

June 03, 2013

PRESENT: Philip Bean, Chairman
Richard Nichols, Vice Chairman
Michael Pierce, Selectman
Ben Moore, Selectman
Mary-Louise Woolsey, Selectman
Frederick Welch, Town Manager

SALUTE TO THE FLAG

I. Recognition of Service

Chairman Bean read and presented the Recognition of Service for Richard Griffin. Mr. Griffin thanked all the residents of Hampton.

II. Public Comment Period

Arthur Moody, 3 Thomsen Road, discussed the following: uses of old Court House, suggested putting a plaque at this location in remembrance of all that happened there.

Norm Silberdick, 70 Tide Mill Road, discussed possible controversy between the ZBA and Board of Selectmen; possible future litigation cost.

Chairman Bean brought up the issue of the project at the beach by Green & Company and how it did not make it on the agenda as planned. Therefore he encouraged anyone interested in commenting to come forward and do so now.

John Nyhan discussed the following subjects: support of Green Project; committee that meets with possible developers; discussed portions of Master Plan in detail; proposed plan meet the criteria of Master Plan; height restrictions very vague and no specific height requirements; 2009 vote in regards to height restrictions; things that have changed including investments being made; potential warrant article to look at the height; funding issues on Federal, State and Local level; new ways of generating revenue and approving certain projects.

Charlie Preston discussed: timeline in regards to developing the Master Plan; past controversy on building heights; only way to address this is through Town Meeting vote; endless possibilities.

Bob Preston, 35 Campton Street, business owner at the beach; on Master Plan committee; moderate means reasonable; people coming to Hampton have amazing things to say about current improvements; approve this plan then next year even more enthusiasm.

Rick Griffin almost an abutter to project: many people disturbed about what this Board is doing seeking legal advice outside of Town when there are lawyers in-house; concerns with taxpayers paying for lawyers on both sides; extends business district and benefit of this; Rational Taxpayers coming before this Board and tearing Town employees apart is wrong.

Richard Green with Green & Company discussed: the actual height of the project; impact of elevator shaft; true height of roof is 56 feet.

Norm Bolyea discussed: time on beach; lived through many projects; such enthusiasm; need the growth and retail; this is the time to do it.

Nancy Stiles discussed: the ZBA is a dully acting board; asked this Board to look at the ZBA report before spending more taxpayer dollars.

Kathy Rush discussed: realtor in Hampton for a long time; 200 people came into Seaspray expressing enthusiasm; compliment to Hampton Beach; encourage the Board to look very positively at this project.

Robert Ledger, 347 Ocean Blvd, only direct abutter present; satisfied with adjustments made; extremely in favor of this project; compliments Zoning Board for adjustments made.

Ray Blondeau discussed: love to build a new arcade; economics does not allow it; lost everything to fire; keep going the way we are going; development is good for the taxes; Zoning Board members are elected; don't chase developers away; don't let time go by and boards should get along.

Fred Rice, 15 Heather Lane, like to put comments made into context: study done in past by Fay, Spofford, and Thorndike; items that have been done; complaints were not about being too high but instead the desire for an equal shot; benefit far outweighs having an elevator shaft too high.

Bill Bowley, 252 Landing Road, commented as follows: the beach to him is the best money making business in this Town; only going to benefit the Town and the beach; need to go up; Green Company given permission to build a 60 foot building; and now we are going to sue each other and it's crazy.

Michael Green discussed the following: a lot of time and money has been spent trying to upgrade this beach; opportunity is now here; encourage development instead of putting road blocks in the way; broken down properties are the problem; yes for profit property but this also increases revenue for the Town; next to zero impact on the schools.

Tracy Emerick, 207 North Shore Road, pointed out that zoning ordinances require retail on the first floor with condos above.

III. Announcements and Community Calendar - None

IV. Appointments

1. Donna Bennett, Tax Collector
 - a. Tax Deeding

Mrs. Bennett discussed: tax deeding; defect in date when notification went out; so new notice has to go out; hoping to be granted an extension until September as has been done in the past.

