

Hampton Board of Selectmen  
Minutes of July 02, 2012

PRESENT: Richard Griffin, Chairman  
Richard Nichols, Vice Chairman  
Michael Pierce, Selectmen  
Ben Moore, Selectmen  
Philip Bean, Selectmen  
Frederick Welch, Town Manager  
Mark Gearreald, Town Attorney

7:00 PM

SALUTE TO THE FLAG

I. Public Comment Period

Tricia Desroches, 13 Riverview Terrace, referred to comments made by Vic Lessard at the June 21<sup>st</sup> Zoning Board meeting she was appalled that someone can sit on a Board in this Town and refer to the people in the Village District as trailer people. She brought up the fact that there have been upwards of 30 residents who have complaints about Wally's as opposed to the three people that the Chairman stated have complained. She stated that there are issues with trash and she has made complaints on this issue. She thinks it is disappointing that members of this Board have sympathy for Mr. Fleury and not an ounce of empathy for the citizens. She does not feel it is fair to compare this venue to the Casino Ballroom and she listed out the reasons why. She shared her thoughts on the possible lighting options that would work in the lot. She asked the Board to consider the following: a police presence in the parking lot, owner being responsible for keeping the surrounding areas including the lots free of trash and require noise and base to be lowered to tolerable levels. If this cannot be accomplished, she asks that an 11 pm noise restriction be placed on this establishment. If these guidelines are not met, she thinks the entertainment license should be revoked.

Art Gopalan, 20 Windmill Lane, he is glad to see the CIP discussions beginning. He commented on the CIP planning becoming a little easier now that Hampton has its own SAU. He feels that the CIP is a tool for educating the taxpayer. He recommends a priority list of projects with their cost roll up included. The cost roll up needs to include what the Town has for debt. It is important that the taxpayers have more information and the importance of knowing what the tax impact is for each project. He brought up a letter residents received from Aquarion in regards to a rate increase. One thing he would like the Town to investigate why the rates are going up once the projects have been completed.

Steven Light, 11 Riverview Terrace, he would also to comment on Wally's Pub. He would like to address the comments made by Chairman Griffin about Mr. Fleury willing to work with the people and how there are only 3 people who refuse to cooperate. He reminded everyone of the mediation meeting that was held in August of 2011 between many residents, Mr. Fleury and the Police Chief. As a result of the meeting, nothing that Mr. Fleury promised to take care of was done until recently when this became public. He reiterated that there are more than three people complaining and he listed out the statistics provided by the Chief at an earlier meeting including the 193 calls, which came from over 70 people including neighbors, renters, and owners. He shared an incident he himself had to report when a drunken individual threw a beer bottle into his backyard nearly hitting his granddaughter. He agrees with Mr. Moore that we must take care of these neighbors. He brought up the issues with the parking lot. There have been noticeable improvements to noise, the fence, police presence, lighting, and the parking lot, which they do appreciate. They appreciate the Selectmen who have listened and responded to their concerns. It is disheartening that two Selectmen Mr. Bean and Mr. Griffin have shirked their duties and responsibilities choosing not to represent the majority of the neighbors, owners, families, and their neighborhood. Also, shame on the Town Official who referred to the owners as trailer people and if they are going to be trailer people then they should be taxed that way as opposed to being taxed as a home.

Chairman Griffin stated that he was only referring to the three people who came to the last meeting to complain.

Alec Desroches, 13 Riverview Terrace, is a taxpayer in Hampton with no representation it seems like. He stated that they understand that they bought property near a bar and that the owners need to make money. However, since Mr. Fleury became sole owner of the establishment things have just gotten out of hand. Al Fleury has no respect for the neighbors, he shared some information on how the windows and doors are open, and once the police are called before they arrive the doors and windows are shut. He shared some information on a patio that was added and is glassed in which is not a good sound barrier. The fence was added in his opinion to hide all the illegal activities that take place and the lighting that was added points away from Mr. Fleury's business. Mr. Desroches commented on how someone who DJ's at this establishment wrote article 35 and is a Zoning board member and how this allows this establishment along with others to play music up to 80 decibels until 1 am. This is not allowed in any other Town. He mentioned how 65 decibels is the Federal limit because of damage to hearing.

Julie O'Brien, 16 Johnson Ave, would like the Board to know that since the June BOS meeting they have seen an improvement in the noise at the end of Johnson Ave. They are still hearing the bass from DJ Wednesdays but she does understand that they all have to bend a little bit. She hopes this is a permanent improvement not just a solution until this blows over. She expressed some concerns with the Selectmen comparing Wally's to the Casino Ballroom and she went through the many differences there are between these two venues. She shared some of the problems that have arisen from tour buses being allowed to park on Ashworth Ave. She expressed concerns about the entertainment licenses being approved prior to the dance hall permit being issued and why this should not have been allowed.

Walter O'Brien, 16 Johnson Ave, has met a lot of good neighbors during this process. He has some concerns with the Boards and how they have been handling these problems and

comments they have made. He would suggest the following: do not refer to the neighbors as those people, controlling members of Board (especially the Zoning Board), and how these types of statements can turn around and bite them.

