

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

July 29, 2013

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

SALUTE TO THE FLAG

I. Public Comment Period (5:16)

John Nyhan, 2 Walnut Ave, here tonight representing the Hampton Rotary Club and Experience Hampton and commented on the following: spoke on the Seafood Festival, Rotary impact on the community as a result of the Seafood Festival; spoke on charitable organizations that benefit; importance of the Seafood Festival to the business owners; Seafood Festival is a win-win for all including the Town; encouraged the Board to continue their support of the Seafood Festival.

Arthur Moody, 3 Thomsen Rd, made comments as follows: items on the Consent Agenda in relation to the Library; appointing a Library Trustee; expressed concerns with use of property and other permits the Library is requesting; issues with the Library not posting minutes in a timely manner or agendas for meetings.

II. Announcements and Community Calendar (12:09)

Selectman Pierce commented on a rescue on the beach and congratulated the Firefighters and Police Officers for doing an outstanding job.

Selectman Bean commented on it being great to see all the members of the Chamber, Experience Hampton and DPW here tonight.

Selectman Woolsey commented on: the free copy of the Hampton Union residents received commemorating the 375th Anniversary; nice pictures included.

Chairman Nichols added the following to Selectman Pierce's comment: he believes lifeguards go off duty at about 5:30 and the officer involved in the rescue is a past lifeguard for Hampton.

III. Appointments

1. Keith Noyes, DPW Director (15:37)

Departmental Update – Quarterly report (16:06)

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Mr. Noyes commented on: Board received report covering April through June; major project list; driveway and excavation permits including new language; infiltration study and bid opening this Friday; Gristmill Dam study and design; Gristmill renovation on hold and explained why; Exeter Road east project; CIP submitted and in process of revising.

Chris Jacobs provided updates on the following projects: reviewing snow plow routes; ordering GPS units to go in snow plow trucks; reviewing solid waste and recycling routes; west-side sewer project; downtown drainage projects and survey work; Galley Hatch curb cut project; snow plowing bid that is currently out.

Mike Dube provided updates on the following projects: dewatering project; Church Street Pump Station; provided pictures of dewatering for the Board; 36% dryness of the cake; small list of punch list items that should be completed this week; Church Street Pump Station working on the lower walls; end date in 2014; update on DES and AOC.

Chairman Nichols made some comments on the problem in 2010 and how things have really turned around.

a. Vehicle maintenance (27:34)

Mike Gingras provided the following information: purchased fleet maintenance software; how vehicles were tracked in the past; how software is going to help; detail of what software can create as data; proactive approach; effective time management; building maintenance division and will be going through buildings and collecting a list.

Board Members Pierce, Bean, Woolsey and Nichols discussed the following items with the staff from DPW: plan for dam and alternate choices Board has; what can be done to keep vehicles from rusting out, discussion followed on what is currently being done and things that can be done; thanked them for the quality of their presentation; some great leadership; thriving for improvement; rough idea on when there will be some kind of preliminary on conditions of vehicles; thanked Chris Jacobs for what he does and input he provides at the Planning Board meetings; solid waste/recycling routes; west-side sewer and feedback from Aquarion; downtown drainage and possibility of conflict on timing with renovations being made to the Hardware Store; dewatering Mike is doing a great job with this; Plaice Cove sea wall repair and work that has not been done on the stairs; vehicle maintenance line item in highway running at 104%; Mike Gingras went through the highway vehicle maintenance that has been done; WWTP daily report happy to see the metrics added; is there a list that reflects projects that might be back logged in highway; where do you get an exhaust system for a 1988 Mac Truck; Transfer Station and work needing to be done on the compactor; volume of waste we are taking in from the State; significant wear and tear of the Transfer Station.

Mr. Noyes went into detail on the amounts budgeted for the vehicle maintenance line item; parts that are attributed to other departments; labor cost related to other departments will be coming out of said department; how he is working with Mr. Schwotzer to implement this policy; potential for some overages in this section of the budget.

b. Solid Waste Collection policies related to new developments (51:16)

Selectman Woolsey made comments as follows: being overwhelmed with new construction/development in Town; concerns with taking on the increased waste as a result of these multi-unit properties; like to direct the representative from DPW to say at Planning

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Board level that the Town is not ready to commit to picking up solid waste/recycling from large projects that are not single family residential.

Chairman Nichols made comments as follows: Planning Board is not necessarily the ones making decisions on this; look for direction from DPW; would like to have Keith cover this for the Board.