Selectman Woolsey MOTIONED to postpone the execution by the Tax Collector for non-payment of 2010 taxes until September 9, 2013 to allow the Tax Collector to issue valid Notices of Impending Tax Deed at least 30 days prior to that and to report to the Board at its September 9, 2013 about the individual circumstances on whether the Board should grant deed waivers under RSA 80:76 SECONDED by Selectman Pierce.

VOTE: 5-0-0

2. Dyana Martin, Director Parks and Recreation
 - a. Departmental Update

Mrs. Martin discussed the following: each Selectmen received a packet; parks maintenance repairs; inspection of Kids Kingdom by LGC; parking lots update including revenue made so far; recreation programs including Red Sox tickets, road race, summer camps, highlighted some new camps, Oguquit Playhouse tickets; lifeguards update.

Board Members Pierce, Nichols and Bean discussed the following with Mrs. Martin: results of inspection of Kids Kingdom by LGC; discussion on maintenance of Kids Kingdom and get some input from some carpenters in Town; purchasing of new lawn mower and encumbrance was removed earlier this year; discussion at HBAC meeting in regards to signs at parking lots; building improvements at Tuck Field; age of playground and amount to replace the playground is estimated at \$100,000; other playgrounds in the area; concerns for safety after seeing report from LGC in regards to Kids Kingdom playground and went through the report in detail.

Chairman Bean MOTIONED to discontinue use of the Kids Kingdom playground effective immediately. Motion failed for lack of a second.

Selectman Moore suggested closing down the portions of the playground mentioned in the report in relation to safety concerns. Mrs. Martin did discuss certain items that have been repaired already.

Selectman Moore MOTIONED that the Parks and Recreation Department react to the inspection report of the insurance provider by discontinuing the availability of those pieces of equipment that are referenced in the report as being unsafe until such time repairs are made to said equipment.

Selectman Nichols amended the motion to include: and to immediately begin addressing the decking issues and what needs to be done and what the costs are.

Motion and amendment SECONDED by Selectman Pierce.

VOTE: 3-0-2(Bean, Woolsey)

Discussion on motion

Selectman Woolsey expressed concern on how you keep children off the equipment.

3. State Senator and Representatives Legislative Delegation

Senator Stiles discussed: proposed budget completely funds work for seawall; commented on other parts of the budget in detail; Meals & Room tax attempts to change the calculation; education funding; RSA79E; court decision on Retirement will be appealed.

Representative Cushing discussed: legislation passed concerning using summary of ordinances on ballots; attempt to make public amounts of Rooms & Meals Tax generated from each community; bill to remove pollution control tax exemptions; budget and need for income; items working with Department of Corrections on in regards to prisoners.

Representative Rice discussed: bills involving insurance matters; wine industry; auto dealer's bill of rights; bill in regards to absentee ballots and who can turn them in; bill on management of trust funds; municipal charters; budget and revenue/expenses; bar closing times.

Representative Muns discussed: bar closing bill HB575 and this being an opt out bill; pension funding ruling; what needs to be done on a long term basis in regards to retirement; money in bill to finish seawall project; Senate budget compared to House; attempts to secure railway line property.

Representative Emerick discussed: bill having to do with back flow valves; budget bill; looking for input from the public on what they want.

Board Members Pierce, Moore, Nichols, Woolsey and Bean asked or discussed the following items with the Senator and Representatives: cigarette and gas tax increase and studies that may have been done on this; discussion on gas prices; original purpose of gas tax was to go towards road and repairs; bill to increase toll; NH cigarette tax is already been higher than any bordering States; opt in or opt out for bar closing times; gas tax increase needed for roads; revenue problem; long term strategy to look at NHRS; SAG grants; additional discussion on liquor opting in or out; thanked Representative Cushing for work on HB672; total debt service for the State; replacement/repairs needed to seawall; RSA 676 to Planning Board and project discussed earlier tonight at the beach by Green & Company; need to notice all abutters not just condo association; safety concerns in communities; open weigh stations to improve safety; raise the cigarette tax; thanked them for service; matrix being prepared by Mr. Welch in regards to State cost to the Town and future dialogue on this topic.

Representative Muns discussed HB297 which has to do with how investment management fees are dealt with in regards to investment funds/Trust funds.

