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August 12, 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 (5:36)

Bob Ladd, 7 Cutler Ave, made comments as follows: not speaking on behalf of the District; concern with rubbish pick-up on private ways; asked that a public hearing be held before any decisions are made; assessing records do not show that a road is a private way; assessed value of the properties on the 35 private ways; many properties are seasonal; hours of Transfer Station Monday through Friday; public health; private ways that are declared emergency lanes; very low number of children in his neighborhood that are in the school system; sewer rehab project; how we treat each other as a community says much about us as a community; sure that at the end of the day they will do the right thing.

Art Moody, 3 Thomsen Road, made comments as follows: weekend was great; DPW was very present; Recreation did a great job on the grounds; Police Patrols and overnight security; a lot of volunteers; souvenirs sales; three generations of Dick Desrosiers family helped out; thanked Selectman who volunteered for dunk booth; legend of Goody Cole and stone has now been marked; how Conservation Commission evolved; said a few things about Seaside Park and how it was named in memory of Ruth Stimson.

II. Announcement and Community Calendar (19:44)

Selectman Pierce made comments as follows: 375th went off well; a lot of vendors; work done by a lot of people including Dick Desrosiers, Betty Moore, Recreation Director and many more volunteers.

Selectman Bean made comments as follows: bravo to 375th Dick Desrosiers, Recreation and all other volunteers; fabulous event; weather cooperated; kudos and would like to see more of this on an annual basis.

Selectman Woolsey made comments as follows: two outstanding articles on Sunday Seacoast online and topics involved; take a hard look at issues in front of them in regards to rising sea level.

Chairman Nichols made comments as follows: advised the public of the 3 proactive

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communication systems that Town has available to make people aware of non-emergency type of information; one is a Facebook “like” situation; voice calling capability and need to sign up for this; broadcast email notification.

III. Appointments

1. Brian Johnson and John Judson (24:35)
 - a. Presentation of the Beautification of Ruth Stimson Park
 - i. Maintenance and future enhancements

Mr. Johnson and Mr. Judson made comments as follows: introduced themselves and thanked the Board for having them here tonight; make the area more eye appealing; return park to its natural beauty; presented power point; trees are like a forest and overgrown; pruning out some of the trees; showed pictures of how it looks now and what it could look like; trees are currently over powering the rose bushes and other bushes; shared safety concerns with the trees there; park has a legacy and how to honor her by making park welcoming to all; discussed fish houses in this area; participated in Adopt a Spot for 18 years; how one resident polices it for the winter; Ruth Stimson plaque was actually covered for many years; how trees are really blocking the ocean and park; deterioration of trees themselves.

Board Members Woolsey, Pierce, Plouffe, Bean and Nichols made comments and asked questions as follows: timing is interesting since State is currently doing a study on Rte. 1A to make it more inviting; points well taken; wonders if want to look to UNH for help with this under the horticultural department; consult with people who are involved with it; Ruth Stimson wants for the park are available through the Hampton Garden Club; preserve the park the way it was; don't want to violate what Ruth Stimson's wants were; erosion control is prime down there; if tall trees are removed need to put in something that is low growing in its place; have an arborist look at the area; trees are beautiful; if trees are removed when on beach will be looking at condos; room for improvement on the ground; trees work as a buffer from traffic/noise; opposed to taking down any of those trees; agrees branches should be removed from the plaque; maintenance can be done; trees are a real buffer for people enjoying the park; possibility of a petitioned warrant article; if there is to be major change should come as a warrant article.

Marilyn Wallingford made comments as follows: involved with the party and park information that she has from Ruth Stimson; history of the committees Ruth Stimson served on in the Town; history tradition and background on the park; Town owned land; warrant article in 1960 to preserve forever this area; no parking lot; 1965 warrant article to name the park; 1961 recommendation for natural planting; when the trees were purchased in the 60's; Urban Forestry Center in Portsmouth is a great resource; Ruth Stimson was always an educator.

Selectman Pierce questioned if it would be beneficial to have a tree service come down and look at the trees and Mrs. Wallingford thought this would be a good idea.

Mr. Johnson reiterated that they just want to have something done to make the park more appealing.

Chairman Nichols thinks if it is just minor maintenance they are requesting then work can be done however if they are looking to have trees removed a warrant article would be the way to

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go. Selectman Pierce will be the focal point to work with them on the research for cleaning up the park and pruning of the trees.

2. David Wood
 - a. SB 163 Commission (57:35)

Chairman Nichols informed the public of what SB 163 is and how the Board voted to have David Wood be the Town's representative for this commission.