Gerry Znoj, 16 Presidential Circle, as a Selectman last year they received letters from the neighbors from June on. He brought up the fact that there were over 190 calls last year and over 69 so far this year but there was no mention of any fines being issued. He feels this is very suspicious in his eyes. He would like to know the facts of the last three years in terms of calls, arrest, and fines. He asks the Hampton Union and any other newspaper to do some investigative research on this. He thinks the Selectmen opinions of Mr. Bean and Mr. Griffin are on a slippery slope. The comment made by Mr. Griffin on 6/11 that they have never acted on these sorts of complaints before is unacceptable to Mr. Znoj. As a Selectman, they have the responsibility to act impartially on this. Benign action by the Police, Board, and Manager will not solve this problem and enforcement of ordinance 149-13b will. If this is how government responds to taxpaying residents, perhaps Mr. Moore's recommendation to call for a new form of government may be a good idea.

## II. Announcements and Community Calendar

Mr. Pierce reminded everyone that they are looking for members to be on the strategic IT Committee. He would like to see some people come in with new ideas. This is an opportunity to get involved with the Town's activities.

Mr. Moore announced that representatives of SAFER are looking for more volunteers and donations. You can get more information by emailing them at [info@safercats.com](mailto:info@safercats.com) or by phone at 929-4975. The Historical Society will have an event this Saturday July 7<sup>th</sup> at 2 pm presented by Thomas Hubka author of Big House, Little House, Back House, and Barn. A new one he picked up this afternoon anyone interested in flowers is invited to the Grist Mill since the lilies are in bloom.

## III. Appointments

1. Dustin Marzinzik
  - a. Hampton Commission 375<sup>th</sup>

Mr. Marzinzik would just like to give them a brief overview of the activities planned for the 375<sup>th</sup>. He listed out the members including himself Dick Desrosiers, Fred Rice, Author Moody, Rev. Deb Knowlton, Elizabeth Aykroyd, David O'Connor, and his wife Jane has volunteered to take the minutes. The dates they have come up with are August 9, 10 and 11<sup>th</sup> of 2013. They have picked more of a festival type of a weekend located at Tuck Field. Here to look for the Boards support of this event. They have been in contact with Smuttynose to have a beer/wine garden in Eaton Park. They have a website that is currently under construction it is [www.hampton375th.org](http://www.hampton375th.org). On the website, you find how to purchase memorabilia, make donations, and get involved. The activities will include live entertainment, sporting events, vendors, farmers market, food, and beverage. This is a rough overview and they will provide more up to date information as it becomes available. There will be a formal invite for the reenactment as provided in the warrant article.

### Discussion

Mr. Pierce asked for the dates again and it is August 9, 10 and 11<sup>th</sup> 2013.

Mr. Moore questioned if there is a Town ordinance that prohibits serving alcohol on Town Property. Mr. Welch stated they will have to obtain the proper approval but this can be done.

Chairman Griffin asked how they came up with the dates. Mr. Marzinzik explained that if he remembers correctly the October date of the anniversary was looked at but with all the different events going on the August dates worked. He expressed concerns with weather in October. He reminded everyone that this is still in the planning phases and if someone comes up with some better ideas, they can still be looked at. This is just there proposed plans. Chairman Griffin wonders if problems may arise having it in the summer. Mr. Marzinzik stated that they were thinking that they might attract more of a crowd from the beach community. Chairman Griffin stated that they would probably not draw people off the beach. Mr. Pierce pointed out that kids are out of school though. Mr. Marzinzik shared information on the discussion that went into planning the date.

Mr. Marzinzik stated that they are looking for the blessing from the Board on the Smuttynose portion of the event since it will take time to get the permits.

Chairman Griffin does not think that they will get involvement from the business owners on the Beach.

Mr. Bean thinks it is a great idea and thanked Mr. Marzinzik and the committee for all their hard work. His only feedback would be that there was recently a 5k sponsored by the Rec Department and the possibility of making this an event that encompasses other things such as the 5k. Mr. Bean stated it is a party and we will be sure to keep it all safe. Mr. Marzinzik agrees and that is one of the things they are focusing on as a committee.

Mr. Marzinzik added that this is not the only thing that will take place for the 375<sup>th</sup> this will just be the main event. If someone is interested in having a race or anything else, they can volunteer to organize that particular event. There was an additional discussion on conflicting with the beach and some of the hopes that people will come off of the beach to participate in this event. They also discussed the timeframe and that has not been set up yet. Chairman Griffin would like to see it go later into the evening. They will have to look into any noise issues.

Mr. Nichols questioned the website and confirmed that it is [www.hampton375th.org](http://www.hampton375th.org) and it should be up in running in a few weeks.

Mr. Pierce brought up the red, white and blue half-moon things that people hang from buildings he thinks it would be nice to decorate some of the buildings with these. He also likes the small label pins that say 375<sup>th</sup>. Mr. Marzinzik is working with a local company on banners and they are looking into many different types of things.

Chairman Griffin thanked him for keeping them up to date. Mr. Moore would like to see some of the plans for the beer event before he makes a decision on this. He would like to see what portion of the event would be related to beer and where the proceeds will be going. Mr. Marzinzik will get these plans for the Board.

