

Note: Draft minutes are subject to corrections, additions and deletions.

June 17, 2013

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

SALUTE TO THE FLAG

I. Public Comment Period

Maureen Buckley, 6 Harris Ave, made comments as follows: information about Sand Sculpture competition; thanked Police, Fire and DPW; reception for dignitaries after competition; award ceremony. Chairman Nichols commented that there was an appointment on the agenda for Greg Grady in regards to Sand Sculpture Contest and assistance needed from DPW, Fire and Police. He suggested this be moved forward since Maureen is present and Mr. Grady is not going to make the meeting.

Chairman Nichols MOTIONED to approve the support for the Sand Sculpture Festival on the basis that it essentially the same as last year SECONDED by Selectman Pierce.

VOTE: 4-0-0

Mary Lee Twomey, 75 Ocean Blvd, commented as follows: direct abutter to Bernie's Bar & Grill and concerns with entertainment license; problem with sound proof barriers, open concept, located in neighborhood; violations with construction hours; problems with Wally's; money that has been put into the beach and this is contrary to the efforts that have been made; encouraged the Board to restrict outside noise/music after 9 o'clock.

Rick Griffin, 529 Ocean Blvd, made comments as follows: time served as a Selectman; valuable experience; knowledge he has on issues going on in Town; devoted to negotiating team if wanted; vote in March proof he should be appointed; spoke about other interested candidates.

Art Moody, 3 Thomsen Road, commented on the following: naming of road discussed last week and he is opposed to suggestions made last week; problems that occurred when parking lots were named after soldiers.

Robert Coates, 7 Mary Ave, commented as follows: current employee of DPW and trash/recycling pick-up driver; problem with mechanical arm trucks as brought in to Town by Mr. Price; rear arm trucks are more efficient; problem with trial period that just ended on trash/recycling pick-up; issues with salary management jobs that have occurred over the past year; overtime at Transfer Station; problems with having part-time employees covering the

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Transfer Station; lack of a contract and collective bargaining.

Atty. Bruton, representing Al Fleury Bernie's Bar & Grill, clarified the following: Bernie's Bar & Grill is located in a commercial business not residential district; sound barrier described in detail last week; need to be treated equally as other businesses; still have to comply with noise guidelines; other outdoor areas of other businesses in this area.

Cyril Bode, 9 L Street, commented as follows: spoke about a time when you could not drink or sell liquor on the beach; number of years he has been on the beach; how children and grandchildren have all worked on the beach; not necessarily right to allow a problem to continue in regards to noise; problems with Wally's; construction times; understands the pressures and annoyances the Board goes through; not sure how this helps the beach.

Albert Fleury, 15 Munsey Drive, commented as follows: dealing with concerns of the Police and residents in regards to Wally's; 10th year of operating Wally's; why Bernie's is good for the beach; number of employees and people it brings to the beach; has not had any noise violations; in regards to construction times comments made earlier are not true.

II. Announcements and Community Calendar

Selectman Pierce announced the following: Ecomaine trip to look at the facilities; Ecomaine presentation at the Transfer Station; Recycling Committee would like the contract discussed at a future meeting.

Selectman Bean announced that at 7:34 he had to leave the meeting for personal business.

III. Appointments

1. Ed, Tinker, Chief Assessor (38:23)
 - a. 2012 Abatements

Chairman Nichols summarized the following: request from Mr. Tinker 10 abatements total; asking to approve 4 and deny 6; the total amount being requested to be abated is \$2,287.

Mr. Tinker added that these are the final abatements for 2012.

Selectman Woolsey MOTIONED to approve the request of Mr. Tinker to approve 4 abatements in the amount of \$2,287 SECONDED by Selectman Pierce.