Mr. Wood made comments as follows: introduced himself to the public and Board; two favorite things of living in NH are the seacoast and the white mountains; work history; need to plan in advance to make things happen; takes this very seriously; Hampton has the most gain from any legislation that will pass; interested in what Board would like him to do; first meeting this Friday in Concord; sea rise is very important; anyone interested in this issue can meet with him; looks to the Board for direction on what they would like him to do.

Chairman Nichols provided the following information for Mr. Woods: the bill is very broad; not sure what will come out of this; meeting on Friday may help with this; read part of the bill; communicate to the Board through Fred on what is going on; feedback on the scope of what the commission is going to do; provide a recap after the first meeting.

Selectman Pierce mentioned Mr. Woods is going to be in a large group of people in Concord and the need for him to make a little noise so he is heard.

3. Ralph Fatello
 - a. Wounded Warriors (1:04:50)

Mr. Fatello made comments as follows: 6th year of Hit the Beach; picked September 30th for event; last year allowed 4 spaces in resident only parking; volunteers all in place; shops that are contributing; amazing event; how these individuals with paralyzed limbs get out there and surf; great thing to see.

- b. 911 Memorial Service (1:07:11)

Mr. Fatello made comments as follows: 5 names to be added; talked about the individuals whose names are going to be added; 6 people on the committee to decide if names can be added; 1 hour at 6 o'clock on 9/11.

Selectman Pierce MOTIONED to approve 4 parking spaces in the Town Lot at the end of High Street on September 30, 2013 SECONDED by Selectman Woolsey.

VOTE: 5-0-0

IV. Approval of Minutes (1:11:07)

1. July 29, 2013

Page 3, 4th paragraph, 3rd line change "of" to "off"
Page 4, Agenda Subject #2; change "7th to 9th" to "6th to 8th"
Page 6, 2nd paragraph, 2nd line change "Tow" to "tow"

Selectman Pierce MOTIONED to approve the minutes of July 29, 2013 as amended SECONDED by Selectman Plouffe.

VOTE: 5-0-0

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V. Town Manager's Report (1:14:15)

1. The State Department of Safety Homeland Security and Emergency Management have approved an allocation of \$20,066.00 for Hampton's reimbursable expenses for participation in Radiological Emergency Response activities during 2013.
2. The Public Works Director will be at next week's meeting to file reports on the Winter Maintenance Plan and Sidewalk Maintenance issues.
3. As directed by the Board, the Purchasing Policy's requirements have been reviewed by Finance and Town Counsel and the memorandum on purchasing has been distributed.
4. We continue to receive complaints regarding through trucking on Mary Batchelder Road. In accordance with the Selectmen's vote on No Through Trucking, the signage has been ordered; once they are received they will be posted on Timber Swamp Road, Mary Batchelder Road and Towle Farm Road from Merrill Industrial Drive southerly to its end at Timber Swamp Road.
5. Review of Selectmen's Pending Items.

This included a discussion on the following items: updates on Town Code Book; sidewalk maintenance discussed next week.

Mr. Welch added the following items to his report: vandalism that occurred at the Locke Road playground; vandalism at Kids Kingdom as well; complaint form for people who are having issues with anything in Town and the forms can be found in the Building Department; Chairman Nichols had asked Mr. Welch to address the complaint form and explained reasons why; positive thing that you are able to file a unanimous form; repairs on Kids Kingdom will begin; Chief will discuss the issue on fire permits next week.

Discussion

Board Members Woolsey, Nichols, Pierce and Bean made comments and asked questions which were addressed by Mr. Welch on the following: No Through Trucking and the Chiefs thoughts on stating the law on the signs; problem of people putting "No Parking Signs" on their property and what happens when this is done on a private road; commented that they were surprised that on a deed it is not recorded whether it is a private road or not; food inspection issue in Town and whether or not this is an issue; Building Inspector Kevin Schultz did comment that the State does a good job on food inspection.

VI. Old Business

1. 2014 Warrant Articles/CIP (1:28:37)
 - a. Personal Wireless Services submittal to Planning Board

Mr. Welch made comments as follows: proposal to the Planning Board last year and asked to hold off on this until this year; would like to know if Board is interested in putting this forward this year.

Board Members Woolsey, Nichols and Bean asked questions and made comments which were addressed by Mr. Welch: Board given the policy and amendments that have been attached; accelerate the amount of service people get from different companies; proof of good service; this would actually be a Planning Board sponsored warrant article; language drafted from Attorney who worked on Cable Contract for the Town; need for a quick

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synopsis from the Attorney in Layman's terms; Board is offering to cover all cost and where would this money come from and cost of couple of thousand dollar.

Selectman Pierce MOTIONED to forward the Personal Wireless Services submittal to the Planning Board SECONDED by Selectman Woolsey.