2. Chief Sullivan & Deputy Chief Sawyer
  - a. Departmental Update

Chief Sullivan will start with the monthly report for the Board. In personnel, they are currently at full staff for fulltime officers. As far as part time officers, they started the

summer with 30 officers filling 103 shifts. This is the lowest number of part time officers and part time shifts that he can remember. This will have an impact on how the shifts are run. The breakdown on overall activity to date is as follows: calls for service up 5%, arrest up 13%, DWI's up 15%, criminal incidents reported down 4% and accidents up 8%. We are coming up on the 4<sup>th</sup> of July and they were very busy this past weekend but very manageable as well. He discussed some alcohol enforcement that took place and the message was put out. They expect a very busy Wednesday and anticipate being very active for the remainder of the week.

b. Entertainment Licenses

i. Wally's Pub

Chief Sullivan will discuss the report he was asked to put together for the Board in regards to Wally's. After giving careful consideration to all the complaints they have received he will make the following five recommendations. The first item is all the doors and windows must remain closed at all times and cannot be tied or propped open at any time while the entertainment activities are ongoing. The service window approved by the Liquor Commission and this Board cannot be used after 11 pm. The second is the owner must install proper lighting in the parking lot so that it is illuminated to discourage any inappropriate activities. An employee must be assigned to monitor the lot and pick up any trash left behind by patrons. On nights when tickets or cover charges are charged, a parking attendant must be assigned to direct people where to park and when the lots are full they must provide a sign on Ashworth Ave stating the lots are full. This is to help with the traffic problem expressed by the residents. They have and will continue to require a detail officer down there on anticipated high activity evenings. There has been an officer present on the Wednesday nights as that is the night with the most complaints. He also commented on the lighting that has been installed and the main purpose of this is to discourage individuals from being in these areas. When there are officers there they have been walking around outside and there has been positive feedback from them.

Chief Sullivan will also discuss the noise ordinance change. After seeking some legal advice and talking to other communities, they have come up with some changes. He explained what was voted on at Town meeting and how this vote removed the plainly audible at 50 feet from the ordinance. The ordinance now allows 80 decibels at 50 feet from the property line. During the discussions on the floor, it was amended down to only cover one hour from midnight to 1 am. Therefore, this measurement is not enforceable at any other time and they are seeking legal counsel opinion on this. When they find a door or window open, they will start to summons them.

He brought up the State disorderly conduct that could possibly still be enforceable.

This is where they stand on the issue of noise.

As for calls to State property, they have been asked to track and for May and June they are at 259 calls. He explained how there log system operates.

Another item he would like to touch on is a partnership they are entering into to assist with emergency communications. There is a company that has approached the Police Department as well as another business, the company is Ping4. This is an application for smartphones that allows for emergency notifications to go out and it can be done based on a geo location.

He provided an example on how this would work. They are excited about this possibility and the Casino Ballroom has stepped forward and paid the fee for the year. He shared some more features.

In regards to the administrative ordinance he has discussed this with Mr. Nichols and legal is also looking at this.

#### Discussion

Mr. Bean thanked the Chief and Deputy Chief for being here tonight. The Police Force looks outstanding out there. He knows they have a busy week ahead and hopes the time here tonight does not have an impact on preparation.

Mr. Nichols brought up the administrative rules and wonders if either Mr. Welch or Atty. Gearreald might be able to answer the question. Back when the administrative enforcement ordinance passed his perception at the time was that the goal of that was that violations of Town Ordinances would funnel through an entity that he thinks was later determined to be the Town Manager for processing. This would save lost officer time in District Court. His first question is roughly how many violations are there of Town Ordinances in either a month or a year that kind of fall into what this ordinance was intended for. Chief Sullivan believes this ordinance was set up for minor things related to building and zoning. Maybe even parking tickets and for the things they do, it works well to go through the courts as they do. He also remembers there being a two-part process starting with the Town Manager and then going to the Board and if there was still a problem they go to court. Chief Sullivan believes they do anywhere between 1100 and 1300 arrests and 500 or 600 are related to open containers and other ordinance issues. The process of going through the court is very effective and sees even some financial benefits from this process. Mr. Nichols wonders if Mr. Welch can share why this ordinance was even put into place. Mr. Welch agrees that he was appointed as the hearing officer and the system has yet to be used. He agrees with the Chief in regards to open containers and alcohol and the money all comes back to the Town. Mr. Welch explained how the administrative ordinance is there for an emergency and will not be used much. He explained in detail how the majority of the ordinances work and how police enforcement of these ordinances is necessary. Mr. Nichols stated that basically we do not intend to use the ordinance so why did we put it out to the voters twice. Did we learn something after it passed? Mr. Welch stated it is available so for instance if somebody wanted to use it for an alcohol violation and avoid the court process and fines.

