

June 02, 2014

PRESENT: Philip Bean, Chairman
Mary-Louise Woolsey, Vice-Chairman
Rick Griffin, Selectman
Rusty Bridle, Selectman
Jim Waddell, Selectman
Frederick Welch, Town Manager

6:30 PM Non-Public Meeting RSA 91-A:3 II(a)

SALUTE TO THE FLAG

7:00 PM Public Meeting

I. Public Hearing – RSA 41:14-a First Hearing

1. Acceptance and acquisition of 5.107 acre parcel Map/Lot 96/2D-11 – Great Gate Drive

Mr. Welch explained that when Great Gate Drive originally sub-divided a number of years ago, it was required of the sub-divider to present to the town a 5.107 acre parcel which runs off Great Gate Drive and Woodland Road; the area of Woodland Road provides the outfall from Ells Brook Creek which runs down Mill Pond and into Meadow Pond; this parcel is a wetlands parcel; it backs up to Great Meadows; the purpose of the hearing is to comply with the provisions of RSA 41:14-a which allows the Selectmen to hold two public hearings and not less than ten days after the second public hearing to vote whether or not to acquire the property; and in accordance with the statue received comments from the Conservation Commission and Planning Board in favor of acquiring this parcel.

Opened for comments from the Selectmen, there were no comments from the Selectmen.

Chairman Bean opened the Public Hearing at 7:05 PM.

Jay Diener, Conservation Commission stated that the Conservation Commission has absolutely no reason to oppose this acquisition; instrumental to the town; great for drainage coming off the ice pond; highly endorse this.

Chairman Bean closed the public hearing at 7:05 PM.

II. Public Comment Period (5:34)

Amy Hansen, 98 Locke Road, here as a member of the Hampton Town Clock Committee to speak about the Lobster Bake Saturday, June 7th which is to raise funds for the installation of the clock in front of Centre School, the Historical Society is hosting event from 3-5 PM; \$62,000 raised and or committed so far; hoping to raise another \$38,000; tickets are at available and to learn more visit the Recreation Department.

Jay Diener, 206 Woodland Road, spoke about two other events happening Saturday, June 7th; the Rain Barrel Auction 9:00am in Town Hall parking lot; thanks to Aquarion Water Company, Wicked Awesome Paint and Wallpaper, Wayne's Auto Body the rain barrels have been painted and seal coated by Dona Boardman's 8th grade students; been on display in Town Hall; rain barrels will help manage storm water coming off roofs; great investment for properties and reward kids for their activities; secondly, at the Library, with a grant from the Rockingham Planning Commission and help from the Seabrook and Hampton Estuary Alliance, will be installing a demonstration rain garden; great opportunity to see how one is built, to ask questions; will also be at 9:00 AM on the Winnacunnet side of the Library.

III. Announcements and Community Calendar (8:31)

Selectman Woolsey spoke on the astounding work on the rain barrels; she also asks that the Public Works Department put a notice on the website that when there is a holiday as to whether or not they are going to do the regular collection day; the old message is still on the website; she also mentioned that there has been a problem with the sound with the school programs being hosted right now on channel 22 and 13; it was not a problem at the school; something in the system that Paul Paquette has sorted out, and the issue has been cleared.

Selectman Griffin would like to wish Dick Desrosiers, Dick who is a tireless Town volunteer, he chairs the Energy Commission, chaired the 375th Committee, and is on the Budget Committee; who has been very ill lately and hopefully he is getting better and out of the hospital soon, good wishes and to get well soon

Chairman Bean spoke about attending the opening of the Church Street pump station; takes virtually all the affluent from the main beach, pumps it down to Church Street right underneath the marsh; pumps 3000 gallons a minute; received a \$50,000 energy conservation check from Unitol; praised the work of Wright Pierce, Director Noyes, Town Manager Welch, Tax Payers, elected leadership in this town and Public Works Department. The Church Street report prepared by Mr. Noyes: the original station was built in 1935; Director Mr. Noyes inspected in 2012 and deemed it unsafe, inefficient and unreliable; Director Noyes briefed the Town Manager; recommended plans to replace the station; Town Manager was fully supportive; initially had another firm performing the engineering work on the waste water system, was not satisfied with their work; he asked them to re-evaluate the plan; they prepared a preliminary report for: the cost to engineer, manage the engineering and replace it; it came in at 6.2 million dollars. Mr. Noyes was dissatisfied with that number, invited to other interesting engineering firms to submit qualification statements for a new plan; Wright Pierce came in lowest, through the Board and Mr. Welch secured an SRF loan at 3.014 for the project, Wright Price completed the project at 3.297 million dollars; substantial tax saving for the tax payers; savings of 3.2 million dollars.

