

Town of Hampton



TOWN OF HAMPTON
BOARD OF SELECTMEN
JUNE 22, 2009 MINUTES

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

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: To accept the following grants: 1) DHS Program Grant "Command Strategies and Tactics for Marine Incidents" – Fire Department in the amount of \$14,850.00; and 2) US Department of Justice "Enforcing Underage Drinking Laws" Grant Program – Police Department in the amount of \$12,000.00.

Discussion

- 1) DHS Program Grant "Command Strategies and Tactics for Marine Incidents" – Fire Department in the amount of \$14,850.00.

Chief Silver explained how the grant works. The Fire Dept would present training programs to the State and if approved the grant will cover the cost of the training exercise including overtime. In this case the department has conducted the training and been invoiced. The department will pay the bill and given approval by the Board will accept the grant from the State to cover the cost of this training.

Mr. Lally MOTIONED to accept the DHS Grant in the amount of \$14,850.00 plus \$5,000.00 for wages. Mr. Bateman SECONDED.

VOTE: 5-0-0

Mr. Lally MOTIONED to grant Chairman Griffin permission to sign any agreement that might come forward in regards to the DHS Grant. Mr. Bateman SECONDED.

VOTE: 5-0-0

- 2) US Department of Justice "Enforcing Underage Drinking Laws" Grant Program – Police Department in the amount of \$12,000.00.

Deputy Chief Sawyer explained that this is a grant that the Town has applied for and received in the past. The grant is used to put undercover officers out on the street to target underage drinking violations and in the past, the grant has been used to run their compliance checks.

Mr. Znoj asked if this includes using manpower late at night to check these houses. Deputy Chief Sawyer explained that it is used for this and many other things. The grant is written in such a way that it gives the department some flexibility in its use.

Mr. Lally MOTIONED to accept the US Department of Justice "Enforcing Underage Drinking Laws" grant in the amount of \$12,000.00 and to authorize Chairman Griffin (permission) to sign any necessary documentation. Mr. Znoj SECONDED.

VOTE: 5-0-0

II. Public Comment Period

Chief Silver would like to comment on the first item under Old Business in regards to Emergency Management Performance Grants. He explained that these are two grants that were brought forth in April and voted on by the Board at the April 13th meeting as part of the consent agenda. Both applications were voted on by separate motions. The applications have been returned from the Attorney General for the reason that the minutes should reflect that there was a motion giving the Chairman of the Board permission to sign. Additionally they are sending it back for a new signature because they are changing the period of performance.

III. Announcements and Community Calendar

Chairman Griffin announced that Betty Moore and Elizabeth Akroyd will be exposing a visual view of Hampton over the years. This program is free of charge and more information can be found at www.hamptonhistoricalsociety.org.

IV. Appointments

1. Recreation & Parks Director – Monthly Updates

Ms. Martin gave the following update on parks: staff includes 4 employees, Toddler Park and Kids Kingdom repairs have been done, TruGreen has completed lawn treatments, work on lawn mowers, picking up trash, fixed rails at Tuck and near library, maintenance around tennis courts, ordered signs and replaced damaged signs, gone out to get pricing for paving at Tuck and a new lawn mower for next year's budget and working on bid for Basketball Court.

In regards to parking lots: opened April 2nd, revenue at \$30,885, last year same time revenue was at \$29,100, Lots will be open fulltime at the end of this week, trained all employees and DPW helping patch the shed at Church Street.

For recreation: have updated the schedule for baseball and softball as well as soccer and tennis, scheduling summer events, completed paperwork for counselors and doing staff training, K-2 sports program is finished for the summer, announced winners of the Irving Soup Campbell award, June Senior Citizens luncheon and meeting, 8 tickets left for Red Sox game on

July 8th against Oakland, ended Zumba class and have requested to use Winnacunnet through the summer for this class, have a Foxwoods trip scheduled in September, still taking registrations for summer camps including Tuck day camp and Creative Crickets, Hershey Track and Field finishing up, taking registrations for two senior luncheon trips, trip to Leddy Center to see Pirates of Penzance, trip to NY for Christmas shopping, tennis courts have had good use thus far, trip to see Jersey Boys, fall foliage trip, trip to Flag Hill Winery, BBQ spectacular for seniors, flag football registrations, have put signs up in regards to lifeguards and received \$15,000 from Rockingham County.

