainly used for dinner by the members.

Chairman Griffin clarified that the public cannot go but can come as a guest of a member.

Mr. Page questioned some signage that has been missing in regards to public access to the beach. Mr. Page also explained that the Conservation Commission has sent a letter in opposition to the application. Mr. Page mentioned that they were also asked to do a float test which results were never provided to the Town.

Atty. Gearreald asked if they could be updated as to the status of the application. As of April 23rd it was deemed administratively complete and from that date they have either 75 or 105 days depending on how it is coded to grant the application.

In regards to issues raised by Mr. Page, Mr. Thiebeault responded that the sign would be up in less than a week and public access is not a problem and no one is ever stopped. The float test was done years ago and whether the results were provided to the Board he does not know. However he feels that the proof is in the pudding and for four years all has gone well in his opinion. They have worked with all the people involved including law enforcement personnel.

Mr. Nichols questioned Atty. Gearreald that the Town has no power in the approval process of this application. Therefore his comment is that at this point we don't really have a role and if for some reason the application is denied by DES and action needs to be taken then it will be done at that time. Atty. Gearreald explained that if there was a change to the configuration than that would be something of concern for the Town.

Mr. Znoj stated as far as he is concerned it is in litigation so he has no comments at this time. Mr. Welch thinks that the sign that was brought up is important.

Chairman Griffin thanked them for coming.

Atty. Bussiere asked if the Board would be in favor of supporting what is currently down there.

Mr. Nichols does not feel this is prudent since it is an issue that is being litigated.

Mr. Bateman thanked them for coming in and sharing their information but he still has no comment.

Chairman Griffin said that this has been going on for a long time. It looks great and he is glad that they have had success.

3. Town Land behind "Lupo's Restaurant" – Steven Blyth, 34 Barbour Road – Was not present. The Board continued this to a future meeting.

Mr. Page added that the Conservation Commission will be looking at this for their June sight walk.

IV. Minutes of May 11, 2009 and May 18, 2009

Page 8: Single Stream Recycling – Re-worded the second and forth sentences at the end of the page to reflect discussion on the cost of implementation and the net income of single stream recycling for clarification purposes.

Mr. Welch also informed the Board that the Net cost of single stream recycling would be \$33,000.00 in round figures for the first year.

Mr. Nichols only comment is that he understood it to be \$188,000 plus revenue in the second year. Mr. Welch confirmed that is true and that there will also be revenue from the sale of recyclables also.

Mr. Nichols MOTIONED to approve the minutes of May 11, 2009 as amended. Mr. Lally SECONDED.

VOTE: 4-0-1

Page 5: add the words “cost estimates” to the end of the first sentence which begins with the “Chief Silver brought the” and ends in the words “schematic design”.

Mr. Znoj MOTIONED to approve the minutes of May 18, 2009 as amended. Mr. Bateman SECONDED.

VOTE: 5-0-0

V. Town Manager’s Report

A Contract was awarded to Pro-Bark to grind and remove all of the tree debris deposited at Public Works from the winter ice storm. There is no charge to the Town for this service. Additionally Pro-Bark was awarded a contract to remove at large pile of wood chips at the transfer station that will generate a \$1,500 payment to the Town.

The Town Office received a notice from Unitil regarding an outage that is planned for tomorrow, June 2, 2009, from 8:30 AM to 11:30 AM on the following streets, Thomsen Road, Dalton Road, Woodland Road, Little River Road, Taylor Street, Ward Lane, Hunter Drive, Katie Lane, Mohawk Street, Pawnees Street, Dacotah Street, Downer Drive, Great Gate Drive, Munsey Drive, Parr Street, Mace Road, Naves Road, Curtis Road, Norton Road, Beatrice Lane, Yeaton Road, Hobbs Road, Middle Road, Janet Lane, Barbour Road, Bear Path Road, Juniper Lane, Nersesian Way, Fielding Lane, High Street, Alexander Drive, Springhead Lane, Elliott Street, Headman Avenue, Randall Street, Janvrin Road, and Dunvegan Woods.