IV. Consent Agenda (14:13)

1. Donation from the Babe Ruth League of an Electronic Scoreboard RSA 31:95-b, II(b)
2. Requalification of Veteran's Tax Credit: Holman Map/Lot 71/10; Giarrusso Map/Lot 133/56; Moberg Map/Lot 109/3; Johnson Map/Lot 43/20/H07; Woodman Map/Lot 162/16; Wilkins Map/Lot 197/32/1; Balsiger Map/Lot 267/14; Skoglund Map/Lot 206/38; DePippo Map/Lot 305/43
3. Termination of Leased Land Lease: 38 Ocean Blvd – O'Connell

4. New Leased Land Lease : 38 Ocean Blvd – Brouillette
5. Parade and Public Gathering Licenses: Smuttynose Rockfest Half Marathon 10/05; Hampton Beach Catamaran Regatta 06/14-06/15
6. License for Coin Operated Amusement Devices: Bob’s Amusements 169 Ocean Blvd; Hampton Family Fun Center 169 Ocean Blvd
7. Taxi License Applications: “Charmingfare Farms” John Pyteraf – Business/Operator; Zachary Curtis – Operator
8. Dance Hall Permit and Pool Table Permit: Wally’s Pub 144 Ashworth Ave; S & S Hotel Ashworth by the Sea 295 Ocean Blvd
9. Pool Table Permit: Water’s Edge Yacht Club 24 Harbor Road #22
10. Permission for Outside Patio “Chez Boucher” Ron Boucher 32 Depot Square
11. Permission for Outside Patio “The Taco Room” Owen Carter 23 Ocean Blvd

Selectman Woolsey MOVED the Consent Agenda SECONDED by Selectman Griffin.

VOTE: 5-0-0

V. Appointments (15:33)

1. Donna Bennett, Tax Collector
 - a. 2011 Tax Deeding

Mrs. Bennett asked the Board of Selectmen to extend the deeding until September 22, 2014; which means that the home owners that haven’t paid up to that date would need to be re-notified 30 days prior to that date, as well as their mortgage companies; currently there are 42 properties on the list, as with extensions in the past, this extension brings the list down to around ten; decisions will be made on those ten will be made later in the year.

Selectman Waddell MOVED to extend the date of the 2011 Tax Deeding to September 22, 2014 SECONDED by Selectman Griffin.

VOTE: 5-0-0

VI. Approval of Minutes (17:07)

1. May 12, 2014

Page 2: 2nd and 3rd Motions, replace the words “deny” and “approve” and replace with “affirm”

Selectman Woolsey MOVED to ADOPT the May 12, 2014 minutes as amended SECONDED by Selectman Bridle.

VOTE: 4-0-1 (Griffin)

2. May 19, 2014

Selectman Woolsey MOVED to ADOPT the May 19, 2014 minutes SECONDED by Selectman Griffin.

VOTE: 3-0-2 (Griffin, Bridle)

VII. Town Manager’s Report (18:14)

1. This week begins the bi-weekly summer meeting schedule for the Board of Selectmen. Please remember that the Selectmen's agenda closes at 5:00 PM the Wednesday preceding the meeting, all requests for placement on the agenda are subject to confirmation and approval by the Chairman.
2. The open house and dedication of the Church Street Sewer Pumping Station was conducted on May 29, 2014. The paving of the parking area will be accomplished later in the summer.
3. The construction of the lavatory at the Church Street Parking Lot has been completed and will be committed to service when the lot opens this summer.
4. The Solid Waste District has notified the Town that our tipping fees will increase by 1.5% at the Turn Key Landfill. The rate for municipal solid waste will increase from \$72.61 to \$73.26 and the rate for construction and demolition materials will increase from \$87.79 to \$88.44, the rate increase will be effective 7-1-14.
5. The Town still has vacancies on the following Municipal Committees: one on the Cable TV Advisory Committee; one on the Energy Committee; three on the Leased Land Committee, one on the Mosquito Control Committee, one on the Recycling Education Committee and one on the Rockingham Metropolitan Planning Organization Technical Advisory Committee. Please contact the Town Manager's Office if you are interested in volunteering.

