

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

July 01, 2013

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

## SALUTE TO THE FLAG

### I. Public Comment Period (6:47)

Richard Reniere, 29 Highland Ave, gave an overview on mosquito control measures being taken; what has been done over the past couple of weeks; capturing and sending mosquitos to Concord for testing; when spraying will take place.

Ann Kaiser, made comments as follows: from this point on, there are only so much mosquito control measures that can be done' explained what measures that are currently being done and where; spoke about adulticiding; personal responsibility, explained some examples of personal responsibility of what individuals can do and use at home; it could possibly be a bad season for EEE; explained about the spraying routes for Dragon Mosquito; you can visit the Dragon Control website at [www.dragonmosquito.com](http://www.dragonmosquito.com) and also explained what reporting individuals can do on the website; ticks are going to be bad this year so remember to spray.

Arthur Moody, 3 Thomsen Road, commented on the following items: grounds of the empty site where Court House stood and monuments to state previous use; provided detailed history on what the Court House had been used for over time; suggested designations of the area.

Richard Reniere, 29 Highland Ave, commented on the following: seeking cooperation with the State; shared a story his daughter experienced at the beach in regards to State employees and the separating of recycling from trash by State employees.

### II. Announcements and Community Calendar (24:48)

Selectman Pierce announced the following: pay tribute to the country on Thursday the 4<sup>th</sup> of July.

Selectman Bean announced the following: thanked DPW employees once again for the 5 star work they do; problem North Hampton had with sewage on the beach.

Selectman Woolsey reminded everyone about trash/recycling cart placement.

### III. Appointments – No Appointments for this evening.

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#### IV. Approval of Minutes (26:12)

##### 1. June 17, 2013

Selectman Woolsey MOTIONED to move the minutes of June 17, 2013 SECONDED by Selectman Pierce.

Page 2; last paragraph add the following at the end “final bond is \$5,116,800ml at an interest rate of 5.1%; the cash received is \$5,756,740ml due to the premium paid by the buyers of the bond and the effective interest rate is 3.51%.”

Page 4; add before approval of minutes “Mr. Bean returned at approximately 8:16PM”

Page 5; correct the grammatical errors in the paragraph that begins with “Selectman Nicholls...” informed; acknowledge and would.

Page 7: correct the word “serves” to “services”

Page 8; remove the word “true” from the second paragraph

Page 9; correct the word “were” to “where” in the 4<sup>th</sup> paragraph

VOTE: 4-0-1(Plouffe)

#### V. Town Manager’s Report (30:48)

1. The Town’s annual cost for services to State Facilities totals \$6,927,705.
2. The Joint Operations Plan with DRED has been sent.
3. The Waste Water Treatment Plant Dewatering project is proceeding on budget.
4. The work continues within budget on the Church Street Station.
5. The Winnacunnet Road Station is ahead of schedule by several weeks and within budget; the Beach Fire Sub-station is within budget but several weeks behind schedule.

Mr. Welch added these items to his report: beach access off of Ancient Hwy; Governor signed HB138 in regards to wording of ordinances on the ballot and HB139 relative to the adoption of the official ballot for bonding for solid waste management districts; list of private roads to be discussed by the Board over the next few weeks; 2012 amendments to Zoning Ordinance and error made; no-through trucking ordinance has been sent to Legal; Kids Kingdom update.

Board Members Pierce, Bean, Plouffe, Nichols and Woolsey discussed the following items with Mr. Welch: questioned whether work had been completed on the property on Nor’ East Lane; asked for a more detailed breakdown on item #1 in regards to annual cost for services to State Facilities; work that has already been done at Plaice Cove and work the Town will complete in this area; discussion on access to the beach in the area of Plaice Cove; Board requested to see a copy of the letter that will be going out to the property owners in this area in regards to having access to the beach for construction purposes during the summer season; questioned if the same notification should go out to residents in the Sun Valley area; discussion on letter from the contractor in regards to Kids Kingdom and use of a belt sander; need for a couple of different proposals for Kids Kingdom; residents at North Beach noticed a significant amount of asphalt noted at low tide; problem with staffing at the Parking Lots and need to have the lots fully staffed this summer; Juniper Lane subdivision extension received from the Planning Board and bond that needed to be posted with DPW; discussion on scenario that unfolded last week in regards to law enforcement and State property and

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how it has been resolved; additional discussion on Parking Lot budget and increases made to wage account.