4. Norm Silberdick
 - a. Cemetery Burial Trust Fund

Mr. Silberdick discussed: \$20k item for sales of burial plots kept by the Town; no warrant article this year for this; history of Cemetery Trust Fund; current funding amount of this fund; communications between Mr. Welch; fund for maintenance not expansion; withdrawals from the fund; future handling of this fund.

Board Members Pierce, Nichols and Woolsey discussed the following with Mr. Silberdick and Mr. Welch: possibility of giving money back to the Town each year like the Real Estate Fund; need to decide whether Board wants to have a Selectmen sponsored warrant article; need to set up to make this a nonexpendable fund; proceeds would come from sales of Town land and fund balance turned over to the Town each year; offset expenses of the Cemetery; distribution of interest; expenses should be in the budget for transparency purposes; how you go about changing the fund to a different type of fund; possibility of future legislation to address this issue; future need for another cemetery; discussing the purchasing of Town land and having the money come in as revenue to the Town.

5. George Dovas – Ocean Crest Condominiums
 - a. Request use of Kings Hwy and High Street Parking Lot – Overnight 5 Days

Mr. Dovas discussed: paving lot and need to have parking for 5 days; asking to be able to park overnight in this lot; done something similar in 2007.

Selectman Woolsey MOTIONED to approve the request for use of Kings Hwy and High Street Parking Lot for Overnight use for 5 Days by the Ocean Crest Condominiums residents SECONDED by Selectman Pierce.

Discussion on motion

Selectman Pierce asked about the number of spaces needed and spaces available in this lot.

Selectman Nichols questioned if it is only being used for overnight parking.

VOTE: 5-0-0

V. Approval of Minutes

1. May 13, 2013

Selectman Woolsey MOTIONED to MOVE the Minutes of May 13, 2013 SECONDED by Selectman Pierce.

Page 3: Change the tipping rates listed in the TM's Report to reflect the newer Rate Sheet from Waste Management.

VOTE to Accept: 5-0-0

2. May 20, 2013

Selectman Woolsey MOTIONED to MOVE the Minutes of May 13, 2013 SECONDED by Selectman Nichols.

Correct the spelling of Jay Diener' last name throughout the document.

Page 2: Correct the spelling of Berkowitz in the second paragraph.

Page 4: 3rd paragraph, 14th line change "bone" to "requests"

Page 5: Amend motion to add to the 4th line from the bottom "of commencement" after "two weeks"

Page 7: Change the word "objectives" to "objection" in the last line.

VOTE to Accept: 5-0-0

Item number 3 of VIII. New Business discussed below.

1. 1042 Ocean Blvd – Mark Gacek
 - a. Application for Seawall Repair/Permission to enter upon and use Town Property

The applicant explained the request for permission to enter upon and use Town Property to repair the Seawall. The contractor explained project in detail for the Board.

Selectman Woolsey MOTIONED to grant permission to Mark P. & Janet D. Gacek, the contractor and its subcontractors to enter upon Town Property through 1042 Ocean Blvd; in order to repair the sea wall at 1042 Ocean Blvd; to restore the Town Property to its previous condition; to complete the work within two weeks of initiation of the work; and to provide \$2 million for comprehensive general liability, \$500,000 for automobile liability, and workers'

compensation insurance in the statutory amounts for this activity naming the Town as an additional insured on certificates of insurance, work not to commence until after such certificates are provided to the Town SECONDED by Selectman Pierce.

Board Member Moore asked various questions of the applicant regarding the encroachment of the wall; how it will be rebuilt; future consideration in regards to generating revenue from seawalls such as this and others that encroach onto Town land.