Mr. Welch added the following: He has submitted to the Board a draft warrant article to complete the paving on Belmont, Fairfield and Ruth, this made the operating budget last year but default budget passed, going to go into the 3rd year if it's not completed, cost about \$90,000 to pave all three, last part of the project that needs to be done. The Great General Court along with our Governor has signed into law Senate Bill 219, it will become Chapter 71 of the Acts of this year, it was a bill that this Board authorized to be submitted to the Legislature, and it is relative to funds received for the sale of cemetery lots, it's a general enabling act, won't go into effect until January 1st. Public Works, Sewer & Drain staff have been cutting trees down and pulling stumps on the west side of the Hampton Victory Garden, working on the Cooperage, repairing the hole in the building, hope the project is done in the next week or so. Received a request from Winnacunnet High School for Tuesday, June 3rd @ 7:00pm; the Jazz Band Concert and Chamber Singers Concert at the Seashell Stage on Ocean Boulevard, like to afford them parking at the Ashworth Avenue parking lot. The budget has been submitted to Departments, they are budgets are due back to Town Manager's Office in the relative near future, committed to have the Budget to the Board of Selectmen on August 22, 2014, to begin meeting with Department Heads on their budgets.

Selectman Woolsey thanked Mr. Welch for his efforts on installing the bathroom in at the Church Street parking lot shed; wants to hear what the Department Heads really want and really need in regards to their budgets; even giving an addendum on the side for extras; would like to hear directly from the Department Heads as to their focus and needs going into the new year.

Selectman Bridle would like to see the Department Heads vision; the public needs to see and has the right to know what we're looking at down the road; asked Mr. Welch to ask Public Works Director Noyes to go look at the hot top at the Bridge on Old Stage Road; Mr. Welch said it has been discussed and Mr. Noyes will be taking care of it later this year, and he recommends everyone go over and see the bridge.

Selectman Waddell reiterated what a great job Mr. Welch and Mr. Noyes did on the Church Street Pump Station, and how it works so efficiently and how it came under budget, superb job.

VIII. Old Business (26:04)

Selectmen Woolsey spoke about the need to sit down and start looking at the CIP, as the Board's representative on the CIP committee, reiterated what a waste of time it is unless Board of Selectmen steps forward and make the presentation to the Planning Board as to exactly where we are going and what is needed. In regards to the Fire Department, every 10 years the ISO report comes out, the Town has maintained the status as a Class 3 town, should be fielding 9-15 men per shift, manning the Beach Station with 3 bodies, no Fire Inspector yet, the position should never have been discontinued. Finally in the warrant, after 20 years, to replace 1988 pumper, take ambulance out of CIP, should be a revolving fund article, the pumper needs to go on the warrant as a single article next year, the technical special hazards unit, tired of Hampton funding this stuff for all the other Towns. Public Works; need to go through the rolling stock at Public Works, couple of old junkers that need to go, never should be buying pick-up trucks to plow, we've got to do a wash down shed. Former Public Works Director John Hagen's estimate to construct an outfall pipe to the Ocean was 10 million dollars, we have not done a warrant article for sewer construction and reconstruction, we have our hands full with reconstruction, plan for sewer reconstruction bonds at 5-year intervals in order to get an orderly system of sewer and reconstruction bonds which was the goal in 1986, as the sewer infrastructure is failing, and infiltration is occurring and costing money, Town's current bonds failing; agrees with Mr. Welch in regards to the glass windows at the Town Offices; we need to go through list and get useless stuff off and get serious projects in so Town residents can know where we are going; we are stalling and standing still and everything is falling apart around us; if we lose ISO rating, property premiums will go up, would like to know where in the debt service schedule what is coming off; SRF is another situation, money we are entitled to from the State, send a demand to the State to get the SRS money back to Hampton; would like to take an whole evening to get our ducks in row for entire proposal.

Selectman Griffin would like to know at some point what are the expected increases in revenue coming from new tax streams that we have with new construction, what does that amount to, what is difference between last year and this year and what will happen in the future.

Mr. Welch answered that the Assessing Department can give reliable estimates, number of important facilities just placed in the service and will have good figures on those right away, other ones being built are compatible to other ones out there and should be able to estimate reliably based on what's already there.

Selectman Bridle agrees with Selectman Woolsey with pick-up trucks, but we have small streets in this town and will need some and does agree DPW has too many; can see us taking time after meetings to look at the CIP.

Selectman Waddell agrees with Selectman Woolsey and thinks it would be a good idea to take an evening to go over the long-range plans in the CIP.

Chairman Bean spoke on the union negotiations coming up, he has spoken with Mr. Welch and key department staff to include finance to echo and to ascertain how much new revenue is coming in and balance those for everyone's wish list, be sensitive to people in this economy, economy in a working class town is challenging, infrastructure and operating expenses will be looked at, will look at how much new money is coming into the Town compared to two years ago or last year.