Ms. Martin explained that she has some fundraisers that the Intern has put together. The first is for a sports equipment swap on July 18th from 10 to 1:30. Equipment can be donated to the recreation department to sell or they can price their own equipment and they would receive half of the profit. The second is a North Beach Summer Serve & Toss, which will be held at Bicentennial Park on Thursday nights. They would like to include food from North Beach Bar & Grill. The third event would be a BBQ Cook Off amongst local businesses.

Chris Dachowski has asked to help out at the outdoor rink for his Eagle Project. This would include bleachers, chain link fence and new nets for goals.

Ms. Martin is looking for the Boards approval for these four items.

Discussion

Mr. Bateman thinks using these fundraisers and spreading them around Town will be a wonderful thing. Mr. Bateman also thinks that the Eagle Project is a wonderful idea and many thanks should go to the scouts who have done so much for the community through their Eagle Projects.

Mr. Bateman MOTIONED that the Hampton Sports Swap be held July 18th, for the North Beach Summer Serve & Toss with trash receptacles and recycling bins available and the BBQ Cook Off. Also, grant permission for the Eagle Project. Mr. Nichols SECONDED.

VOTE: 5-0-0

Mr. Znoj asked about the Serve & Toss at Bicentennial Park and whether or not it would be every Thursday night, the time and if there is any Town liability. Ms. Martin explained it will probably run for 7 or 8 weeks, from 5 to 7 and it will be run as one of the recreation department programs. It is open to anyone who is interested in playing horseshoes, volleyball, etc. In regards to the BBQ Cook off Mr. Znoj would like to know when and where it will be held. Ms. Martin said that it will probably be held at Tuck and the date has not been set.

Mr. Nichols would like to know how they go about deciding whether or not to open the Beach Parking Lots. Ms. Martin explained that they usually open the lots the second week of June and close after Seafood Festival. They do open when there are going to be concerts. The Church Street Lot is not usually open fulltime it has a schedule like Friday, Saturday and Sunday or something like that. One reason that Mr. Nichols asks is that there has been more than one occasion when he has gone by the Church Street Lot on a nice day and it has been closed. There have been Lots further away that have had pretty good business at this time. Ms. Martin

explained that she has to pick and choose and Island Path and Ashworth make the money so those Lots are open more.

Mr. Znoj asked about the issue of lights in the Ashworth Ave Lot and what the status was. Ms. Martin explained the lights are up and running. There are a few lights out and she has notified Unitil who will be out to repair them.

Chairman Griffin thanked her for her report and commented that whoever sets the rate for the parking lots is doing a good job. He has heard that the Town's Lots have had more cars than the Casino since the Town's Lots have had better prices. Ms. Martin said that the credit goes to Victor DeMarco for this since he is the one who is down there and sets the price.

2. Charlie Preston – To address the Town Resident Parking at Hampton Beach

Mr. Preston would like to make spaces available to individuals with resident stickers for the week of August 17th to the 22nd for Children's Festival. He believes that Mr. Demarco could forecast vacancies in these Lots and that those spaces could be made available to residents.

Discussion

Mr. Znoj does not have any problems with the principle of it since it is late in August. Mr. Preston explained that it would be mostly for certain times of day when there is an event like the Children's Parade. Mr. Znoj feels that this is something that can be regulated by Mr. DeMarco.

Mr. Nichols would ask that Mr. DeMarco and Ms. Martin look into this. He does not have a problem with this idea but feels that they would be the best ones to share input as to whether or not this could work.

The Board agreed to have Ms. Martin and Mr. DeMarco look into this and share their thoughts with the Board.