The vacant position of Waste Water Treatment Plant Chief Operator has been filled internally by Mike Dube effective Wednesday, June 3rd.

The outdoor yard lighting for the Ashworth Parking lot has been ordered and we are awaiting the installation by Unitil that should occur over the next two weeks at the latest.

The Town Finance Department and the School Business Administrator’s Office have agreed to a protocol to track payments due. Bills are due upon presentation and if not paid future services will be withheld after 60 days.

The Lions Club is requesting use of the Old Town Hall parking lot for an auction/yard sale on August 8th rain date of August 9th.

Mr. Bateman MOTIONED to allow the Lions Club use of the Old Town Hall parking lot on August 8th or 9th for their annual yard sale. Mr. Znoj SECONDED.

VOTE: 5-0-0

Mr. Welch explained that he has a request from North Beach Bar and Grill for outdoor sitting serving food and alcohol. They do not currently have a license for this. Mr. Welch explained that they would like the Boards approval based on the recommendations made by the Chief to go ahead and authorize the issuance of the liquor license. He also explained that there has been a liquor license at this location in the past.

Mr. Bateman MOTIONED to approve the outdoor sitting for the serving of food and alcohol for North Beach Bar and Grill. Mr. Lally SECONDED.

VOTE: 5-0-0

Mr. Welch received a notification from the Department of Transportation that there will be a public hearing in this building on June 10th and in North Hampton on June 11th. They want the public's comment on high speed lane tolling on the interstate. There will be two lanes set aside for high speed lanes.

Mr. Bateman added that this is done in many other States and there is a decline in accidents with this type of lane. He also has a request from the Recreation Department. A family would like to put a memorial bench at the Parr Street Park in memory of an abutter who has recently passed away. The family would like to donate a bench to the Town it is the same make as the ones that the Town currently uses.

Mr. Bateman MOTIONED to accept the donation of a bench for the Parr Street Park. Chairman Griffin SECONDED.

VOTE: 5-0-0

Mr. Welch announced that the lease for the Beach Fire Station has been signed by all the Commissioners and the Selectmen.

Discussion

Mr. Nichols commented on an article in the newspaper about the Taylor River Dam and how it did not mention any of the negative impacts brought up by the Board in regards to getting rid of the Dam. Mr. Welch said that the State is dragging their feet but legal counsel is on top of this.

Chairman Griffin added that issues in regards to the tolls have always drawn a lot of people. So he wants to remind everyone that this will be their chance to express their opinions on June 10th at 6:30.

VI. Old Business

1. Hampton Conservation Commission regarding the Hampton's Planning Board 2005 Special Permit Impact Wetlands Conservation District decision for 1044 Ocean Boulevard "Dory In Condo Association."

Attorney Bisson and Kathy Sowerby president of the condo association were present.

Atty. Gearreald explained that last year members of the condo association came before the Board looking for the Selectmen's signature on the application for Seawall Stair construction or repairs at that time Board deferred any action until they received input from the Conservation Commission as well as other Town departments including planning and building. Atty. Gearreald gave some historical information including the following: 11/2/05 granted permission to do the work which included work on Town property and some conditions were set by the Conservation Commission. Atty. Gearreald would like some input from the Conservation Commission as to whether these conditions were met.

Mr. Page explained that the Commission submitted a letter to the Board and the condo association stating their opinions.

Atty. Bisson said that he met with Rayann Richard on Friday to have questions answered. They have no objections to the approach in the letter. There are two open issues, which they are going to take care of and have the Conservation Commission come back down.

Discussion

Chairman Griffin asked about a letter in regards to the safety of the stairs. Atty. Gearreald said that this is not something that the Board would address.

Mr. Bateman is glad to hear that the projectile size rocks will be removed.

Chairman Griffin asked about Ms. Theodoros concern with the projectiles that are coming from the stairs. Atty. Bisson just received a copy of the letter but if you look at the picture of the stairs provided by the Conservation Commission there does not appear to be any projectiles. Atty. Bisson agrees with Atty. Gearreald that if there is a problem with the stairs it is the condo association's obligation to repair them.