Selectman Woolsey spoke about when she started with the Budget Committee in 1982, we were allocating in the Town budget 100,000 dollars a year for constructing sewers, capital outlay, decided it was not smart and nothing was being done, passed first sewer bond and the idea was for 7.8 million dollar bonds over 5-year intervals, overlapping and peak at one point and start going downhill as you paid them off, in 1991 economy wasn't good and then the Board of Selectmen chickened out, due to the economy bottoming out, we have got to plan as stuff falls down around us.

IX. New Business (38:22)

1. Hampton Beach State Park Fair 06/19-06/22 Public Gathering License

Selectman Woolsey commented that Mr. Welch is helping them sort the applications, she is opposed to this and would like to know if they intend to go forward with a petting zoo, who is responsible and if anyone is on site to care for animals in the summer and heat, the risk for young people with petting zoos with diseases, want to know if at least as part of agreement if this Board is agreeable to letting this going forward, insure that someone is responsible for animals and are not at risk.

Mr. Welch explained that he had notified applicants that they need 2 things immediately, a public gathering license because they are abutting public highway, second they needed a variance because of activity they are proposing to carrying on with mechanical rides is prohibited in Zoning Ordinance in section 3.14 and Zoning Board is meeting on 6/12 to consider it. He made it clear to the applicant that they need both permits if they want to move forward, Board of Selectman controls one, Zoning Board controls the other, Counsel has prepared a draft motion in regards to parade and public gathering license that will tie in mechanical amusement rides and the need for variance for that, that is only way it can be issued and need to have both documents completed in order to hold activity, as far as animals are concerned, will talk to Chief and will inquire of the Animal Control Officer and how he wants to approach private non-profit corporations that deal with animals and consult with them and involve them.

Attorney Mark Gearreald would like the public and Board to note that the Manager/CEO of FestEvents of New England, a private entity, sent a letter to the Board that was received on 5/15 announcing this event, which is planned for 6/19-6/22, and we have been attempting to deal with the issues in a rapid pace for this event. Last year's event as portrayed in the letter that was sent, is not the same as this year's event. Last year's event was organized by the Division of Parks and Recreation of the State DRED, and that event was much smaller in scale. This event here is a much bigger affair and is privately managed, it is under license from DRED under DRED's new licensing that has gone into effect, that particular license was granted March 6th, we were not informed of this event until 2 months later, we are doing best we can and FestEvents and Fiesta Shows have done as we ask, they have applied for the

public gathering license and variance from Zoning for the mechanical rides which are prohibited in all zoning districts. There is no guarantee the variance will be granted, as it is a separate Board. The motion prepared for the Board makes the parade and public gathering license contingent upon the receipt of the variance and if not granted, the parade and public gathering license is void. The zoning ordinance provision involved dates back to 1973, it is very specific as to what rides were prohibited, in 2007 the ordinance received a rewrite and now the prohibition is more general to mechanical amusement rides that it is prohibited in all zones. If this event were a purely governmental activity there might be a question as to whether or not zoning ordinance applies, even though it is government licensed by DRED, this event is not a traditional governmental activity, this is a private activity, for profit, and out Town's people have spoken they do not want mechanical amusement rides and so until they speak otherwise, it is incumbent on us that we will enforce it.

Chairman Bean asked that all comments be kept to the Board of Selectmen's domain, as Atty. Gearreald does represent and provides the Zoning Board of Adjustment advice.

Selectman Griffin asked where the money that is being raised goes.

Attorney Mark Gearreald answered that the licensing entity, which is DRED, receives 3,000 dollars according for the permit and 20% of the fees charged for the rides, the remainder of the proceeds goes to the private entity. Selectman Griffin remarked that basically this is the State is trying to raise money and hopes in future we can make it seamless, so that they automatically would know what needs to be done, would like the Town to work closer with State.

Attorney Mark Gearreald stated that had we had more notice that could have been accomplished; we are dealing with it as quickly as we can.

Selectman Bridle stated that he has no problem with the way the motion is worded, and he agrees with Selectman Griffin, and the Town needs meet with Commissioner of DRED to develop a better working relationship, it always seems that we are always being told that is what they are going to do, so we are not at an adversarial position so we are in a working position.

Selectman Waddell commented that both Selectman Bridle and Selectman Griffin have good concerns, but from the aspect of people knowing what to do with licenses, one can find out easily what needs to be done. He faults the organizers for not finding out what ordinances are required, from his past experience with organizing events, the information is not hard to find. Is in favor of this, but for people who are wanting to do events in Town, they need to do their homework.