3. Hampton Garden Club.

Betty Moore, Linda Gebhart and Geannina Guzman-Scanlan of the Hampton Garden Club. They are here to talk about a project that the Hampton Beach Beautification Committee and the Hampton Garden Club have decided to work on which is a gardening competition named "In Plain Sight Hampton Blooms." They would like to get the community interested and recognize those businesses and homes that do a spectacular job with their landscaping. They decided to have a garden contest that will judge the public view of businesses and gardens because they would like to recognize those individuals who work to make Hampton a desirable place to live.

Ms. Guzman-Scanlan explained the rules of the competition: open to residents and business owner's, 5 categories residential curb appeal, business curb appeal, community or nonprofit curb appeal, container and window box or porch and deck, entry forms at Town Hall, Lane Memorial Library and Hampton Beach Chamber, deadline for entry is July 17th and judging by August 1st.

Mrs. Gebhart explained that they are here to encourage people to plant flowers. They would like the Boards permission to have entry forms available at the Town Hall and a box in which

the entry forms can be returned. They would also like to post the entry form on the Town's website. Lastly, they would like to give out the awards at a Selectmen's meeting.

Discussion

Chairman Griffin thinks it is a great idea and he does not have a problem having the awards presented at a Selectmen's meeting.

Mr. Lally thinks it is a great idea to have this in the summer and the Christmas House Lighting Competition in the winter.

Mr. Znoj also likes the idea and might enter himself.

Mr. Bateman commended them on the job that they do.

Mr. Nichols thinks it's a great idea and would like to compliment them on their efforts. The daises at the island when you enter from 101 are unbelievable.

4. Mary Jo Stonie – Dory Inn

Attorney Bisson and Kathy Sowerby were present. Atty. Bisson brought the Board up to date on the progress that has been made since they met with the Board on June 1st. They have secured the insurance naming the Town as additional insured, the number of stairs has not been determined as of yet since some are buried in the sand and the issue of fist sized rocks has morphed and taken on a life of its own. He believes that there was a misunderstanding as to what is considered a fist sized stones and the scope of the work that was asked of them.

Ms. Sowerby explained that there was a misunderstanding between herself and Rayann as to the size of fist-sized rocks. Mr. Page and Rayann explained that a fist-sized rock is one that can be picked up by hand. Ms. Sowerby explained that she did continue to have the work done as she stated she would. Now however the Board members and she are concerned with what this process has done to their wall.

Atty. Bisson added that 48 wheelbarrows of rocks have been removed. He went on to explain that they were advised that they not only needed to remove the fist sized rocks from the top of the wall but also needed to remove any fist sized rocks from within the wall even if larger rocks needed to be removed first. He showed some examples of the rocks that they had to remove and explained as a result of removing these rocks there is now gaping holes in the Sea Wall that a small child could stand in.

Ms. Stonie explained that she had been away when this work was being done. When she returned she could not believe how this work had compromised the wall. Today when there was a high tide, the stairs on each end were basically floating since the stones and cement blocks had been removed from under them. Also, they were told to use a hose and remove the sand that had been at the bottom of the stairs. Ms. Stonie explained that these stones are going to have to be replaced.

Atty. Bisson expressed concern that when they were told in order to remove some of the fist sized stones they would need to remove larger stones first, however they were not told that in order to put the large stones back they would need a permit. Therefore, they are here tonight to ask permission to put these rocks back without having to get a permit.

Discussion

Atty. Gearreald feels that discussion on this matter should be put off until later this evening when Mr. Page can be here. The reason for this is that there are two sides to every story. This Board has allocated some responsibility to the Conservation Commission and should hear their side.

Mr. Welch believes that the Conservation Commission has indicated that they do need a permit to put the material back. He does not know how to resolve this but a failure to resolve this would mean that the State would have to be involved. He is concerned with this since that just means trouble for all. Mr. Welch pointed out that when there is a big storm rocks larger than the ones here tonight are projectile across Ocean Blvd. So what he would suggest is that if they are given permission to put the rocks back that the Town be insured since this is on Town property.

Chairman Griffin asked about their current insurance. Atty. Bisson explained that they have a certificate of insurance in place for the stairs as they were asked to do so. In regards to the wall, Atty. Bisson does not feel that they own the wall anymore than anyone else.

Chairman Griffin stated that he has been down to the property and that there are enormous holes there that Ms. Stonie herself could stand in.