VOTE: 3-0-0

2. Michael Schwotzer, Finance Director (39:33)
 - a. New Hampshire Municipal Bond Bank
 - i. Final Bond Loan Agreement \$5,116,800
 - ii. Closing Certificates

Mr. Schwotzer made comments as follows: NH Municipal Bond Bank has done the sales of bonds for this year; closing on July 18th; two documents one is the general obligation bond and the other is signage award; amount authorized to raise is equal to what we will receive; discussed premium bonds which the Town will be receiving; interest rate raised to 5.1 but amount is traded in principal amount; effectively going to issue less bonds but receive the same amount; two analysis showing bond being issued and amount being paid; asking Board to sign off on certificate.

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Board Members Woolsey and Nichols discussed the following with Mr. Schwotzer: this is related directly to the Fire Station bond; a different perspective on how to look at this analysis.

Selectman Woolsey MOTIONED to approve the recommendation of the Finance Director Mr. Schwotzer on the final bond agreement for the Fire Station SECONDED by Selectman Pierce.

VOTE: 3-0-0

b. Monthly Financials (44:22)

Mr. Schwotzer discussed the following items: month of May income and expenses; report is online; income for motor vehicles, interest on taxes, building permits, real estate trust, departmental income; expenses for personnel administration, Planning Board grants, municipal insurance, Police Department, Fire Department, Public Works, TAN interest expense, Recreation Department, Cable Committee, Private Details new equipment cost; running quite favorable.

Board Members Pierce, Woolsey and Nichols discussed the following with Mr. Schwotzer: Planning Board grants balance; Transfer Station running significantly over on overtime wages; Emergency Medical Services Fund 27 money available; clarification on the Private Detail fund being absorbed by the private sector; purchase orders from 2012 are down but still some open; Transfer Station happy to see whatever it takes to run that; still waiting for some saddles for horses; grants always posted to a line called grants and income always shown under grant lines; expenses posted to grants at some point equals amount on grant income lines; IMC software support purchase by policy should have come before the Board; online version of purchasing policy is not the updated version.

3. Brian McCain (1:00:12)

a. Purchase new Peg Vault

Mr. McCain and Paul Paquette discussed the following with the Board: explained that the Peg Vault is basically a backup to Leightronix; hit maximum life; failed twice; received 2 quotes; Access AV came out lower; old Peg Vault will be used as a backup; described what exactly a Peg Vault does. This allows them to video if the Leightronix goes down.

Selectman Pierce had them explain in further detail what this equipment does and the reason it is needed.

Selectman Woolsey MOTIONED to authorize the purchase of the Leightronix Peg Vault in the amount of \$2,998 from Access AV SECONDED by Selectman Pierce.

VOTE: 3-0-0

b. Installation of the new Nexus and troubleshoot video problem by Access AV

Mr. McCain and Paul Paquette discussed the following: Access AV quote received; need to have them work on problem of the line in the video that is occurring during taping; also will have installation of Nexus at the same time.

Selectman Pierce MOTIONED to approve having Access AV install the new Nexus and troubleshoot the video problem in the amount of \$880 SECONDED by Selectman Woolsey.

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VOTE: 3-0-0

Chairman Nichols brought up another item in regards to Cable Committee and work Atty. Gearreald has done on the policy brought forward by Mr. McCain last week.

Atty. Gearreald discussed the following: question is in regards to being able to turn off the broadcast during a meeting; Right-To-Know law does not require us to broadcast a meeting; minutes are kept using this broadcast; plans to meet with the Board of Adjustment and Planning Board this week; this Board can amend the guidelines; read some provisions that can be added.

The Board agreed with what was brought forward by Atty. Gearreald and Mr. McCain.

Selectman Woolsey MOTIONED to approve the adoption of the policy brought forward SECONDED by Selectman Pierce.

VOTE: 3-0-0

4. Chief Sullivan, Hampton Police Department (1:10:02)
 - a. 73 Ocean Blvd “Bernie’s Bar & Grill”

Chairman Nichols shared some background information from the meeting last week including: do not currently have a complete Entertainment License application; asked Chief Sullivan to look at this future request; although it cannot be approved tonight thought it was good to begin discussion on noise; suggestions by abutters to put noise restrictions such as 9 pm for cut off of music outside.