## VI. Old Business

### 1. Bernie's Bar and Grill – 73 Ocean Blvd (54:29)

#### a. Entertainment License

Chairman Nichols confirmed that they have a complete application at this point. Chairman Nichols provided some background information: the previous appointment Al Fleury had with the Board; and the subsequent appointment of the Police Chief to address questions that the Board had.

Selectman Bean excused himself at 7:51PM.

Attorney Bruton for Al Fleury made the following comments: letters of support Mr. Fleury that were provided to the Board; provided supplemental information to backup reports given to the Board by the Police; majority of Police Reports come from one party; comments made by Police Officer; complaints were unfair in their opinion; asking to be treated as all other businesses in regards to the noise ordinance.

Selectman Woolsey asked questions regarding the following: are there set hours of operations for businesses; is there a standard at the business section of the beach for a specific hour at which there should be no noise; what changes that may be made to the ordinance in the future. Atty. Gearreald gave a summary of the entertainment ordinance; spoke to the reference to noise by the Building Inspector

Chairman Nichols stated that you cannot have entertainment between 1:00AM and 12:00PM; he also has reviewed all the entertainment licenses for 2012 and there are some different time stipulations; Board has the authority to place restrictions on the entertainment license in front of them; outside only venue is what is making this an issue; past stipulations on entertainment license when there was another venue at this location.

Selectman Pierce commented as follows: bandstand pretty much closes down entertainment at 9:30PM; another outdoor entertainment location ends voluntarily at 10:30PM; not discussing indoor locations only outdoor.

Selectman Woolsey MOTIONED to grant the Entertainment License of Bernie's Bar and Grill [for live entertainment seven days a week] with the following stipulation: that no outside entertainment is to take place after 11:00PM SECONDED by Selectman Pierce.

#### Discussion on Motion

Chairman Nichols commented as follows: has looked at the history on this; complaints' coming from one party is not necessarily accurate as stated by FX Bruton, it is not that simple, the complaints are due to proximity of the complainant, and that the complaints were after 11:00PM.

Selectman Pierce agreed with Chairman Nichols comments in regards to complaints and timeframe; and you need to know the reason for the complaints, and to listen to them; thinks 11:00PM is a compromise between 9:00PM and 1:00AM.

VOTE: 4-0-0

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## 2. CIP (1:13:05)

Selectman Woolsey clarified if the discussion was going to center around what the Board is going to send to the Planning Board CIP committee and it was agreed that it can expand and become whatever type of discussion the Board wishes.

Selectman Bean returned to the table at 8:05PM.

Chairman Nichols made comments as follows: as the representative to this committee brought the Board up to speed; emailed spreadsheet containing data through 2015; debt service on Church Street Pump Station should not hit until 2015; received Town Manager's first pass at the CIP; analysis he has done in forecasting and has been reviewed by Mr. Schwotzer; approach taken last year; focus on first couple of years; items in CIP are expected to be warrant articles; 5.2% increase without taking into consideration items in CIP; 12% increase for 2014 over 2013 if add CIP; update provided by DPW Director increased DPW component for the 6 year period from \$9.7M to \$22.1M.

Selectman Woolsey made comments as follows: worthless if throwing in little items that belong in budget or single warrant articles; only items that should be in CIP are items that are going to be bonded; items that are going to stretch out for 20 years; projecting ahead on tax rate is good; bonded indebtedness is the only sensible way; recommend that they put off the warrant article agenda item; banging heads on the wall; Planning Board going to a lot of extra trouble for nothing; forget the little nonsense.

Selectman Pierce commented as follows: agrees with some points made by Selectman Woolsey; but he believes we need to plan for these lesser amount cost items; how the cost of fire trucks has gone up; have to plan for things like this since costs has increased; planning in the CIP might be the way to go.