Mr. Znoj would like to see the property himself but feels that there could be some over reacting here. He does need to hear from Mr. Page but agrees with Atty. Bisson that if we do something here than we need to be consistent and continue on the length of the wall.

Mr. Lally feels that common sense may have taken a vacation. It does not make sense to him that you would need to remove large rocks in order to remove smaller rocks that could possibly be projectiles. He does agree that he needs to wait and hear the other side but sometimes you need to believe what your eyes tell you here.

Mr. Bateman has no comment and believes this should be tabled until Old Business and the arrival of the Conservation Commission.

Mr. Nichols agrees with Mr. Bateman and this should be discussed later. However, he did point out that since the Patriots Day Storm he has many small rocks that have been projectile onto the front of his property. He also added that this is to be expected if you own ocean front property.

Chairman Griffin expressed that the main thing that the Town is looking for here is to be protected from being held responsible for any rocks that hit the Dory Inn. Ms. Stonie explained that they have had planters built to protect the Dory Inn.

Chairman Griffin concluded that this will be tabled until Mr. Page arrives.

V. Minutes of June 08, 2009

Page 7: Insert the wording "by the House" after the word endorsement within the sentence that starts with House Bill 641.

Page 8: Under Old Business – Discussion portion, third sentence, insert the wording “as painted by the property owners” after the wording white painted line.

Mr. Znoj MOTIONED to approve the minutes of June 08, 2009 as amended. Mr. Lally SECONDED.

VOTE: 5-0-0

VI. Town Manager’s Report

The Professional Firefighters of Hampton have requested that the Board of Selectmen grant permission for the annual boot drive to benefit the IAFF Burn Foundation. The drive will be held on Sunday, July 12, 2009 at Ashworth Avenue and Brown Avenue.

I have tentatively scheduled the Board to meet with Unitil on July 20th in order to review their emergency response plans for major outages in Hampton.

I will be scheduling a meeting with Richard Ingham of the NH Retirement System to discuss the current status of the system.

The Boards order to collect the unpaid rents due the Town has been processed. There are still 3 properties that have not paid in full and Town Counsel will be proceeding to Court to enforce collection of all sums due. There is currently one party that has made a partial payment and 2 parties who have paid nothing.

The Town Manager’s Office and the Police Department recommend sending a letter to the Liquor Commission granting the request to waive the 15-day waiting period for the Coconutz Restaurant for a liquor license.

Mr. Welch received a letter from Steve Ireland the Assistant District Engineer Division 6 of the Department of Transportation regarding the sight distance problem on Rte 1A at Harbor Road. The Town plans have been checked and the area in question is actually State Highway Property. So even though he agrees that this problem needs to be fixed he cannot do it since it is not on Town Property. So with the Boards permission he will send a letter to the State in regards to this matter.

Questions for the Manager

Chairman Griffin complimented the work that was done on the Selectmen’s room and the nice paint job.

Mr. Nichols questioned where they are at with the preparation of the 2010 budget and where things are at with the State. Mr. Welch has provided the Board with a report and has received as of today what each departments needs are for 2010. As for the State, there should not be a change in regards to the \$450,000. There are still some concerns in regards to Department of Environmental Services. The only thing that we are waiting for right now is the Retirement System actuarial reallocation. It appears that this will be a small sum and will affect us for 6 months but we should know for sure in about two weeks. The final vote on the budget should take place this week and there is a motion on the floor to take out the Rooms and Meals and put in gambling. Mr. Nichols confirmed that within the next two weeks we should have all the

necessary information from the State. In the meantime, the Board can start reviewing the list that Mr. Welch has provided them with from the Departments.

Mr. Znoj read in one of the State bulletins that they were going to freeze the Rooms and Meals at the 2007 level. Mr. Welch explained that a footnote has been added to the budget that would allow them to not share the expected revenue for 2009 and 2010. Mr. Welch added that if the Rooms and Meals are taken completely out of the budget the Town would suffer a shortfall in revenues totaling \$550,000. Mr. Welch also explained that there are a lot of other small amounts of revenue that could be cut. Mr. Znoj questioned when the State has to complete this process. Mr. Welch stated that they have until July 1st or they can do a continued resolution as the Federal Government does. Mr. Welch does believe that it will be resolved on Wednesday.