Mr. Noyes made comments as follows: this is being monitored by Chris Jacobs; without guidance from the Board; discussed how they have dealt with this in the past; if bring trash out to the curb on public road it would be picked up.

Selectman Woolsey made comments as follows: need to start gearing back on how we are handling waste; decisions made in regards to the Sea Spray property; need to take some of this burden of DPW; Board needs to have a policy on this; too much on the plate.

Board Members Pierce, Bean, Plouffe, Nichols and Woolsey made comments as follows: something to look at; done things for such a long time tradition has a lot of weight; possibly can be done for new projects; some drill down that can be done; identify cost for all the Town's partners; the need for revenue in Town; the need for metrics; when do we reach the limit on how many carts can be put out in front of a property; amount Sea Spray will be paying in taxes; problem with only picking up from single family residential; amount being paid in taxes; do not want to discriminate on trash pick-up if going to push carts on to public ways; Town has no obligation to pick-up waste; first step is to give Planning Board guidance; specific guidance should be given to DPW on this; more steps to go but this is the tip of the iceberg; fairness doctrine that does not discriminate against new properties compared to properties that already exist; like to get feedback from DPW on density and number of residential units at what point does it get awkward on a number of carts they pick-up.

Mr. Jacobs made comments as follows on Sea Spray: not going to go on private property; where carts are located; lack of space at this location; who is going to bring carts out to Ocean Blvd at 4 am.

Chairman Nichols asked DPW to give them some sort of feedback on when you hit some number of units and the number of carts that will be put out.

Selectman Pierce brought up issues with cart placement on Ocean Blvd and how it would take up the whole Blvd.

Mr. Noyes commented on the trash/recycling study he is in the process of doing and bringing to the Board in September.

Chairman Nichols asked Selectman Woolsey to put all her ideas/questions together and forward them to Mr. Noyes.

Selectman Woolsey reiterated that it is the responsibility of this Board and needs to be addressed.

Selectman Bean made comments as follows: business owners here and they have a stake in this; all and all it looks pretty good out there; commend the Planning Board and DPW; need input from Precinct and Business Owners also; this will not be wrapped up in this summer.

c. Solid Waste pickup on private property (1:14:30)

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Selectman Woolsey made comments as follows: memo received from Mr. Noyes in regards to private property; suggestions as to what to do with the three separate sections; huge risk and liability; services people have had that they should not have had; need to address in the next few weeks the situation with private property; only talking about 15 locations; research that is being done by Mr. Welch in regards to private roads which is another aspect.

Chairman Nichols asked Selectman Woolsey to go through the three types she is referring to and they are as follows: Mobile Home Parks; Churches and Schools; private businesses. Chairman Nichols shared a list he received in 2011 in regards to both private roads and private property.

Chairman Nichols added his thoughts as follows: should not be going on private property; commented on the trailer park on Kings Hwy, how they have the carts arranged and problems that can arise from having them move the carts curbside; amount of taxes that come from trailer park on Kings Hwy; how this has been done for 20+ years; list of 32 streets have people who have had their trash picked up and pay taxes like the rest of the people in Town; not in favor of making changes to this unless there is a safety issue.

Selectman Woolsey pointed out when purchase property on private roads there are obligations involved that owners should know about.

- d. Authorization to apply for a \$45,000 LCHIP Grant for work on the Gristmill (1:25:37)

Mr. Noyes made comments as follows: LCHIP Grant that had originally been denied; input he received as to what could have been done different on the application; Moose Plate Grant that he has applied for; like to apply for another LCHIP Grant; no downside to doing this; work that could be done with this money.

Selectman Woolsey MOTIONED to approve the DPW Director to apply for the \$45,000 LCHIP Grant for further work on the Gristmill SECONDED by Selectman Pierce.

VOTE: 5-0-0

2. Jude David, Hampton Area Chamber of Commerce (1:28:27)
 - a. Seafood Festival September 7th – 9th

Doc Noel present with Jude David and they both made comments as follows: 24th year; first year at State Park and one day event; come along way; celebrations being planned for the 25th; event 6th through 8th; recognize that they report to a Board of Directors and who makes up this Board; decisions based on Board of Directors vote; permits are all in the process; work closely with all the departments to make sure safe event; event details can be found online at www.hamptonbeachseafoodfestival.com and she went through several of the events for the Board; different vendors who will be present; Kiddie Land sponsored by Radio Disney; entertainment; 3 main events planned; fireworks display; skydiving demo; volunteers and what they receive and how they can register; free parking and free shuttles; admission \$5 for Friday and Sunday and \$8 for Saturday, children under 12 are free; economic impact and study UNH is doing for them; local charities that benefit from the Seafood Festival; trying to get the word out that they give back and shared the amounts that went to the Rotary in 2011 and 2012; benefits for the Town of Hampton especially in parking revenues. What they are specifically here tonight for is as follows: ask for same procedures they have been implementing in the past; same traffic pattern which she briefly went into detail on; closure

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of A through H Street to collect admission; 8 parking spaces in Church Street Lot; staffing of Town Parking Lots starting at 8 am for vendors to park and pay; request for message boards and where they would be located and what they would say.