Mr. Diener a member of the Conservation Commission stated that he believes Ms. Theodoros concern is that the stairs are maintained. The damage that she speaks of in her letter is prior to the repairs that were made.

Atty. Gearreald pointed out that if you look at the pictures you will see that the sand comes in and out and sometime there needs to an additional step or two at the bottom and other times a few steps are covered by the sand.

Atty. Gearreald asked if the Board wants to approve a license every time a step or two is added to an existing structure. There was a consensus among the Board that they do not want to do this.

Atty. Gearreald asked if the Conservation Commission made any findings as to whether or not the wall had been expanded. Mr. Page stated that they do not believe that the wall has been expanded farther east. There were just stones/rocks added at the top which are on Town property.

Chairman Griffin asked if the license will protect the Town. Atty. Gearreald stated that the licensee would be required to provide a certificate of insurance naming the Town as insured. Is that total protection no but it is as close as we can get.

Mr. Page wanted to clarify that if someone wants to add a step or two they would not have to have it licensed. However, they would need to go through the steps required to construct the additional steps including approval from the appropriate Boards.

Ms. Sowerby would like to thank Mr. Page and Rayann Richard for all their help.

Mr. Nichols MOTIONED to approve the application for the "After the Fact" Seawall Permit. Mr. Bateman SECONDED with amendment. That the rocks be removed by June 15, 2009.

VOTE: 5-0-0

Atty. Bisson asked the question about certifying what's there. Atty. Gearreald believes that he should contact the Conservation Commission.

VII. New Business

1. Licenses for Stairs and Seawalls on Town Beaches

Atty. Gearreald stated that the question is does the Board want to get into the licensing of new stairs and rock walls on Town property.

Mr. Welch explained that to protect the Town interest he feels that the Town might want to issue a license to any new structures that are built or repaired. This license would be good for one year and people would be require to have insurance on the structures and name the Town as an additional certificate holder. The individuals would not necessarily have to apply yearly but the license would be issued as long as the certificate of insurance is current.

General discussion regarding insurance and documentation of existing structures so no new encroachment could occur and how to issue an license for existing stairs and seawalls.

Discussion

Mr. Nichols asked if this would be a rider on an individual's current insurance policy or if it would be a separate policy. Mr. Welch believes that it would be a rider. Mr. Nichols clarified that the Town would be listed as an additional insured on the rider.

Mr. Welch also pointed out that they are taxed on this property. He does not believe that this tax amount would be very large.

Atty. Gearreald stated that they would like a consensus from the Board so that when this comes up in the future it can be addressed.

There was a consensus amongst the Board.

2. Other New Business

Mr. Znoj sees that the summer schedule is in the Board's package and is this the first time it has been in it and he wonders if it is something that the Board decides on or if it just happens. Mr. Znoj feels that there are a lot of items on the table and there are a lot of quality topics to discuss.

Chairman Griffin stated that they have maintained this type of schedule for a number of years, and if something comes up that needs to be discussed they have always been available to meet.

Mr. Lally is in favor of the way it is written since it has been done like this for as long as he can remember.

Mr. Bateman added that this is a piece of tradition worth hanging on to.

Mr. Nichols can go either way. He finds that they are less effective after 9 pm so more meetings that are shorter might be a better idea.

Chairman Griffin could go either way but will go with the tradition of the summer schedule as it has been in the past.

Mr. Lally MOTIONED to accept the summer schedule as written. Mr. Bateman SECONDED.

VOTE: 4-1-0

Chairman Griffin added that anytime someone wants something on the agenda please feel free to contact the Town Managers office to have it put on.

Mr. Nichols and Mr. Lally both feel that the room should be held for the Selectmen on Monday nights.

Mr. Kombosi Bosumga, the business owner of "Bike and Walk", a seven person bike came before the Board to share information about his business and obtain guidance as to how he can start his business in Hampton.

Mr. Welch informed the Board that he has applied for a Hawkers and Peddlers License but the ordinance does not allow for this type of business on the Beach.

Mr. Bateman discussed the large number of accidents that occur with a bicycle like this.

Chairman Griffin asked if he spoke with the Police Chief and what his thoughts were. The business owner stated that the Police Chief did not have a problem with this.