Selectman Woolsey asked what about posting a bond, and who is going to inspect these rides for safety.

Attorney Mark Gearreald answered with there will be special details, both for police and fire and last year event was held, and they did inspections of rides, in terms of insurance like all other activities, for major insurance coverage, in which we are listed as insured.

Chairman Bean complimented Mr. Welch, and Atty. Gearreald, and the department heads on this as it was a late request, this event is a quantum change from last year, they are shifting from a governmental enterprise to a private enterprise. Thanked all the department heads for

the extraordinarily amount of work that has been devoted to provide a way forward for this event to happen. And that this Board does not speak for the Zoning Board of Adjustment.

Selectman Griffin MOVED to APPROVE the Hampton Beach State Park Fair Public Gathering License as applied for by Fiesta Shows with the following condition: from 6/19-6/22 the event is subject to the condition that a variance from the section 3.14 of the Hampton zoning ordinance that prohibits mechanical amusement rides in any zone be obtained for this location from the Hampton Zoning Board of Adjustment prior to the events start date, if such variance is not obtained prior to the start date then this parade and public gathering license will be void.

Selectman Woolsey asked to have Animal Control Officer inserted in the motion, in order to supervise the petting zoo.

Attorney Mark Gearreald thinks it would be best to have Mr. Welch find out how the Animal Control Officer wants to view the subject.

Mr. Welch explained that his concern is to go through Animal Control Officer as it this will be on State property, there may be State regulations that may play into this, and they may have a State Officer who is supervising the event.

Selectman Woolsey again asked if there would be a problem inserting a State or Town supervisor of the petting zoo as being a condition. Attorney Mark Gearreald stated as the board wishes.

Chairman Bean asked Selectmen Woolsey to make a motion or they will move on to the original motion.

Selectman Woolsey moved to have a representative from the Town or State to oversee the petting zoo, there was no second for this amendment to the motion.

Selectman Bridle SECONDED the original motion of Selectman Griffin.

VOTE: 4-1 (Woolsey)-0

Selectman Woolsey is adamantly opposed to this granting.

2. Petition request to schedule a Public Hearing regarding the Mill Pond Dam

Mr. Welch explained that the Board received a letter of petition dated April 10, 2014 which was brought into the office on May 22, 2014 with pages of resident signatures requesting Board of Selectmen to hold a public hearing regarding the status of the Mill Pond Dam; that this is historic location in town; a prior board suggested a public hearing to be held, that was not done; Mr. Welch suggests to hold a meeting to let residents voice their opinions on the matter.

Norm Hurley (former Chief) 472 High Street. Mr. Hurley explained that the letter is twofold; first to let public have input; requests to form a way to work through this that is most amicable for town; understands the cost restraints; trying to keep the area the way it is or improve it, and adhere to the Department of Environmental Services requirement to lower the hazard of the dam; there were several options that were shown but they did not enough time to absorb it; there was only one night of explanation; told there would be a public hearing and then it was moved to put it on a petition warrant article; would like the opportunity to work with the Board of Selectmen and Town Manager to get a workable

solution that meets requirements; in order to apply for federal or state grants, need to meet the requirements of CFR106, historic requirements; the dam, pond and gristmill are eligible to be on the registry; State and Federal government state that you need to do the full study for historic places in order to receive grant money; wants to complete a study to see if there are alternatives; the warrant article that did pass for 400,000 to decommission the damn; want to find a way to work within the budgets; as a historic place for the town; spoke with Nadine Peterson from the State who has given direction; attached to the petition are the requirements of CFR for the Board of Selectmen to see; and wants to work together.

Selectman Woolsey commented that she thought we were mandated to remove it.

Mr. Welch explained that we are not mandated to remove it but are mandated to take remedial action.

Selectman Griffin stated that he is in favor of making the situation better, and in favor of having a public hearing.

Selectman Bridle MOVED to have a public hearing on the Mill Pond Dam SECONDED by Selectman Waddell.

VOTE: 5-0-0

X. Closing Comments (58:33)

Selectman Woolsey commented that there was no representative from the Board of Selectmen at the May 21st Planning Board meeting; other board members could have stepped in; not acceptable.

Selectman Bridle commented that he went to the grand opening of Smuttynose and it is nice to see that facility in Hampton, it is a great facility and neighbor, and welcomes them to Town.

XI. Adjournment of Public Meeting (59:43)

Selectman Woolsey MOVED to ADJOURN the Public Meeting at 7:59PM SECONDED by Selectman Waddell.

VOTE: 5-0-0

Chairman