Mr. Nichols wonders if there is a written report in regards to Wally's and Chief Sullivan stated there is a written report of his recommendations. Mr. Nichols has not seen it yet and his motion stated that the written report was to be made available to the Board by Friday July 2<sup>nd</sup>. This is a lot of information to absorb and make a decision on tonight. He does have some questions though. The service window that the Chief references faces what direction and the Chief stated it faces across Ashworth Ave. Mr. Nichols wonders if there is a set start and end time for the employee assigned to the parking lot or is this someone who just wanders out periodically to check on the lot. Chief Sullivan stated that on the nights where there is either ticket sales or general admission charge his recommendation is that they have someone out there that first directs people into the lot and then shuts the street so people do not continue down the road once the lot is full. Then they have a requirement to keep a monitor on the lot for the entire event or night. This can be done by an employee or however

the owner chooses to handle it. Chief Sullivan stated that they currently have someone going out on a rotating basis every 15 minutes during these types of events. During the period of Memorial Day to Labor Day roughly how many nights will there be a detail officer present. Deputy Chief Sawyer went through the process of how details are scheduled and how he contacts Mr. Fleury and check online for ticket sales and types of shows. Mr. Nichols stated that this is probably a couple of times a week. Chief Sullivan also has spoken to the Fire Chief about going down and checking on capacity on occasion. Mr. Nichols would also like to comment in light of some of the Chiefs comments on the noise ordinance associated with the entertainment license it would be his recommendation that going forward to the March 2013 ballot that they have a Selectmen sponsored warrant article based on recommendations of the Police Chief and the Town Manager to amend this in a manner that is both reasonable and enforceable. Chief Sullivan agrees with this thought and this is why he has asked legal to look at this.

Mr. Moore thanked the Chief and Deputy Chief. Mr. Moore apologizes for his involvement in the amendment to the noise ordinance. Mr. Moore asked about a public comment about a cease and desist order on parking issued in 2011. Chief Sullivan stated the parking issue as he understands is going to Zoning and there is a whole enforcement issue that is outside of their realm. Mr. Moore asked about the parking of the tour buses and Chief Sullivan stated this has been approved in the past and described the location for the Board. The ticket sales are limited to the capacity limits and it is believed to be true but that is why he has asked the Fire Chief to go down there. He would also like a copy of the Chiefs departmental report when he has a chance. Mr. Moore agrees with Mr. Nichols whole-heartedly that the Selectmen should be in a position to sponsor and amendment to that ordinance. Mr. Moore asked about the number of part time officers being down and wonders why. Chief Sullivan stated it is a reason of bodies not budget. The budget issue was from 6 years ago. There are issues with filling some shifts. Deputy Chief Sawyer stated that you might see officers from other communities working details because there are not enough bodies to fill all shifts. Mr. Moore wonders if the recommendations from the Chief can be passed on formerly to the operator of Wally's. Chief Sullivan has had discussions with the owner on all this. Chairman Griffin has an extra copy and Mr. Fleury is sitting right here so he provided him with a copy.

Mr. Pierce has always been a supporter of the summer officers and wonders what they can do to help with this issue. Chief Sullivan stated the answer to this will probably come during budget discussions and he briefly explained a pilot program he is considering. Mr. Pierce wonders why we would not want to consider having a police officer at Wally's every night. Chief Sullivan explained that it is his intention to have the officer there for a purpose, which he explained in detail. The police officer being there will really have nothing to do with noise issues. His focus is on having an officer there to enforce the other issues. He reminded the Board that he is not asking he can order there to be an officer there any time he deems it appropriate and that is what he is doing. Mr. Pierce brought up the comment of the doors and windows immediately closing as soon as a noise complaint is made and before an officer arrives. He wonders if we ever just drop in and Chief Sullivan stated they do that all the time. Mr. Pierce thinks that from the number of people here tonight and the number of emails received something needs to be done to maintain the peace and quiet down there. Whatever the Chief thinks is good he is behind it 100%. Chief Sullivan has made these recommendations and he thinks they are spending a great deal of their time and assets there

that are limited. There has been a great deal done to mitigate and the bass is his biggest frustration. This seems to be the primary complaint.

Chairman Griffin thanked him for coming up with this list and thanked them for coming in tonight. He would like to say to the people that are out there that for instance the petitioned warrant article that came out of the meeting this year was well advertised in the newspaper and printed everywhere. These concerned residents of Hampton should have come and commented on that article during the Deliberative Session and he does not believe anyone here tonight took the time to do that. Chief Sullivan disagreed and stated that some of them where there and had made comments prior, however it was his sense that on the floor that day there was an attempt to defeat that and lessen its impact. The problem with it being a privately petitioned warrant article you are limited on how much you are able to amend it. Chairman Griffin pointed out that there were amendments to it though and that is how it got to the point it is at now. He asked people to please always consider coming and being part of the Town meeting. Chief Sullivan reiterated that many of the people here did voice their opinions and Deputy Chief Sawyer stated that the other problem is that some of them are not voting residents and attempt to voice their opinions through voting residents.

Mr. Nichols commented that before they move off of this subject there is a question as to the legality of the parking lot. He believes the property owner of Wally's is on the Zoning Board agenda seeking a variance on July 19<sup>th</sup>. He would recommend that the Chief's letter be passed onto the Zoning Board since some of it has to do with the parking lots. The Board agreed this would be done.

3. Chris Muns & Rene Bonnin – Rescheduled to July 30th.
  - a. State Rep. & State Senator Debate Fall 2012 request for airing on Channel 22
4. CIP

Tracy Emerick is present this evening to discuss. Mr. Nichols stated the reason he asked for this to be put on tonight's agenda is that there has been a lot of discussion in the past year related to the CIP. He believes that many people see a benefit to anything they can do to improve the whole CIP process. One thing he saw is that there are some very widely spread perceptions as to the CIP's purpose, policy, organizational responsibilities and essentially what the CIP is and what it isn't. He thinks it is to their benefit to clarify these things going forward. He shared some emails that he and Tracy Emerick shared over the past week. There is no handbook and the only policy is there is a six-year timeframe and \$75,000 limit to what gets on the report. He thinks going forward having a formal definition for many of these things can be beneficial. He thinks Mr. Welch's report to the CIP had a lot of good ideas and starting points. He felt that if they could get the dialogue going sooner this year that would be great.