Chief Sullivan and Deputy Chief Sawyer commented as follows: here to answer questions; sent some statistics to the Board to help with their decision; summarized calls for service over the past 2 years for establishments in this area.

Board Members Pierce, Woolsey and Nichols asked questions which were addressed by Chief Sullivan and Deputy Chief Sawyer: issues with construction that were dealt with and taken care of; is it advisable to hold some type of a public hearing; public is more informed then normal since already discussed twice; vitally important to know what their intentions are; only primary outdoor in the area; open air event; concerns voiced at Village District meeting; the Shell always closes down their entertainment fairly early; another establishment on the strip has the right to have music later but chooses to shut it off at 10:30; feels they have all the information that they need to make a decision.

5. Greg Grady
 - a. Sand Sculpture Festival – June 13 thru July 8 – discussed under Public Comment

IV. Approval of Minutes (1:17:25)

1. May 13, 2013 Non-Public Session – Sealed

Selectman Woolsey MOTIONED to approve the minutes from the Non-Public Session on May 13, 2013 SECONDED by Selectman Pierce.

VOTE: 4-0-0

2. May 20, 2013 Non-Public Session

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Selectman Woolsey MOTIONED to approve the minutes from the Non-Public Session on May 13, 2013 SECONDED by Selectman Pierce.

VOTE: 4-0-0

3. June 03, 2013

Page 2; 1st paragraph add “Almost” to the first line; 4th paragraph line correct spelling of dully; 8th paragraph correct word “to” to “too”.

Page 6; add the following to the 1st paragraph, 3rd line “Mr. Welch agreed to look into an agreement with Seabrook for the”

Page 7; correct the spellings of the following words - cease and counsel

Page 8; 4th paragraph

Selectman Bean motioned to incorporate the entire verbiage of the discussion of the removing of me into the minutes, verbatim, not subject to translation or opinion SECONDED by Selectman Pierce.

VOTE: 4-0-0

“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.”

Page 8; 5th paragraph remove the following “tonight and lack of others making it to the meeting”.

Page 9; Add the following to the 3rd line “name request including three choices with Woods Drive as the property owners choice.” correct the Spelling of “Secoded”; add the following to the last paragraph “It was requested that the traffic engineer be asked to attend a meeting with the Board on this.”

Selectman Woolsey MOTIONED to approve the minutes as amended of June 03, 2013 SECONDED by Selectman Pierce.

VOTE: 4-0-0

4. June 06, 2013 Non-public Session - Sealed

Selectman Woolsey MOTIONED to approve the minutes from the Non-Public Session on June 06, 2013 SECONDED by Selectman Pierce.

VOTE: 4-0-0

5. June 10, 2013 Non-public Session - Sealed

Selectman Woolsey MOTIONED to approve the minutes from the Non-Public Session on June 10, 2013 SECONDED by Selectman Pierce.

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VOTE: 4-0-0

6. June 13, 2013 Non-public Session

Selectman Woolsey MOTIONED to approve the minutes from the Non-Public Session on June 13, 2013 SECONDED by Selectman Pierce.

VOTE: 4-0-0

Chairman Nichols understands that Mr. Welch does not have a Town Manager's Report since he was out but he would like him to bring the Board up to date on the problems that have been going on with the construction at North Side Park/Joe Billy Brown Park/Plaice Cove.

Mr. Welch made comments as follows: construction located at 12 Nor' East Lane; Board had approved allowing access at this location for construction purposes; work was to be completed before beginning of June; start of construction was postponed and approved by the State; work did not actually begin until June 7th; parking trucks in this lot causing problems for residents wanting to park there; requested stone be brought down in the morning; have moved trucks from lot; work will be finished this week; including work on the staircase at no charge to the Town.