VOTE to Approve: 5-0-0

VI. Town Manager's Report

1. House Bills 138 and 139 that were proposed by the Town of Hampton have passed both the Senate and the House of Representatives and that these bills are on their way for signature by the Governor.
2. The United States Department of the Interior has forwarded the signed amendment to deed for the 20 foot right-of-way and two lots at the beach; the amendment has been recorded; this in effect releases the United States interest in the easement. We are awaiting signed releases and proposed deeds in order to deed out the Town's interest in the right-of-way as voted by the Board.
3. The Courthouse building has been removed and the lot has been cleared in accordance with the vote of the Town and the contract documents.
4. Senate Finance has approved the funding of the outstanding SAG grants in 2014. Further action is required by the House and probably a Committee of Conference on the \$4,522,022 before anything becomes final in the budget subject to the Governor's approval.
5. As general information, the Board has received a copy of our insurance carrier's inspection and recommendations for the playground equipment at Kids Kingdom

Other Items added to Town Manager's Report

Mr. Welch also commented on the following: Police Department Firearms training on 6/8, 6/9, 6/14, 6/15 and 6/22.

Board Members Pierce, Nichols and Woolsey discussed the following with Mr. Welch: Solid Waste District and when the Town can get out of it; beach access in regards to work at 12 Nor' East lane; Mr. Welch agreed to look into an agreement with Seabrook for the Sun Valley beach raking; trash pickup and three week test period; outline trash pickup plan for the beach; broadcast email/reverse 911; whether a party was charged at the Transfer Station; warrant article list in regards to no-through trucking.

VII. Old Business

1. DRED – Town of Hampton Joint Operations Plan

Mr. Welch provided the following update: draft sent back last week and forwarded to Department Heads; last of responses received today and two changes requested by DPW; all departments have signed off; Board can vote on it next week.

2. Overtime Issues

Selectman Nichols had some meetings: no expected changes to Transfer Station hours; this item can be removed from future agendas; still would like to see some changes in the schedule at the Transfer Station to cut down on overtime.

3. Selectmen's Goals/Objectives

Selectman Nichols summarized: down to 3 goals; request that there be some expansion on the State of NH objective; will then type up the goals/objectives.

Board Members Pierce and Woolsey made comments as follows: overtime at Transfer Station will be discussed/addressed during 2104 budget process; asked if Board could devote one whole meeting to the DPW to discuss the many things that they have to do; need to discuss rubbish pickup in detail; suggested that they discuss with Mr. Noyes next week what exactly they would like to talk about at the said meeting.

4. 2014 Warrant Articles

Mr. Welch discussed: has sent the Board some information on already proposed articles; listed out all the topics of these articles; already began work on these items; process of documenting all the roads in Town.

a. 79E Tax Exemption Discussion

Chairman Bean informed the Board that he will make a motion next week to rescind 79E.

Other Old Business

Chairman Bean brought up the following additional items: access to beach down at Plaice Cove;

Chairman Bean MOTIONED that they cease meeting at 1900 and meet at 10 AM every Monday morning SECONDED by Selectman Moore.

Discussion on Motion

Selectman Pierce expressed concerns with the time change and the effect on the public and would not be in favor of this change.

Selectman Nichols would not be in favor of moving it to 10 in the morning but could discuss moving it to an earlier start time in the evening.

Chairman Bean commented that residents would still be able to watch it in the evening.

VOTE: 2-3(Nichols, Pierce, Woolsey)-0

VIII. New Business

1. Duties and prerogatives of the Chairman and members of the Board as individuals

Selectman Woolsey asked for this to be put on the agenda and discussed the following: as a result of activity that took place earlier this month May 21st; discussed an email from outside counsel regarding an issue with Zoning Board and a meeting; an email sent by Chairman Bean to outside counsel beyond noticing this Board.

Chairman Bean cautioned Selectman Woolsey about going down this road and the fact that it is a slippery slope.

Selectman Nichols suggested that before they discuss these emails there should be a motion of the Board on whether they wish to make these emails public.

Selectman Pierce thinks that the details of email are not the issue and instead the activity made by another Selectman without Boards approval.

Selectman Woolsey commented that her email sent to Atty. Gearreald was a suggestion that he counsel Chairman Bean in asking for something that is not sanctioned by the Board and would result in billable hours to the Town.

Selectman Woolsey MOVED that they require Mr. Bean to step down and relinquish the Chair to be replaced by the Vice Chair SECONDED by Selectman Pierce.

Chairman Bean asked for further discussion.