Board Members Pierce and Nichols asked about the following which were addressed by Jude and Doc: questioned if there is space in Church Street Lot for the 8 spaces; parking for vendors, need to work with Fred on that; the only new item is the time for the parking lots to open; will work with Police Department for use of message boards.

Selectman Woolsey MOTIONED to approve the request made by the Chamber in regards to the Seafood Festival SECONDED by Selectman Pierce.

VOTE: 5-0-0

IV. Approval of Minutes (1:46:37)

1. June 28, 2013

Selectman Woolsey MOTIONED to move to adopt the public minutes of June 28, 2013 SECONDED by Selectman Pierce.

VOTE: 5-0-0

2. June 28, 2013 Non Public – Sealed

Selectman Woolsey MOTIONED to move to adopt the non-public and sealed minutes of June 28, 2013 SECONDED by Selectman Plouffe.

VOTE: 5-0-0

3. July 15, 2013

Selectman Woolsey MOTIONED to move to adopt the minutes of July 15, 2013 SECONDED by Selectman Pierce.

Page 1: Add “Vice-Chairman” to Selectman Pierce’s name.

Page 3: 8th paragraph, 1st line, change “no noise after 11 PM” to “post 11:00PM restriction and license”

Page 4: 1st paragraph, 2nd line, add “with the understanding that all entertainment at Bernie’s is outside”

Page 6: 3rd paragraph, 3rd line, change “prescreening of” to “PRC is used to prescreen projects for”

Page 10: 4th paragraph, 7th and 8th line, remove the word “price” and change “pricing” to “bidding”

VOTE: 5-0-0

4. July 15, 2013 Non-public – Sealed

Selectman Woolsey MOTIONED to move to adopt the non-public and sealed minutes of July 15, 2013 SECONDED by Selectman Pierce.

VOTE: 5-0-0

V. Town Manager’s Report (1:52:18)

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1. The Town has received a number of complaints that have been referred to both Public Works and the Police Department regarding the placement of No Parking Signs, Tenant Parking Only Signs, many with indications that violators will be towed at the owners' expense. These signs are located on private property and are unlawful except regards to the private property. Property owners are advised that these signs on not legal insofar as parking on the public street is concerned and they do not have a legal right to tow any vehicle unless it is actually on their property. The signs should be removed.
2. We have been notified that the North Beach Seawall project will begin construction in the spring of 2014 and finished on or before June 15, 2015 with no summer work.
3. Channel 25 Fox TV will be running a program live called "Zip Trip" at the State Beach on Friday, August 2, 2013 according to the State's listing of activities. For further information please contact DRED or Channel 25.

Mr. Welch provided updates on the following items: Church Street Pump Station project update; information on the comprehensive study on impact fees; Kids Kingdom and quotations they received; policy on special sticker program information will come before next week's meeting; Sewers are governed by 149L of the RSA, may need Town Meeting vote for the betterments of the sewer system on Auburn Ave Ext. and work both he and Atty. Gearreald are doing on this subject; enforcement questions in regards to martial arts weapons ordinances, maybe unenforceable, may need to be corrected at Town Meeting, Town Counsel is working on this as well.

Board Members Pierce, Nichols and Woolsey asked questions and made comments which were addressed by Mr. Welch: do Tow companies not know what is private property and what is not; with quotations received on Kids Kingdom Board will not have to be involved since the amount was less than \$15,000; cost of the fixes that have been done on Kids Kingdom; problem with businesses having the rights to sell martial arts weapons; how petitioned warrant articles can sometimes cause problems.

VI. Old Business

1. Discussion of Amendments to Entertainment Activities Ordinance (2:08:37)

Chairman Nichols explained the following: process going forward; comments and input from public; have Board discuss amongst themselves tonight; reach a consensus amongst the Board and then pick it up again with Chief Sullivan and Atty. Gearreald.