Mr. Emerick stated that there actually is a handbook and it is in the Planning Office. He started on the CIP 11 years ago, at the time looked at the handbook, and asked how this matches up to what they are actually doing and the Chairman's attitude was that it is a want list and it satisfied the RSA's for borrowing purposes etc. It was an administrative document and they have been moving forward as it was there administrative document. The handbook definition of what the CIP is basically fantasy quite honestly because what it is, is a document prepared by the CIP goes to the budget committee, goes to the Board of Selectmen and the school committee. Everyone puts in how they are going to fund everything. It is a

total planning document very inclusive and approved by all Boards. He has lived here a long time and has not seen the Budget Committee and the Board of Selectmen get along in the past and he is not sure how this plan will change that but the players are all in place and we can make it a working document if that is what they want. If we want to make it active then he is all for that. He talked about the problems in the past with the schools and hopes that this may change since there is SAU 90. He also commented on the different budgeting process of the schools and the Town and the different annual cycles. The biggest problem he has with the definition in the handbook that says the CIP approves and disapproves capital items. He does not believe that committee is in the position to approve or disapprove anything. This can be a disservice to the department heads. He hopes the schools will get involved and circulate this. If we want to do more he thinks there needs to be more of a definition such as Exeter or Portsmouth and someone needs to pay attention to it. They will try to step it up a notch.

#### Discussion

Chairman Griffin wonders if a key problem is the funding of this. Mr. Emerick shared how items come to the head of the priority line and how public safety will always be at the head of the list.

Mr. Nichols believes that all the members have been identified at this time. His first suggestion is that they have someone such as Jamie Steffen get a copy of the handbook out to all the members. Then hold a meeting of the CIP committee to discuss some more of these general ideas. Based on that meeting let the representatives bring that back to their respective boards this is what came of that meeting.

Mr. Pierce confirmed that the CIP is a subset of the Planning Board and therefore the Planning Board has jurisdiction over that committee not this Board. His thoughts are that it has been a wish list in the past and that is as far as it goes. He thinks that if they are going to improve it will be nice to get all this stuff together in one spot but it does not answer the question of how we are going to fund the \$5M in the CIP for DPW. He thinks that if someone brings something to the CIP committee they need to be able to tell them what the impact is of bonding the item over a certain period of time. He believes it is very important that this information be provided to the public. Mr. Emerick informed the Board that it does show the bonding information but not the impact on the tax rate. Mr. Nichols reminded Mr. Pierce that about 2 weeks ago there was a motion made instructing Mr. Schwotzer to calculate the items in the CIP to the level of the tax rate. Mr. Nichols spoke to Mr. Schwotzer and he is almost done with calculating the Town's portion of the CIP. Therefore, what Mr. Pierce is asking for will be available by the next meeting with a draft available even sooner.

Mr. Moore objects to the goal of the CIP being a level or declining indebtedness schedule on the bottom. There are taxpayers who would not appreciate this since they might have a harder time fixing the roads or sewers or building fire stations. Mr. Moore wonders when the handbook was created and it was created in 1994 by someone that was not from the Town. He does agree with a lot of what Mr. Emerick said and contrary to what the residents might think the Town does plan. He would like to see even if none of the proposals for 2013 are approved have some kind of an understanding of what the projects are being put forward by the department heads, school boards, library trustees and cemetery trustees are at least out

there thinking about it and this is the universe of the items that are available. In addition, if the handbook was made by some non-governmental force they can amend it if they see necessary.

Mr. Emerick stated that the six year is a guide and is required by RSA but the \$75,000 was set by the Planning Board. It could be modified to say only items that would be paid over time and not for every new truck.

Mr. Moore wonders if the Planning Board would like to take the bull by the horns and amend this handbook or is it better to have input from all the members.

Mr. Nichols thinks this would be a great start and have it brought back to all the Boards. Mr. Nichols shared some information on the law and how it can be managed by the Planning Board or Board of Selectmen but at the time, it was decided to be handled by the Planning Board.

Mr. Emerick stated that it always goes back to the Finance Director for calculations.

Mr. Pierce shared some more information on how he used to attend the meetings back when this first started and he reiterated once again the importance of knowing the financial impact. If it is going to be useful in his opinion, we need to show the financial impact down the road.

Mr. Bean thanked Mr. Emerick for his dedication and service to the Town. He stated they heard from the Police Chief earlier that they are providing services on State property, resources are constrained, need of capital improvements of the Town and infrastructure needs going forward. We need to identify the metrics going forward in regards to infrastructure needs of our neighbors and the State. He thinks we are working that way and all of these have been good comments.

Mr. Nichols confirmed that Mr. Emerick would try to set something up in the month of July. He added there is a lot of money involved and shared some of the major contributors such as DPW and the Hampton Academy.