Selectman Bean made comments as follows: thanked those who worked on the synopsis; millions of dollars we are looking at; type of revenue we are looking at from the State could help with some of these needs we are talking about in the CIP; need to invest in this community.

Selectman Plouffe made comments as follows: one thing about warrant articles is that the public knows where the money is going to be spent; if money is in the budget it can be used for other emergencies; having items in the CIP or warrant article shows the public what the money is being spent on.

Selectman Woolsey commented again on: planning over a long period of time is the CIP; warrant articles for items such as new equipment; report is useful in budgeting but not in light of what they are trying to accomplish in capital improvement.

Chairman Nichols stated the following: CIP is set by the Planning Board; threshold for this year is \$75,000; Department Heads are coming forward with their needs for 2014 through 2019; next meeting of CIP committee is in September and would like the Board to have the money warrant articles ready at that time.

Chairman Nichols discussed the following topics with Mr. Welch: Kids Kingdom's cost can be removed from 2014 CIP; construction of facilities down at Tuck Park can be removed from 2014 but left for future years; road and sidewalk improvements; one page executive summary to help.

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Selectman Pierce commented on the size of the report and possibility of condensing it.

3. 2014 Warrant Articles (1:37:45)

Chairman Nichols summarized for the Board and asked about the following: lease and rent of Town property; Fire Department Capital Reserve Fund.

Selectman Woolsey made comments as follows: like to have a warrant article to rescind the Fire Department Capital Reserve Fund and explained why.

The Board agreed on the following tonight: warrant article to rescind the Fire Department Capital Reserve Fund; leave the ordinances alone for the Pedi-Cab and Taxi Cab.

Other Old Business

Selectman Woolsey asked for an update on the Mayberry Report which was provided by Chairman Nichols.

VII. New Business

1. Legislative Delegation Request (1:42:53)

- a. Use of Selectmen's Room and Channel 22 Coverage of Public feedback on Legislation

Chairman Nichols shared the request from Chris Muns.

Selectman Woolsey MOTIONED to approve the Legislative Delegation use of Selectmen's Room and Channel 22 Coverage to communicate with the public regarding suggestions for upcoming legislation and the window for the legislation is very small SECONDED by Selectman Pierce.

Selectman Pierce confirmed with other members of the Board that this is strictly a bi-partisan activity and will not conflict with their Monday night meeting.

There was a discussion on how Representative Muns can go about setting up the date for this meeting.

VOTE: 5-0-0

2. Discussion of Library Trustees Chair requesting feedback on facilities expansion (1:44:41)

Chairman Nichols shared the following information that the Board received from the Library Trustees: received a letter asking for the Boards feedback in regards to expansion project they are looking at; addition to existing building; use of land where Old Court House was located; work with the Recreation Department in regards to a Senior Center.

Board Members Pierce, Bean, Plouffe, Woolsey and Nichols made comments as follows: Charrette that took place many years ago; need to consider Academy activities first; interesting concept; sharing this vision with the Recreation Department; interested in hearing more; need more information; Academy needs to be considered first; very premature; not just a matter of one parcel; playground area is much more friendly now; what legalities and process of using Town land is required which Mr. Welch explained in detail; two levels of priorities what are the Rec Department priorities and overall priorities for the Town; possible DPW infrastructure that is coming up; this project is premature for the near future; there was

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an additional discussion on things that have been approved by the voters recently and tax rate increases. Mr. Welch added that both the Police and Fire Chief want to keep Academy Ave as a through road.

Library Director Amanda Reynolds-Cooper made comments as follows: for planning purposes first need to know about the availability of the land; in order to move forward even if it is three or more years out; school has other land available to them the Library does not.

Other New Business (1:58:56)

Selectman Woolsey commented about Unitil tree trimming and confirmed with Mr. Welch that this process is still ongoing.

Selectman Woolsey wonders if the Board is ready to send a letter to the Planning Board in regards to trash pick-up. Chairman Nichols reminded the Board what was discussed on this topic and the process that the Board agreed to go through.