The Board discussed the approval made by the Board on May 20th with the work being completed within 2 weeks of starting project. However work was postponed and in the future the Board will need to make it clear that things like this cannot be done during the summer and especially on weekends.

V. Old Business

1. Board of Selectmen Vacancy (1:30:41)

a. Appointment

Chairman Nichols provided the following update: read the RSA covering vacancies in the Board of Selectmen for the public; four residents have expressed interest in filling vacancy Rick Griffin, Brian Warburton, David Lang and Mike Plouffe.

David Lang commented as follows: lives at 66 Park Ave; time served as a Firefighter starting as a Call Firefighter; proud of career he spent here; responsibility to fill open seat; normal circumstances under which a candidate is selected; volunteering for this position to serve the Town; has spoken to each of them about wanting this role; President of the Professional Firefighters of NH; has supported working men and women in this State for years; following rules and the law; has talent, skill set, passion and ability to join this Board; January of 2003 resigned from the LGC Board and explained why; spoke of his dedication as a Fire employee; honor to join them at this table.

Brian Warburton commented as follows: 24 Sanborn Road; time Joe Billy Brown served as a Selectman; honest as they come; did not receive a lot of phone calls or emails supporting him; things he helped do such as elderly exemptions; how they worked with all other Boards when he served; during his 9 years they had 3, 3 year union contracts; did not have a Selectmen representative to negotiations; they know his record; he does and means what he says; things like this happen; Board has a lot of knowledge; trust they will make the right choice; will continue to offer his services no matter how it turns out tonight; thanked them all for the work they do for the Town.

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Selectman Woolsey commented as follows: lucky to have so many qualified people come forward and offer their serves to this Town; speaks volumes as to the talent and dedication in this community; difficult decision for any Board; all have unique talents.

Selectman Woolsey MOTIONED to fill the vacant seat on this Board with Michael T. Plouffe SECONDED by Selectman Pierce.

Discussion on motion

Selectman Pierce echoes what Selectman Woolsey said and it is a tough decision.

VOTE: 3-0-1(Bean)

2. NH State Parks – Joint Operations Plan (1:42:38)

Selectman Bean excused himself to the Chairman and the Town Manager and asked that the minutes reflect that for personal business unrelated to the Board he is leaving the meeting at 8:37.

Selectman Woolsey asked that it be noted in the minutes that her personal business is the business of the Board at 8:38 pm.

Chairman Nichols commented that the Board has the most recent copy of the JOP.

Selectman Woolsey made the following suggestions and comments: plan should remain in place until April 30, 2014; intent of JOP grammatical correction pluralize the word party to parties; questioned if the State is enforcing recycling; beach rakings are a mess of waste and recyclables; cost to Town about the trash bags on the Westside of Ocean Blvd; beach raking and possibility of setting a date for this to start; last year to accept beach rakings; Police and Fire parking at the beach; annual Easter Egg Hunt being the only thing being exempt; provision for other Town employees to park if needed for business purposes; need a list of contacts at the State level.

Chairman Nichols commented as follows: Mr. Welch is making notes of changes; will then have to go back to the State with these changes; difference between what is picked up on the beach compared to what is in the barrels; State Parks personnel do not have the capability to operate the equipment so the Town is able to see what has been brought in; shared some information he has on the beach raking and possibility of working with Seabrook on beach raking on Town beach; problem with beach raking and cannot take sand to Ecomaine; agreed that end date for beach raking not be part of the agreement; list of contacts does not need to be part of the JOP; page 9 Town providing State with parking needs to be removed.

Mr. Welch made comments as follows: improvement in recycling at the beach; has contacted Seabrook about beach raking.

Chairman Nichols provided the Board with further backup on how this JOP came about and work that has been done on this plan.

Chairman Nichols MOTIONED to approve the JOP as amended in discussions tonight which Mr. Welch has the record of SECONDED by Selectman Pierce.