VOTE: 5-0-0

b. 2014 Money Warrant Articles (1:36:40)

Chairman Nichols mentioned the following: that they discussed this last week; two items they focused in on last week were the wash bay/Sewer Maintenance Building and 5 corners intersection.

Selectman Woolsey would like to see the firer pumper truck put into 2014. Chairman Nichols suggested that the pumper truck be discussed next week when the Fire Chief is here. Selectman Pierce thinks the wash down facility can be put off or removed altogether and reasons why he feels this way. Chairman Nichols suggested that they wait to discuss this with the DPW Director. Selectman Woolsey questioned the Road/Sidewalk repairs money and wants to discuss the Road Capital Reserve Fund being built up.

Selectman Pierce wonders where article #9 for the backhoe, frontend loader and street sweeper came from which Chairman Nichols explained to the Board. Chairman Nichols reminded the Board that last year the Department Heads were instructed to submit detailed list of what they wanted and not to just through everything into the Capital Reserve. Selectman Pierce reiterated that he was under the impression that they were going to go through all the vehicles at DPW

c. 2015 CIP Items – discussed with letter “b”

d. 2014 Warrant Articles Update (1:49:16)

Chairman Nichols explained the following: put this on the agenda was to have focal point for warrant articles; word document is the focal point created by Kristina; have list with wording of article behind it; main purpose was to establish an administrative control; first formal distribution; would members like to comment on any articles.

Discussion

Selectman Woolsey made comments as follows: has put in to repeal the administrative enforcement ordinance, Fire Capital Reserve Fund; concerns with the Pedi-Cab and Taxi ordinances puts the Town more at risk then they were without them.

Mr. Welch stated that if a cab company is working out of/stationed in Hampton then there has to be an ordinance.

Chairman Nichols would like to have an overview of why the Pedi-cab and Taxi cab ordinance were put into place prior to making a decision on whether or not they are removed. The Board agreed to remove number 25 and 26 from the list.

There was a consensus amongst the Board to remove administrative enforcement ordinance and Fire Capital Reserve Fund.

Chairman Nichols made comments as follows: in regards to CBA articles need to make corrections in numbering; suggestions as to how they are ordered which was consistent with

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the statute and what has been done in the past.

Selectman Bean made comments as follows: article for tax relief in regards to Sea Spray and would like to know Boards feelings on an article to rescind 79E; he will put something together for the Board next week.

e. Changes to Noise Standard of Entertainment Activities Ordinance (2:03:39)

Chairman Nichols brought the Board up to speed on the following: meeting with the Police Chief after the Boards meeting on July 29th; needs to be some limitations on loudness; decibel levels (db) is a good method for defining those limits; volume levels after 11:00PM should be lower than levels before 11:00PM; would like a demonstration from the Chief on what a certain decibel level sounds like.

Selectman Pierce made comments as follows: received report from Chief; did not happen to see anyone at the 375th for the demonstration of decibel levels; would like to go down to the Sea Shell with the Board at some point in the evening to listen to what those readings are.

Chairman Nichols shared what he got out of the decibel level demonstration: went with Rich Sawyer; got readings at different distances; it takes at least a 5db change to notice the difference in loudness, and really need 10db difference for it to be clear; in his personal opinion maximum level should be no louder than 80db; maybe should be somewhat lower; after 11:00PM the level should be 10db less; if not less than 10; A Scale vs. C Scale, A Scale is more appropriate for entertainment; concerns with attaching a parameter criteria of measurement from, and shared why; suggested maybe something about the best place for measurement being from the abutters property; Chief still doing research on what other municipalities are doing; proactive enforcement; restrictions which might be unique to outside venues; place this on the agenda for the meeting on the 26th and that the Chief and Attorney attend this meeting; to get their input and listen to them; whether or not the other Board members as a group would like to attend a demonstration, or rely on the Chief for his opinion.

Selectman Pierce made comments as follows: if measurement outside building is under requirement then not the business of the Board what is going on inside; possibility of when and where he could attend a demonstration.

There was an additional discussion on what a reasonable decibel level is, and Selectman Bean shared some information he found online of what is comparable to 60, 70, 80, and 110 decibel levels in normal every day activities.

VII. New Business

1. Frank Prevost – 35 Huckleberry Lane 3-lot Subdivision (2:19:51)
 - a. RSA 674:414,I,(d),(1) Issuance of Building Permits on a Private Road

Mr. Welch made comments as follows: motion created by Atty. Gearreald; subdivision on Huckleberry Lane; 3 lots and the size of each lot; lots created by the Planning Board; no sewer on this section; easement for the sewer and how it works; private property owners maintain their own sewer lines; plan dated 11/3/12; portion of road has not been officially accepted by the Town but there is a deed for this portion of the road; Statue states that the Selectman must approve the issuance of Building Permits, as it is a private road; the Town is being given a twenty foot easement for drainage; explained how drainage works in this area.