Chairman Griffin asked about some utility poles that were on fire on Ocean Blvd. Mr. Welch was not made aware of this. Mr. Nichols asked if this was at the same time that they lost power for a little while. It was confirmed that it was and Mr. Welch would have to guess that the transformer must have blown.

Chairman Griffin also asked about the boot drive for the Professional Firefighters and if approval is needed.

Mr. Bateman MOTIONED to grant permission to the Professional Firefighters to hold a boot drive to benefit the IAFF Burn Foundation. The drive will be held on Sunday, July 12, 2009 at Ashworth Avenue and Brown Avenue. Chairman Griffin SECONDED.

VOTE: 5-0-0

VII. Old Business

1. Action on vote of Acceptance of Grants and the authorization of signature by Chairman for the Emergency Management Performance Grants.

Discussion

Mr. Welch explained that the Fire Chief addressed this issue before he left. The Attorney General's Office has allowed the Town Manager to sign in the past. However, this is no longer the case, the grants must be signed by the Chairman of the Board and there must be a motion giving the Chairman permission to do so.

Mr. Lally MOTIONED that the Selectmen of the Town of Hampton to accept the grants and that the Hampton Board of Selectmen authorize the Chairman to sign the grants for the Emergency Management Performance Grants. Mr. Bateman SECONDED.

VOTE: 5-0-0

2. Clarification of the Cole Street Vote regarding the on-street parking with respect to Emergency Lane status

Discussion

Mr. Welch explained that the Board should confirm their vote on the Fire Lane and Emergency Lane statuses for Cole Street to define them on the west side.

Mr. Lally MOTIONED to confirm that Cole Street is both a Fire Lane and an Emergency Lane on the west side. Mr. Bateman SECONDED.

VOTE: 5-0-0

Other Old Business

Mr. Nichols asked if the complaint for the Water's Edge Restaurant is underway. Mr. Welch confirmed that it is in progress. It has been sent to the Building Department and Conservation Commission for review.

Mr. Nichols asked where we are at with the handicap space on J Street. Mr. Bateman has not had a chance to look at this yet but will before the next meeting.

VIII. New Business

1. Instruction for the issuance of Dog Warrant – Mr. Welch explained that by statute the Board of Selectmen must issue a Dog Warrant by the 30th of June returnable to the Selectmen by the 31st of August. There are currently 429 unlicensed dogs.

Mr. Nichols MOTIONED to authorize the issuance of Dog Warrant. Mr. Lally SECONDED.

VOTE: 5-0-0

Discussion

Mr. Znoj asked what is done to the individual dog owners on the list. Mr. Welch explained that they are fined as follows: cost of service of \$5, civil forfeiture fine of \$25 payable to the Town Clerk within 15 calendar days from notice and then there is a fine not to exceed \$50 for each animal not licensed plus a penalty of \$1 per month. There are occasions when a single dog could garnish a fine of over \$100.

Chairman Griffin stated that if their dog is deceased that they should let the Town Clerk know.

Mr. Znoj questioned if these individual pet owners would be notified with a letter. Mr. Welch explained that an officer will actually visit their home and they will have 5 days to license their dog.

2. Action on and authorization of signature by Chairman for CBDG Foss Manufacturing extension request.

Mr. Welch explained that this is in regards to a block grant that was issued to Foss by the Federal Government. This grant requires Foss to employ a certain number of people and they have had to lay some employees off. The extension would give them a year to hire back some employees. Failure to authorize this would require Foss to return the million dollars to the government immediately with fines and penalties.

Mr. Lally MOTIONED to approve and authorize the Chairman to sign the CBDG Foss Manufacturing extension request. Mr. Bateman SECONDED.

VOTE: 5-0-0

Discussion

Chairman Griffin asked if the Town is at all responsible and Mr. Welch confirmed that the Town is not.