VOTE: 3-0-0

3. 339-345 Ocean Blvd Development (2:03:57)

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Chairman Nichols provided the following update on the Green & Company development: Board of Selectmen originally going to appeal decision made by the Zoning Board; Green & Company made some changes to plans and asked this Board not to appeal; time case would spend in court; Selectmen agreed unanimously not to sue the Zoning Board and sign the settlement; settlement is available through the town Manager's Office; increased visibility to maximum building heights at the beach; height restrictions in the master plan being vague; hope for a related warrant article in regards to height regulations; next step is the continued review by the Planning Board.

Selectman Pierce commented true spirit of trying to come up with a solution and need to reexamine ordinance in regards to height.

Selectman Woolsey commented: warrant article in 2008 asked for height increase; made an important step to help protect the public's interest; walked away from the table feeling comfortable; need for warrant article to address height restrictions; described in detail changes made to the plans by the developer.

Other Old Business (2:11:16)

Selectman Woolsey commented on the following: after Robert's comments under Public Comments she will not let these guys rest until a night is devoted to DPW Director and sit down and focus on this department.

VI. New Business (2:12:15)

Chairman Nichols commented that last week he skipped over the agenda item in regards to appointing representatives to committees to replace Mr. Moore and when putting this week's agenda together he left it off until the open slot was filled.

VII. Consent Agenda (2:13:11)

1. 2012 Abatements: 2012-08 Conrad, David M. 62 Acorn Rd – building only; 2012-16 Soccio, Ned Paul & Marilyn A.; 615 Ocean Blvd Unit #4; 2012-17 Soccio, Ned Paul & Marilyn A. 611 Ocean Blvd Unit #5E; 2012-23 D'Angelo, Magdalene 20 Harris Ave Unit #16; 2012-27 Ciampa, Gregory N & Pamela J 26 Drakes Landing; 2012-29 Bigman, Jay E & Alison R 23 N St; 2012-30 Optimistic Properties, LLC 55 Little River Rd; 2012-33 Waterway Realty, LLC 239 Drakeside Rd; 2012-38 RBS Citizens Bank, N.A. 35 Winnacunnet Rd- Building / Improvements only; 2012-39 Richmond Suites, LLC 89 Ashworth Ave Units 1, 2, & 4 thru 8
2. License for Coin Operated Amusement Devices "Hampton Beach Amusement Corp" 211 Ocean Blvd
3. One Day Entertainment License "Pacheco Wedding" 2 Josephine Drive – August 17
4. Pool Table Permit "Casino Mini Gold" 169 Ocean Blvd
5. Dance Hall Permit "Casino Ballroom" 169 Ocean Blvd
6. Parade and Public Gathering License "Granite State Quest" July 13

Chairman Nichols MOTIONED to approve the Consent Agenda (item #1 approved during the Assessors appointment) SECONDED by Selectman Pierce.

Discussion on motion

Selectman Woolsey pointed out the dollar value of the permits listed on the Consent Agenda.

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VOTE: 3-0-0

VIII. Closing Comments (2:15:12)

Selectman Woolsey commented that she has never ever witnessed such disrespect for the taxpayers of this Town (never mind the members of this Board) to have an individual show such disdain for this Board and its process and is really insulted as one taxpayer by the conduct of Selectman Bean.

Chairman Nichols commented on a discussion he had with Kristina about keeping the list of pending items and he will be keeping this list for the Board. He shared the pending items list with the Board.

Selectman Woolsey has been keeping a list of warrant articles and she will keep this up to date and forward it to the Board.

Chairman Nichols brought up the role of the chair being: set the agenda; run the meeting; were appropriate act as a spokesman for the Board on issues where he is aware that the Board has already made a decision or set a policy; keep the Board informed via email; relationship with the Town Manager; other authority given to him by the Board.

Selectman Pierce commented about having the documents in digital as opposed to paper.

IX. Adjournment (2:22:21)

Selectman Woolsey MOTIONED to adjourn at 9:17 pm SECONDED by Selectman Pierce

VOTE: 3-0-0

Chairman