Chairman Nichols made comments on the following: feedback from 11 people at public hearing and categories they fell into; at a minimum need to correct the 1 hour timeframe for enforcement which was inputted incorrectly in the ordinance change to read 12 noon to 1 am; at a minimum the time period; to keep what works and remove what doesn't; balance businesses ability to provide entertainment with consideration to adjacent properties; find an objective way of defining the line of what is acceptable level of noise and when does it become unacceptable; a demonstration of decibel levels might be helpful; 2 parameters have to come into play one is volume level and the other is time of day; need to keep it simple so it is enforceable; outside entertainment is another category; should it be one standard or

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different for each individual establishment; really need to look to the Chief and Town Attorney to guide us.

Mr. Welch made comments as follows: thinks demonstration is important for the Board to understand; need to look at all 3 levels.

Selectman Pierce made comments as follows: looked at what is tolerable after 11 pm; same guide should be used for inside and outside; chop off all noise above the ambient level after 11 pm; agrees Board should experience it through a demonstration.

Selectman Woolsey made comments as follows: different types of noise such as motorcycles and vehicles; not just a problem on the beach; clarification that the Board is only addressing noise in regards to entertainment licenses; regulated by a meter.

Chairman Nichols will follow up with the Chief in regards to having a demonstration on decibel levels.

Other Old Business (2:25:04)

Selectman Woolsey brought up the following items: believes that the letter that went out to surrounding Town's in regards to the 375th should have originated from this Board; will the Board have another in depth look at the CIP.

Chairman Nichols suggested that Selectman Woolsey get together with Kristina on the warrant articles, and CIP and it will then be put on next week's agenda.

Selectman Pierce reminded Mr. Welch to include the revision date on any warrant articles.

VII. New Business

1. DRED Repairs to the North Beach Seawall (2:27:14)

Chairman Nichols made comments as follows: letter received by the Board; moratorium that no work is to be done between June 15th and September 15th.

Selectman Pierce MOTIONED to approve the request from DRED for repairs to the North Beach Seawall SECONDED by Selectman Plouffe.

VOTE: 5-0-0

VIII. Consent Agenda (2:28:12)

1. ~~Appointment of Lane Library Trustee—Diane Crow~~
2. ~~Lane Library August 07th~~
 - a. ~~Parade and Public Gathering License~~
 - b. ~~One Day Entertainment License~~
 - c. ~~Permit for Use of Town Property~~
 - d. ~~Street Closure Permit~~
3. Parade License "Joseph T. McGuirk' Memorial" Firefight Pipe Band August 19th
4. License for Coin Operated Amusement Devices
 - a. Best Western Inn – 815 Lafayette Road
 - b. D.M. Sales Corp. – 225 Ocean Blvd
 - c. Tidewater Campground LP – 160 Lafayette Road
 - d. Funarama, Inc. – Casino Bldg. at F Street

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5. Raffle Permit “Winnacunnet Rebekah Lodge” August 9th – 11th
6. Seafood Festival Sidewalk Venders License
 - a. Broadway Jewelry – 111 Ocean Blvd
 - b. Jewelry Shak – 225 Ocean Blvd
7. Entertainment License
 - a. McGuirk’s Ocean View

Selectman Woolsey requested that Items 1 and 2 be removed from the Consent Agenda.

Chairman Nichols MOTIONED to MOVE the Consent Agenda Items #3, 4, 5, 6 and 7 SECONDED by Selectman Pierce.

VOTE: 5-0-0

Discussion on Item #1

Selectman Woolsey surprised to hear about the minutes not being posted in a timely manner but will go along with the Trustees recommendation for the appointment.

Selectman Woolsey MOTIONED to MOVE Item #1 Appointment of Diane Crow as the Lane Library Trustee SECONDED by Selectman Pierce.

VOTE: 5-0-0

Discussion on Item #2

Selectman Woolsey has a problem with the permit for use of Town Property and the street closure and discussed why she is opposed to these two items.

Mr. Welch did add that Chief Silver is not in favor of closing off the driveway.

Selectman Bean would echo Selectman Woolsey concerns and expressed why.

Selectman Woolsey suggested that the Library check with the School District to see about use of Marston School.

Chairman Nichols confirmed that the Board is not in favor of approving Item #2 and asked that the Trustees work with Mr. Welch and any other individuals and come back to the Board next week.

IX. Closing Comments

X. Adjournment (2:38:06)

A motion was made by Selectman Nichols to go into a non-public session under RSA 91-A:3,II,(a&c), this motion was seconded by Selectman Pierce. A roll call vote was taken, and all five selectmen were in favor.

Selectman Pierce MOTIONED to adjourn at 9:32 PM SECONDED by Chairman Nichols.

VOTE: 5-0-0

Chairman