3. Action on and authorization of signature by Chairman on the Memorandum of Understanding (MOU) with the State Employees' Association (SEA) #1984 on Holidays.

Mr. Welch explained the only labor contract that the Town has that requires employees to work on a holiday at straight time is the SEA contract. However, it in return requires all the supervisors who are Teamsters to come in and supervise the SEA members at double time and a half. In the long run, this MOU saves the Town money. Therefore, they are asking to have the SEA contract read the same as the other union contracts in that if a holiday falls on Saturday you get Friday off and if a holiday falls on Sunday you get Monday off.

Mr. Lally MOTIONED to approve and authorize the Chairman to sign the Memorandum of Understanding (MOU) with the State Employees' Association (SEA) #1984 on Holidays. Mr. Znoj SECONDED.

VOTE: 5-0-0

Discussion

Mr. Nichols asked that in the past we have brought in the supervisors. He also wonders if this is providing an additional benefit to the SEA members. Mr. Welch confirmed that there is no additional benefit and that it is saving the Town money. He also confirmed that the supervisors have been brought in.

4. Action on and authorization of signature by Town Manager on Waiver of 15-day waiting period for Liquor License – 5 F Street by Morris Law Firm for Jessica M. Lappa.

Mr. Welch stated that the Chief of Police does recommend this.

Mr. Lally MOTIONED to approve and authorize the Town Manager to send the approval on the waiver request of 15-day waiting period for the liquor license application of Jessica M. Lappa at 5 F Street. Mr. Bateman SECONDED.

VOTE: 5-0-0

5. Action on and authorization of signature by Town Manager on Liquor License for 5 Ashworth Avenue – Ocean View Restaurant, Inc., by Mahmoud A. Abdalla.

Mr. Welch stated that the Chief of Police does recommend this.

Mr. Lally MOTIONED to approve and authorize the Town Manager to send the approval on the liquor license application of Mahmoud A. Abdalla at 5 Ashworth Avenue – Ocean View Restaurant, Inc. Mr. Bateman SECONDED.

VOTE: 5-0-0

Discussion

Mr. Bateman wonders why the owners of this property have changed the address on this property since it will now be using the back door, which opens onto Ashworth Ave. There was

no one present from Ocean View Restaurant to answer this and Mr. Welch only knows that this is the address that was placed on the application.

Discussion on the Dory Inn resumed with Mr. Page in attendance:

Nathan Page confirmed that the Dory Inn did what the Board requested and removed the rocks.

Chairman Griffin brought Mr. Page up to date with the concerns the Dory Inn brought up earlier in regards to the gaping holes and the blocks that were removed from under the stairs. Mr. Page commented that they never referenced any blocks nor were they asked to remove any blocks. The only thing that they were asked to do was to remove the fist-sized stones.

Mr. Page supplied the Board with pictures of the pile of stones removed and he believes that the majority of them do qualify as fist sized stones. As for the blocks, he once again commented that the Conservation Commission never referenced the removal of any blocks.

Mr. Lally expressed that after hearing their side of the story it appears that there were larger rocks removed that did not appear to be part of the Boards intent. Mr. Page commented that when he went down of the 17th yes there were some rocks larger than fist sized stones. However they still are not of a size that one would expect to be put into a sea wall but instead more of a filler size.

Mr. Page added that under special permit from the State after a storm the Dory Inn was granted permission to put back the stones that were there. However, they not only put back those stones but also added these new stones. They filled in the gaps to prevent people from falling through but whoever was doing the excavation work should have used different sized stones for a tighter fit. All that needs to be done is to get permission to put in proper sized rocks and he does not believe they would have a problem getting permission from the Conservation Commission.

Mr. Znoj wonders who did the work and who supervised the work.

Mr. Bateman added that judging from the size of the pile that not all the stones are as large as the one brought to the meeting tonight.

Mr. Page suggested on the sight walk that the Dory Inn management make a pile of the rocks that they feel should go back into the wall.

Chairman Griffin explained that the Town is concerned with their liability. There needs to be equal liability and there appears to be smaller sized rocks on Town property at some of the other locations. Mr. Page stated that if this is true then the stones should be removed from these locations also. Mr. Page added that they do not go out investigating they were there for another reason and found this violation.