#### IV. Approval of Minutes

##### 1. June 11, 2012

Page 2: Restructure the 5<sup>th</sup> sentence to read as follows, “this project could involve land acquisitions and infrastructure improvement costs”

Page 3: 7<sup>th</sup> line of the last paragraph change “they” to “the: and add “Town of Tilton”

Page 4: Last paragraph 3<sup>rd</sup> line; add “sidewalk maintenance” after the word “winter”

Page 7: whole page; add “sidewalk” after each word “winter”; change “on” to “at”

Page 10: 2<sup>nd</sup> paragraph, 9<sup>th</sup> line, change “36 or 38” to “1933”

Page 11; 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line, change “amble” to “ample”

Mr. Nichols MOTIONED to APPROVE the Minutes of June 11, 2012 as amended. Mr. Pierce SECONDED.

VOTE: 5-0-0

##### 2. June 18, 2012

Page 3: 2<sup>nd</sup> paragraph, last sentence replace “approved” with “implemented and working”

Page 11: In Mr. Nichols' motion for the purchasing policy insert before "version" the word "email"

Mr. Moore MOTIONED to APPROVE the Minutes of June 18, 2012 as amended. Mr. Pierce SECONDED.

VOTE: 5-0-0

3. June 19, 2012

Mr. Nichols MOTIONED to APPROVE the Non-Public Minutes of June 19, 2012. Mr. Pierce SECONDED.

VOTE: 5-0-0

V. Town Manager's Report

1. The Board requested that I discuss with DRED the sum they would be willing to pay for the 20-leased parking spaces at Church Street. After three tries starting on June 6<sup>th</sup>, I was finally able to reach the Seacoast Supervisor and request the answer on June 15<sup>th</sup>. He indicated that he would have to consult with Concord. To date I have heard no answer.
2. I met with Department Heads on June 26<sup>th</sup> regarding the proposed MOU with DRED. There were a number of concerns expressed that I have requested to receive in writing describing the areas where changes need to be made in the MOU. Once received in a few days I will revise the MOU and return it to DRED for concurrence.
3. Appropriate letters were sent regarding the access over Town land on Fellows Avenue. We are preparing to close off this access on July 3, if not done earlier by Hampton Harbor Marina.

Mr. Welch would like to know how the Board would like him to proceed with this.

Mr. Nichols stated that they already had a motion on this and Mr. Welch has laid it out to the property owners on May 21<sup>st</sup> and June 27<sup>th</sup> letter stating what action the Town would take. After hearing everything Mr. Welch just said, he still feels the same way so they should do what they said they were going to do.

Mr. Pierce wonders what all the hearings have to do with the Town putting up the gate now. Mr. Welch stated that the property owner believes that the Planning Board has given them access to cross over the piece of land owned by the Town. Mr. Welch wanted to make sure that the Board understands that he has spoken with the Chief Operating Officer of the Hampton Harbor Marina and he understands all the statutory requirements.

Mr. Nichols thinks it has gone on long enough and we should execute the plan tomorrow as stated in the memos.

Mr. Pierce asked Mr. Welch what he was planning to do. Mr. Welch stated that he has spoken with Police and Fire and we will be putting in two of those giant concrete blocks on either side of the entrance than run a chain across with lock box attached. This will allow fire and police access at any time and there will be a hazard sign across the front and attached to the chain.

4. International Salt has received an extension of their State contract to supply road salt. We currently utilize this company on the State Bid and will continue to do so for the next year.

#### Other Items added to the Town Manager's Report

He handed all department heads the Legislative change of definition of part time employees according to NHRS.

They received today a request for a resident parking permit for a motorcycle trailer. He has spoken to Police Chief on this since the trailer was ticketed and no trailers are allowed in the resident lots. The individual received a \$100 ticket and is requesting from the Board approval for use of a resident parking permit for the trailer. The Police Department is kindly asking the Board to not do this since it is an administrative nightmare for them.

#### Discussion

Mr. Moore questioned as far as they know no one else has been issued a sticker for a similar situation.

Mr. Nichols is not in favor of this and thinks they should go with the Chief's recommendation.

Mr. Welch stated that they finally have a resolution to the drainage problems on Ocean Blvd at Little Jack's. The State has issued a permit today for the construction of a new drainage facility down there. The project will be ongoing in the near future and has to be completed by 2016 but he feels it will be taken care of sooner.

#### Discussion

Mr. Nichols commented on the whole MOU issue with DRED and he thinks a couple of individuals need to be appointed to go off and take care of this issue. In regards to crosswalks, they are still not done even though they meet with DOT over 3 weeks ago. Mr. Welch stated that they received a call last week and they were going to start at the Rye/Portsmouth line and move south but if traffic were too heavy this would be postponed until the fall. Mr. Nichols also brought up the scenario that Mr. Noyes brought up about a pothole on State sidewalk and who is going to repair this since he has been instructed to not do any work on State property. Mr. Welch stated no progress has been made on this at this time. Mr. Nichols stated that we are not going to be able to solve this right now but in order to meet their objective of improving the relationship with the State that a different approach needs to be taken. Mr. Bean added to establish the metrics of the services the Town provides to the State, we stop the monologue and engage in a dialogue, and they never get feedback from the State. Chairman Griffin does not think that things will change. Mr. Bean added that after visiting the State last week and how Hampton is not even on the radar at the State level. The people at the State level that the Town has been working with are nice people. Mr. Nichols went back through the minutes and he really does not think anything is going to be solved here.