Chairman Nichols brought up an email he sent in regards to the pending item list the Board had developed. He has a spreadsheet and shared how he plans to maintain this list for the Board. He also discussed the lead person on the list and how he hopes these people will provide updates for the Board.

#### VIII. Consent Agenda

1. ~~License for Coin Operated Amusement Devices—Mary Fallow—125 Ocean Blvd #12~~
2. ~~Entertainment License “The Victoria Inn & Pavilion” 430 High Street~~
3. ~~Solicitation Permit—Professional Firefighters Local 2664 “Burn Fund Boot Drive”~~
4. Seafood Festival Sidewalk Venders License “T-Shirt City” 107 Ocean Blvd
5. Seafood Festival Sidewalk Venders License “Decalomania” 243 Ocean Blvd
6. Seafood Festival Sidewalk Venders License ”Tates Crafts” 225 Ocean Blvd
7. Mac Restaurant Group fna “Stacey Jane’s” Service of Liquor Outside 2<sup>nd</sup> floor deck 9A Ocean Blvd

Chairman Nichols MOTIONED to remove items #1 and #2 and MOVE the Consent Agenda Amended by Selectman Pierce to remove Item #3 and approve items #4 through #7 SECONDED by Selectman Pierce.

VOTE: 5-0-0

Discussion of Item #1

Mr. Welch explained the following: memorandum he wrote today; ordinance written so that this is not allowed since it is a temporary structure; so license cannot be granted.

Chairman Nichols MOTIONED to deny #1 SECONDED by Selectman Pierce.

VOTE: 5-0-0

Discussion of Item #2

Chairman Nichols commented on the following: outside entertainment not specifically asked for or restricted in anyway by the Police Chief; Kristina communicated with the applicant; applicant did respond which he read; outdoor noise will be stopped by 10 pm.

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Selectman Woolsey MOTIONED to grant the Victoria Inn Entertainment License with the following stipulation: The outside entertainment to cease and no noise to emanate from the property after 10:00PM SECONDED by Selectman Pierce.

VOTE: 4-0-1(Bean)

Chairman Nichols requested that in the future outdoor noise be addressed during the application process for an entertainment license.

Discussion of Item #3

Selectman Woolsey MOTIONED to approve #3 the Solicitation Permit of the Professional Firefighters of Hampton for the “Burn Fund Boot Drive” at 64 Ashworth Avenue SECONDED by Chairman Nichols.

Selectman Pierce questioned that the property owner’s permission to use the property was not included.

VOTE: 5-0-0

IX. Closing Comments

X. Adjournment (2:11:39)

Selectman Woolsey MOTIONED to adjourn at 9:04PM – No second.

Selectman Bean MOTIONED that in light of the July 4 weekend that the Board not meet July 8<sup>th</sup> and the next meeting will be July 15<sup>th</sup> SECONDED by Selectman Woolsey. The Board members were in agreement that they would not meet until the 15<sup>th</sup>.

Al Fleury, 15 Munsey Drive, asked for clarification that the restriction is in regards to live entertainment after 11:00PM on the deck and not TV’s and the Radio.

Chairman Nichols asked for him to seek clarification from the Chief and addressed the intent of the Board’s restriction is to eliminate complaints. There was a discussion on a conversation that Mr. Fleury had with the Police Chief.

Atty. Gearreald asked Mr. Fleury to spell out for everyone exactly what he is looking for. Mr. Fleury understands that outdoor entertainment must end at 11:00PM, that he will not have Bands and DJ’s; the live entertainment after 11:00PM; but he would like to still be able to have use of the TV’s and the Radio.

Atty. Gearreald summarized that the live entertainment cease at 11:00PM and that TV’s and the Radio may continue at a reasonable level; Mr. Fleury added that the TV’s and Radio would continue until 1:00AM.

Selectman Woolsey MOTIONED to adjourn at 9:11PM SECONDED by Selectman Pierce.

VOTE: 5-0-0

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Chairman