Selectman Nichols: I would like to comment, I think anytime you remove somebody as chair, you have to be very cautious, I think there is a situation where, it is just something that should be avoided at all costs, having said that, I have to comment, not just on this situation which was described here, but I have a sense that that the Board is not being informed by the chairman of his activities of what's going on, I have had a number of situations, probably three, where residents have informed me, of meetings that you are having with staff, and whatever, which in itself is not a problem, but, the Board has not been inform, I just have an concern, I think that if Chairman Bean were to acknowledged some of those concerns, and be willing to take steps to keep us better informed, than that satisfy me and I would appreciate hearing his comments relative this motion.

Selectman Pierce expressed concern with the meeting the Board had at 6 pm. He does not feel it is fair for Chairman Bean to say he can only work for the Board on Mondays.

Chairman Bean made comments as follows: cannot say he works any harder than any other members; went through all the things he has done as Chair; job of Chair is to serve his Board; he does not think there is any exclusivity; task that have been completed and update on status of all other activities.

Selectman Woolsey commented: been there done that; Chairman Serves at the pleasure of the Board/Committee; task she performed as Chair of the Budget Committee; task that still need to be completed by this Board.

VOTE: 4-0-1(Moore)

Selectman Bean MOTIONED that Selectman Pierce be appointed as Vice Chairman. Motion failed.

Selectman Nichols suggested that he complete the meeting as Vice Chairman.

2. High Street and Rte. 1 Intersection Light
 - a. Traffic Engineer's Report

Mr. Welch provided the following update: report given to Board from Chief of Police; cost of report.

Board Members Woolsey, Nichols and Pierce made comments as follows: discussed the confusion with the signage at this intersection; problem is North bound not South bound; need to resolve this first; dangerous situation; change in the protective turn; ask the engineer

to come back and take a look at this again; pay attention to lights, some don't seem to understand this intersection. It was requested that the traffic engineer be asked to attend a meeting with the Board on this.

3. 1042 Ocean Blvd – Mark Gacek

- b. Application for Seawall Repair/Permission to enter upon and use Town Property

Discussed after the approval of the minutes.

4. Request for Naming of a Street

- a. Subdivision off of Juniper Lane

Selectman Nichols provided the following information: name request including three choices with Woods Drive as the property owners choice.

Selectman Woolsey pointed out that the project has not done what was requested of them by DPW therefore she is not inclined to be in favor of this request.

Selectman Nichols suggested that the name actually be “Michael Woods Drive” and explained why. This will be put on hold for the time being.

IX. Consent Agenda

1. 2012 Abatements: 2012-21 WDK Realty, LLC 375 Ocean Blvd Unit #1; 2012-22 Kelly Properties, LLC 75 Ocean Blvd Unit #8; 2012-25 White, June 8 River Ave; 2012-28 Drakeside Apartments, LLC; 241 Drakeside Rd; ~~2012-30 Optimistic Properties, LLC 55 Little River Rd~~; 2012-32 Grammatic, Phyllis 580 Winnacunnet Rd
2. Hawkers & Peddlers Vendors License – Northeast Ice Cream
3. Dance Hall Permit “Wally’s Pub” 144 Ashworth Avenue
4. Dance Hall Permit – S & S Hotels “Ashworth by the Sea” 295 Ocean Blvd
5. Permit for Use of Town Property – Plaice Cove” Wedding 09/28/13
6. Raffle Permit “Hampton Arts Network” 10/05/13

Discussion

Selectman Woolsey expressed concern that one of the abatements listed is for a property that has been foreclosed on.

Selectman Nichols suggested that Abatements in the future be listed as an agenda item and Mr. Tinker attend said meeting.

Selectman Woolsey MOTIONED to approve the consent agenda excluding 55 Little River Road Abatement under Item #1 and SECONDED by Selectman Pierce

VOTE: 4-0-0

X. Closing Comments

Selectman Moore announced that he will be submitting his resignation as a Selectman tomorrow morning.

Selectman Nichols asked that Kristina notice the non-public meeting the Board will have on Thursday.

XI. Adjournment

Selectman Pierce MOTIONED to adjourn the public meeting and SECONDED by Selectman Woolsey.

VOTE: 5-0-0

Chairman