Mr. Nichols commented on the memo on how single stream recycling dropped again to \$10 from Casella and he would like Mr. Noyes to provide the Board with an update on the companies he has met with about single stream recycling.

Mr. Pierce noticed Mr. Welch's handout on the minutes from the sick bank. In the minutes, Mr. Welch mentioned something about the hours going into a negative and he wonders if the balance is close to a negative balance. Mr. Welch explained that there are hours in the bank but if one employee was to use it for the allowed amount of time the bank would go into the negative. However, there are measurers now in place so that if this is to happen employees contributions will increase to 4 hours a month. Mr. Pierce asked about the Old Mill Dam and would like an update on what is going on. Mr. Welch stated that they have been notified that the danger level has been raised and a letter is to follow advising the Town as to what needs to be done.

Mr. Moore mentioned an approval given at the meeting on June 18<sup>th</sup> to a change in the intersection at Lafayette Road and Winnacunnet Road. The Town's share could be up to a total of \$10,000 and if he read the minutes correctly, the total cost of the plan is \$30,000 to \$40,000. They now have the minutes of a June 21 letter that looks as if project cost for planning the engineering budget has increased to almost \$80,000. Mr. Welch confirmed this to be true. Mr. Moore pointed out this means the motion they made for \$10,000 will not be enough to cover the Town's 20% and he is a little surprised that the cost is double what they were told 3 weeks ago. Mr. Welch stated this is why we are now asking the State if they are going to fund it because if they are not going to fund neither is the Town. Mr. Moore pointed out that the Board has not given him the authority to go that high. Mr. Nichols thinks that maybe this amount of \$79,000 is the entire amount for the engineering and what the Board gave approval for last week was for a subset of the engineering cost to take them to a particular point. Mr. Welch will get clarification for the Board. Mr. Moore asked about a memo dated July 2<sup>nd</sup> asking for funds to be withdrawn from the capital reserve and this item will be on the agenda for the next meeting.

## VI. Old Business

### 1. 2012 Selectmen's Goals

Chairman Griffin stated that they talked about the CIP and wonders if anyone has anything else they would like to discuss.

#### Discussion

Mr. Bean wonders about the process to join the IT Committee the Board has received a letter of interest from Citizen Jones. Chairman Griffin thinks that they should hold off until more requests have come in before appointing members to the committee.

Mr. Nichols thinks that they have set five goals and received a draft of these goals. He would suggest simplifying number 2 to read creation of a Technology Advisory Committee. If the Board can agree on these tonight the goals can be set and they can began implementing the goals.

Mr. Nichols MOTIONED that the Selectmen's Goals be approved as drafted with the change to goal number 2 to read as follows: Creations of a Technology Advisory Committee. Mr. Pierce SECONDED.

VOTE: 5-0-0

2. CIP – Tracy Emerick moved up under appointments.
3. Legal Review of previously authorized Sustainable Communities Grant

Atty. Gearreald stated that the Board had asked him to go back and review what they are committing to in are participation through a letter that was issued last September 12<sup>th</sup> to US Department of Housing & Urban Development concerning the Sustainable Communities Regional Planning Grant application. Follow-up by a partnership agreement for something called a Granite State Future that the Board authorized to be signed at its meeting on April 30<sup>th</sup>. He has examined the documents and discussed with Mr. Welch who has had conversations with the person who has been charged with carrying out the grant process, which has been granted by HUD. The document the Board received on April 18<sup>th</sup> from the Chairman of the Rockingham Regional Planning Commission, which he discussed in detail for the Board. He discussed regional planning commissions in NH and how it works. The role of the Planning Commission is strictly advisory and the Boards signing of this partnership document does not change that fact. It does not give them any authority to tell us how to deal with Zoning, it does not commit us to some larger agenda and does present an opportunity that is not possible with the limited resources that we have now. They are taking on a lot and the bottom line is not committing the Town to anything new. He does not recommend that they withdrawal but instead continue to watch this closely. He thinks whoever is watching this for them needs to be sensitive to the legality of it when reviewing it. This is a great opportunity and should be watched.

Mr. Pierce wonders who he would suggest that be the watchdog for this. He feels that whenever we get a grant we seem to have to spend money. He wants to make sure that we are not going down a path of obligating ourselves to something we might not want to be obligated too. Atty. Gearreald thinks that the Board should have the Executive Director come down and address the Board on this.

Chairman Griffin wonders if the Board would like to have the Executive Director come in and the Board agreed that this was a good idea and Atty. Gearreald will set this up.

Mr. Nichols wonders who is going to be the one to watch this and it was decided that this would be decided after the meeting.

Atty. Gearreald pointed out that Hampton is not the recipient of the grant the Nashua Regional Planning Commission is therefore the ramifications if any will not be on Hampton.

4. Authorize Town Manager under RSA 31:95-b to apply for grants under \$5,000 of federal or state aid, or both.

Mr. Welch stated this was the idea of a department head and how sometimes grants opportunities come up and have to be turned around quickly. This is why the Board is being asked to approve this.