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Chairman Nichols MOTOINED to grant to Francis J. & Charlotte A. Prevost authorization to obtain building permits for the erection of buildings on Huckleberry Lane, a private road, at Tax Map 115, Lots 20-1, 20-2 and 20-3 in accordance with the provisions of RSA 674:41, I, (d), (1), upon the conditions that Francis J. & Charlotte A. Prevost shall, prior to the issuance of any building permits, a) execute to the Town of Hampton in form suitable to the Town a 20-foot drainage easement on Lot 20-2 for acceptance in accordance with the procedure under RSA 41:14-a, and b) as a condition of attachment to the Municipal Sewer System, (i) install approved backflow preventers (check valves) on the sewer systems on Lots 20-2 and 20-3 and (ii) execute to the Town a Hold Harmless and Indemnification Agreement in form suitable to the Town for sewer connections on Lots 20-2 and 20-3 to the Town of Hampton, said Agreements to be recorded at the Rockingham County Registry of Deeds at the expense of the Prevost's SECONDED by Selectman Bean.

Comments on Motion

Board Members Woolsey, Pierce and Bean asked questions and made comments as follows: how old is the sewer in this area; drainage easement there is a pipe currently there; detailed discussion on how the drainage will work; questioned if it has been reviewed by the Conservation Commission; questioned why all the documents have not been given to the Board in regards to report from the Conservation Commission; Atty. Gearreald discussed the report issued by the Conservation Commission; it was also explained that the documents being asked for are not required under this Statue in order for the Board to issue the permits; this development gone through all the proper channels prior to coming before this Board; this is a private road, although it was deeded to the Town in 1988; but the Town has never accepted the street; Atty. Gearreald discussed the agreement of the hold harmless in greater detail for the Board regarding the force main and the easement.

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

Selectman Pierce reiterated for the record that in the future he will always vote against these items unless they receive all reports including those from the Conservation Commission.

Chairman Nichols expressed that the Planning Board has already looked at all the reports from the Conservation Commission; this was to approve building permits not the approval of the subdivision.

2. Bid Awards (2:38:04)

- a. Infiltration and Inflow Study at Hampton Beach – Underwood Engineers
\$51,300.00

Chairman Nichols explained it is coming before the Board due to the amount; awarded to low bidder; there was 5 bids more than 3 bids required.

Chairman Nichols MOTIONED to award the Infiltration and Inflow Study at Hampton Beach to Underwood Engineers in the amount of \$51,300.00 SECONDED by Selectman Pierce.

Discussion on Motion

Board Members Woolsey, Pierce, Plouffe and Bean asked questions and made comments as follows: is there a date certain for the completion date for project and it is June 1, 2014; large variation in amounts that came in for bids; warrant article was for \$100,000 and how

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does this affect the setting of the tax rate, remaining balance of the \$100,000 can be applied to the tax rate; I&I study when the money was asked for, it was for the whole Town not just the beach, it was scaled back; questioned if the Department Head has signed off on the bid as the policy was set by the Board; would like to review this to make sure that the addendum is done as the Board voted; need to comply with the motion made by the Board.

Mr. Welch discussed the range in bid amounts and interview procedure that DPW went through.

Selectman Pierce withdrew his second and Board agreed to table this until the addendum is completed.

- b. Survey and Preliminary Design for Reconstruction of Exeter Road – CMA Engineers \$34,800.

Deferred until next week so that the necessary addendum can be obtained.

VIII. Consent Agenda (2:49:24)

1. Chapter 769 Streets, Sidewalks and Public Places for signature
2. Seafood Festival Sidewalk Vendor Licenses
 - a. A to Z Beach Market – 249 Ocean Blvd
 - b. The Shirt Factory – 112 Ocean Blvd
 - c. Beach Basics – 121 Ocean Blvd
 - d. Beach Basics – Kevins – 119 Ocean Blvd
 - e. Beach Trends – 83 Ocean Blvd

Chairman Nichols MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Pierce.

VOTE: 5-0-0

IX. Closing Comments (2:50:39)

Selectman Pierce appreciates the note from Mr. Welch about the cost of 5 corners and different approaches.

X. Adjournment (2:51:21)

Selectmen Woolsey MOTIONED to adjourn at 9:45 PM SECONDED by Selectman Pierce.

VOTE: 5-0-0

Chairman