Mr. Welch expressed concern with safety since it would have to run on the road since it is a bicycle.

Chairman Griffin stated that he would have to have a place of business to run this from on the beach. He also added that this is not the type of business that would fall under a street vendor license.

Mr. Lally agreed that the first thing that would need to be done is to rent a building.

Mr. Welch added that before he rents a place he should go before the Planning Board.

Other items:

Mr. Nichols would like Mr. Welch to come up with some big ticket items or items of concern for the 2010 budget process. He would like to discuss this at one of the upcoming meetings.

Mr. Lally wonders if it might be better to wait until the State has voted on the budget.

Mr. Nichols pointed out that the State is voting on 2009 budget not 2010. Mr. Welch said that the State's budget will have an impact on the Town's 2010 budget.

Chairman Griffin asked when this should be discussed. Mr. Welch said that by July 6th they should have a good handle on things from the State so that would be a good time for the Board to discuss this. He also added that by next week he would like to have any concerns the Board might have about the 2010 budget since departments are beginning to work on their 2010 budgets now. Mr. Welch knows that the Board will want to discuss overtime and specific items like storm water. He thinks that if there is some sort of general philosophical trend he would like to know this.

Mr. Nichols feels that a level budget or an increase is very dependent on whether or not there is no additional impact next year versus a \$500,000 impact related to storm water drains.

Mr. Znoj added that next year we are probably going to get hit with the impact of the retirement system going from 35 to 30%. Mr. Welch said that this could be a violation and it will be decided by June 25th.

The Board agreed to discuss the 2010 budget on June 22nd.

Atty. Gearreald asked to meet in a Non-Meeting with Legal Counsel - RSA 91-A:2., I., (c)

Mr. Nichols thanked Atty. Gearreald for the information that he provided in regards to HB641.

Chairman Griffin has received complaints that the fields are not being maintained. Mr. Welch commented that you can't mow when it rains for a week. It was not mowed on purpose, so as to not damage the fields.

Mr. Welch added that the Board needs to review the handicap parking space on J Street and will be placed on the agenda for next week.

VIII. Consent Agenda

1. Hampton Cemetery Deed – Rhonda Murray
2. Hampton Cemetery Deed – William Murray
3. Hampton Cemetery Deed – Mary St. Gelais
4. License for Coin Operated Amusement Devices – Owen Carter dba Patriots Corner Grocery at 29 Ocean Boulevard
5. License for Coin Operated Amusement Devices – Jeffery Gray dba Funarama Inc., at the Casino Building at F Street
6. License for Coin Operated Amusement Devices – Wallace Shaw dba Tidewater Campground at 160 Lafayette Road
7. License for Coin Operated Amusement Devices – Raymond Blondeau dba Happy Hampton Inc., at 253 Ocean Boulevard
8. License for Coin Operated Amusement Devices – Diane King dba Laser Storm Arcade at 121 Ocean Boulevard
9. Fiscal Year 2009 Contribution to the Coalition Communities Office

Mr. Bateman MOTIONED to move the Consent Agenda items 1 to 8. Mr. Lally SECONDED.

VOTE: 5-0-0

Discussion on item #9:

Mr. Nichols and Mr. Lally both remember that a contribution was made in the past. Mr. Lally believes that it was \$2,500.

Atty. Gearreald explained that the Coalition Communities has to do with education. At one time it was a statewide property tax.

Mr. Nichols and Mr. Lally both agree that a contribution should be made again this year in the amount of \$2,500.

Mr. Nichols MOTIONED to make the \$2,500 contribution to the Coalition Communities Office from the legal budget. Mr. Znoj SECONDED.

VOTE: 5-0-0

IX. Closing Comments

Mr. Page asked if all the wood chips from Public Works will be gone. Mr. Welch said that yes these will all be gone but more will be coming. Mr. Page would like some of the wood chips for different paths around Town.

X. Adjournment

Mr. Nichols MOTIONED to adjourn the public meeting portion. Mr. Lally SECONDED.

VOTE: 5-0-0

Meeting adjourned at 9:32 PM


Chairman

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