#### Discussion

Mr. Nichols expressed concern with transparency issues on this and thinks it should be limited to public safety grants.

Mr. Moore is not sure if this can be done according to the RSA if they can limit the agency and the amount. Atty. Gearreald thinks it can be done since the RSA is referring to the acceptance and what is being asked is for the application process.

Mr. Nichols is ok with this since it is only referring to the application process.

Mr. Moore MOTIONED under RSA 31-95-b to apply for grants under \$5,000 of federal or state aid, or both. Mr. Pierce SECONDED.

VOTE: 5-0-0

#### Other Old Business

Chairman Griffin asked if Mr. Welch saw the email about a wedding at the Seashell and blocking off of a portion. Chairman Griffin asked Mr. Welch to confirm that his email address is listed on the website since the woman complaining was not able to find the email address and express her concerns to Mr. Welch.

### VII. New Business

#### 1. Intervention in Aquarion Water Company 2012 PUC Rate Case

Atty. Gearreald explained that in the spring of this year Aquarion Water Company filed a petition for a temporary and permanent rate increase. The rate increase they are seeking is 18.3%, which would increase the average annual water bill for a customer using 53,300 gallons from \$365.16 to \$433.33. This rate increase is sought to be implemented in two phases the first increase would be a temporary rate increase, which would go into effect as soon as it is approved by the commission for 12%. The remainder following up after they go through a period of discovery, which is conducted, by any intervening parties, the PUC staff, and the Office of Consumer Advocate. This follows on the heels of rate increases that have occurred each of the last three years, which he listed out for the Board. The WICKA charge was supposed to cut down on the frequency and amounts of increases but that has not been the case. The rate increase will not only affect the average resident but will also have a major impact on the Town in regards to fire hydrants. We have until July 6 to file a petition to intervene in the case as they have done before and he would ask the Board authority to file such a petition to aggressively oppose the rate increase.

#### Discussion

Mr. Nichols would just like to share some really quick numbers that he went through for a magnitude impact on a combination of the Town and all the rate payers and we are talking \$500,000 to \$600,000 whatever dollars so this is not small change.

Mr. Pierce commented their expected rate of return on investment in very high. He thinks this rate increase is ludicrous.

Mr. Nichols MOTIONED to APPROVE the Intervention in Aquarion Water Company 2012 PUC Rate Case. Mr. Pierce SECONDED.

VOTE: 5-0-0

#### Other New Business

Mr. Pierce stated that they received a copy of a legislative policy and asked Mr. Welch to explain for the Board. Mr. Welch explained that this is done every few years and he went through the process for the Board and pointed out that he does sit on one of the committees. At the end of the process, there is a meeting for all the communities to attend and review the policy before it is moved forward. Mr. Pierce asked if someone should attend this meeting and Mr. Welch thinks it is a good idea. Mr. Moore pointed out that at the end of the day the

NHMA will provide a booklet with the legislative policy. The Board agreed that Mr. Pierce would attend this meeting.

VIII. Consent Agenda

1. Creation of Two Accessible Parking Spaces at Lane Library – 2 Academy Avenue
2. MIS Equipment for Auction
3. MIS Broken Equipment Disposition
4. Pool Table Permit – O’Leary’s Grill
5. Dance Hall Permit – DRED “Oceanfront Pavilion & Seashell”
6. Dance Hall Permit “Victorian Inn” 430 High Street
7. Notice of License Application – New Beach Food LLC, Wendy Farrand, Mbr for a Restaurant Bev/Wine/Liquor License – 7 A Street
8. Raffle Permit “Hampton Historical Society” 09/01/2012
9. One Day Entertainment Permit “Hampton Historical Society” 09/01/2012
10. Hampton Cemetery Deed – Kurt Whalen and Joan Whalen as JTWROS
11. Hampton Cemetery Deed – Trudy Packard
12. Hampton Cemetery Deed – Theresa Latina
13. Coin Operated Amusement Device License – Ships Inn Store – 27 B Street
14. Coin Operated Amusement Device License – Funarama, Inc – Casino Bldg at F Street
15. Coin Operated Amusement Device License – D.M. Sales Corp – 225 Ocean Blvd
16. Coin Operated Amusement Device License – Tidewater Campground – 160 Lafayette
17. Coin Operated Amusement Device License – Sea Ketch Restaurant – 127 Ocean Blvd
18. Entertainment License – Sea Ketch Restaurant – 127 Ocean Blvd
19. Entertainment License – Le Bec Rouge – 73 Ocean Blvd
20. Entertainment License – North Beach Bar and Grill – 931 Ocean Blvd
21. Galley Hatch Restaurant “Kay’s Kafe” expansion of liquor service in Kafe and Patio

Discussion

Mr. Moore would like to point out for the Board that he did submit items # 8 and 9 so if the Board would like him to not vote on this he will. The Board agreed that it is ok for Mr. Moore to vote on the consent agenda.

Mr. Pierce MOTIONED to MOVE the Consent Agenda. Mr. Moore SECONDED.

VOTE: 5-0-0

IX. Selectmen’s Closing Comments - None

X. Adjournment

Mr. Nichols MOTIONED to adjourn the public meeting. Mr. Moore SECONDED.

VOTE: 5-0-0

---

Chairman