Mr. Nichols feels that we are opening a can of worms. Based on his own experience and since the Patriots Day Storm a couple of years ago he has gained several feet of various sized stones in front of his property. Also in his stone wall, there are many small stones that are now there even though he did not put them there. If the Board is going to do this then we would be having all residents removing any small stones from their walls and he believes that we need to be more pragmatic. Mr. Page explained the difference here is that the stones in front of Mr.

Nichols' property were brought in from the beach and were not brought on to his property by someone. In the case of the Dory Inn under special permit, they added rocks to their property that went against what the permit allowed.

Mr. Bateman added that if Mother Nature delivers something to your property you are not as responsible for it as if you bring something to your property. If it ends up on the Town's property and it was placed there with are permission and it then becomes a problem the Town can be responsible. Mr. Bateman is looking at this more from the perspective of the individual who filed the complaint.

Ms. Raymond from the Conservation Commission added that they have been to this sight many times over the last year. In doing so, they have pictures from before and after and that is when they noticed this fill stone as a problem.

Ms. Stonie confirmed that the stones arrived after the last big storm and came from the planters since they were the base of the planters. They were not pulled in separately.

Ms. Raymond would suggest that if the Board wants to get into this that they review the meeting minutes of the Conservation Commission since they will show when these stones came into play.

Mr. Page stated that under the maintenance of the wall they should add proper size rocks to fill these holes.

Mr. Znoj commented that it seems the cure to the problem has created two new problems.

Chairman Griffin would like to know what they suggest in regards to the holes that are there now since they appear to be a liability. It was explained that in order to do this they can receive a special permit for maintenance of the wall and receive permission from the Board to do so.

Ms. Raymond would just add caution that if this is to be done that the work be very closely supervised since this not only involves the Town but the State as well.

Mr. Lally agrees with Mr. Nichols in that a huge can of worms is being opened. He chooses not to be part of this can of worms.

Atty. Gearreald brought to Mr. Page's attention that Ms. Stonie commented earlier that by direction of the Conservation Commission they removed blocks from under the stairs that now leave the stairs unsafe. Mr. Page stated that the Conservation Commission only advised them to remove stones not blocks. The other thing that was suggested was that the Conservation Commission told them to remove larger stones so that smaller stones could be removed. Atty. Gearreald wonders if this was a direction given by the Conservation Commission. Mr. Page does not believe this to be true.

Chairman Griffin stated that it does not look that way to him. It looks to him like someone dug them out from way underneath.

Atty. Bisson explained that it was his understanding that Rayann Richards was there when the work was done and that Mr. Page was not present. Mr. Page confirmed that he was not there when the work was done that he was there on the 17th. Atty. Bisson added that it was Rayann Richards who told them to remove the larger stones to gain access to the smaller stones.

Additionally the biggest issue he has is that no one told them that if they removed larger sized stones they would need a permit to put them back in place. If someone had made that representation, he would have told them to stop so that the issue could be clarified.

Ms. Sowerby was present when Rayann Richards pointed out to herself and others from the Association what needed to be removed and they followed her instructions.

Chairman Griffin wonders if there is a motion.

Mr. Bateman would like to take this under advisement for a week since we do not have all the players.

Ms. Raymond would also suggest that the Board have a chance to receive guidance from the Conservation Commission before any decisions are made.

Chairman Griffin expressed concerns with safety since there are gaping holes in the wall.

Mr. Nichols wonders if at this point it is clear that a State permit would be needed to put those rocks back and is there such thing as an emergency permit since he has heard there is a long timeframe in which to gain this type of permit.

Mr. Page said that yes there would need to be a permit and there is one called a minimum expedited that does not take long at all.

Mr. Nichols would urge the Conservation Commission to work with the Dory Inn to come up with an expedited pragmatic solution to the problem. If this approach is taken then the Board will not become the reason the whole process is slowed down.

Mr. Page stated that the Board would have to grant them permission to add the fill to Town property.

Mr. Nichols MOTIONED to allow the Dory Inn to install the fill on Town land and to urge the Conservation Commission to work with the Dory Inn and DES to come up with a pragmatic solution to the problem. Mr. Lally SECONDED.

VOTE: 4-0-1 (Bateman)

Discussion

Atty. Bisson expressed concern with the above motion and being pragmatic. He feels that is how they got here in the first place and that will not solve the problems. They still have not had the question answered as to why they were not told that a permit would be needed to add the rocks back. Also in regards to Mr. Page's comment that they should have stopped if they felt the rocks that were being removed were too large but Rayann Richards was the one standing there telling them to remove the rocks.

Chairman Griffin believes that the motion is giving them permission to put the rocks back on the Town owned portion of the property.

Ms. Raymond added that they will work cooperatively together.

Ms. Stonie stated that they will be able to get larger rocks for the top and that the smaller rocks will only be used as a filler on the bottom.

Mr. Lally would suggest that they only put back the larger rocks and leave the small ones out.

There was an additional discussion about the size of the rocks that can go back.

Mr. Bateman would like to see some additional insurance coverage for the wall as they have provided for the stairs.

6. Action on recommendation to deny the Thermo Fisher Scientific 2008 Abatement Application Request for the property located at 1 Liberty Lane.

Mr. Lally MOTIONED to deny the request of the abatement application and to authorize the Chairman to sign the denial for the Thermo Fisher Scientific 2008 Abatement application request for the property located at 1 Liberty Lane. Mr. Bateman SECONDED.

Mr. Nichols amended Mr. Lally's motion to include that the application is not a proper party aggrieved. Amended Motion accepted

VOTE: 5-0-0

Discussion

Atty. Gearreald explained that the Board of Tax and Land Appeals have dismissed two years worth of the abatement applications that were appealed from this Board. On the basis that the party that actually applied is not a proper party agreed. He thinks this motion is based on the same premises.

Mr. Lally would like to thank Atty. Gearreald for all his hard work on this.

7. Scheduling of hearing on the grievance filed by Firefighter Local #2664 and #3017.

Discussion

The meeting will be held on June 29th at 6:00 PM

8. Entertainment License for 931 Ocean Blvd. "North Beach Bar & Grill" – The Chief has recommended this and has informed the property owners that they must abide by all Town Ordinances.

Mr. Bateman MOTIONED to grant the Entertainment License for North Beach Bar & Grill at 931 Ocean Blvd to allow for an outdoor single musician from June 15 to September 7, 2009 with the recommendations of the Police Chief regarding the noise provision. Mr. Lally SECONDED.

VOTE: 5-0-0

IX. Consent Agenda

1. A Special Event(s) and Gatherings(s) One-Day License involving the sale of Alcohol Beverages – Seafood Festival Tented Area – Hampton Area Chamber of Commerce's three-day event of the Seafood Festival
2. Entertainment License – 401 Lafayette Road – by Mark LaRoche
3. Parade & Public Gathering License – Granite State Quest – Bike Run
4. License for Coin Operated Amusement Devices – Best Western Inn – 815 Lafayette Road by Jenica Hospitality, LLC

5. Pool Table Permit – Casino Mini Golf – 169 Ocean Blvd. by Jake Fleming
6. Dance Hall Permit – Ashworth Hotel – 295 Ocean Blvd. by Dunbar Hotel, LLC
7. Dance Hall Permit – Victorian Inn – 430 High Street by Aaron Brown
8. Dance Hall Permit – McGuirk’s Ocean View Hotel, Rest & Pub – 95 Ocean Blvd

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

VOTE: 5-0-0

X. Closing Comments

Atty. Gearreald requested a non-meeting with Counsel.

Chairman Griffin announced that the Board would be meeting under RSA 91-A:2, I., (c) a non-meeting with Counsel.

Chairman Griffin commented on the Sand Castles and the great job that was done.

Mr. Bateman was amazed by the charter buses that came in to see the Sand Castles.

XI. Adjournment

Mr. Bateman MOTIONED for adjournment. Mr. Lally SECONDED.

VOTE: 5-0-0

Meeting adjourned at 09:20 PM


Chairman

