

TOWN OF HAMPTON  
BOARD OF SELECTMEN  
Draft June 07, 2010 Minutes

PRESENT: Richard Nichols, Chairman  
Richard Bateman, Vice Chairman  
William Lally  
Richard Griffin  
Gerald Znoj  
Frederick Welch, Town Manager  
Mark Gearreald, Town Attorney

7:00 PM

SALUTE TO THE FLAG

I. Public Hearing – Acceptance of Grant Money for NH Highway Safety Agency “Route 101 East Corridor Enforcement Patrols” and NH Dept. of Justice “Enforcing Underage Drinking Laws”

Mr. Welch explained that the Route 101 East Corridor Enforcement Patrols is in the amount of \$7,309.50. This grant deals with speed patrols and safety issues. The second grant is for enforcing underage drinking laws in the amount of \$10,000. We have to invite public comment as to whether or not the Town should accept these funds.

There was no comment from the public.

Mr. Bateman MOTIONED to approve the acceptance of Grant Money for NH Highway Safety Agency “Route 101 East Corridor Enforcement Patrols” and NH Dept. of Justice “Enforcing Underage Drinking Laws”. Mr. Lally SECONDED.

VOTE: 5-0-0

II. Public Hearing – CDBG Project No. 07-184-CDED Progress Report and One-year Extension for “Foss Manufacturing”

Mr. Welch explained that the CDBG requires progress updates during the grant periods. The grant for the Town of Hampton was made in March of 2008 for the purpose of making an equipment loan to Foss Manufacturing. The business was to create 25 new jobs during the grant period. In June 2009 the Town requested and gained approval for an extension of the grant for a period of one year which ends in June 2010. Over the past few months Foss Manufacturing LLC has shown it is recovering from the economic recession slowly but surely. In June 2009 the company had 321 employees in June 2010 that number has increased to 357 employees.

This figure is slightly short of the baseline set in March 2008. Foss is asking for a one year extension to meet the job goals that were required in the original grant.

There was no comment from the public.

Chairman Nichols would only comment that the \$475,000 is actually a loan from the Federal Government that only passes through the Town of Hampton and it is not the Town of Hampton loaning \$475,000. The Town is also covered for any administrative cost that we incur.

Mr. Znoj MOTIONED to approve the CDBG Project No. 07-184-CDED Progress Report and One-year Extension for "Foss Manufacturing". Mr. Bateman SECONDED.

VOTE: 5-0-0

### III. Public Comment

Greg Grady, 120 Kings Highway, would like to request assistance with the Sand Sculpture Competition. He made the following request: from Public Works 500 feet of wooden fencing and post, Fire Department filling the water barrels and added Police presence from the Police Department. Mr. Bateman pointed out that the regular summer shifts start on June 19<sup>th</sup>. Mr. Lally confirmed that he has been working with Brian Warburton. They have their own security but feel that the added presence by the Police would help. Mr. Bateman shared a story from a few years ago when there was some destruction. Chairman Nichols confirmed that this is the same as what has been done in the past.

John Nyhan speaking tonight as a representative of the Hampton Beach Area Commission and would like to speak on two items on the agenda. The first item is the Mrs. Mitchell's corrective deed. He shared with the Board how shortly after the fire the Commission was contacted by the owners in regards to rebuilding. He explained how the plans for rebuilding were shared with the Commission and the architectural design is beautiful. The Commission would ask for the Boards full consideration and anything that they can do legally to help would be greatly appreciated. Secondly he would like to comment on Municipal Signage. The Commission is currently doing a parking study and within the study they have identified a number of initial findings. One of the key findings has to do with signage and the fact that people do not know where to park. So if the Board is going to be discussing signage down at the beach he would ask them to take into consideration the signs for the parking lots and possibly additional signs guiding people to parking lots.

Rich Reniere, 29 Highland Ave, he saw on the agenda that the Board was going to discuss some safety issues and he would like to share some safety concerns he has on the beach. One concern is the area between Ashworth and A Street where the disastrous fire was. He is happy to see that the cleanup has been done but in doing so the contractors have really chewed up the sidewalk and created a real tripping hazard. Also at night there are no lights in this area yet there are three utility poles. Mr. Welch explained that these lights are the responsibility of the State. Chairman Nichols has noticed this problem with lack of lighting and thinks something should be put in writing to the State. There was an additional discussion amongst the Board about the need for lighting in this area.

### IV. Announcements and Community Calendar

Mr. Znoj spoke about the special meeting held by the Precinct last Wednesday and they did vote in favor of deeding the land to the Town so that a station can go in but there is still work to be done with the Precinct Commissioners. He also attended the bridge opening on Timber Swamp.

Mr. Lally spoke about the Memorial Day activities and thanked Post 35 for a great job.

Mr. Bateman would like to echo Mr. Lally in regards to the great job done by Post 35 not only on Memorial Day but throughout the year. He also announced that Post 35 will have a classic car show this Saturday in the Ashworth Parking Lot all the money raised will be used to put the new wings on the memorial for those that have lost their life since 9/11. On Monday June 14<sup>th</sup> they will have Flag Retirement for any old flags that need to be retired. Also on Saturday the Police Unity Tour ride starts at 11 AM at Wally's Pub.

## V. Appointments

### 1. Edward Tinker, Assessor – Formal Vote and Approval of 2009 Abatements

Mr. Tinker explained that the Board has reviewed the abatements and he would be happy to answer any questions.

#### Discussion

Mr. Znoj pointed out that these are relatively small abatements. The \$12,556 includes abatements approved at past meetings by the Board plus the abatements being approved tonight.

Mr. Znoj MOTIONED to approve the 2009 Abatements for the following: 2009-53 - 8 Epping Ave; 2009-54 -27 Duston Ave; 2009-55 - 24 Harbor Rd; 2009-56 - 195 Ashworth Ave; 2009-57 - 16 Thornton St; 2009-58 - 40 Nudd Ave; 2009-60 - 10 Merrill Industrial Drive; 2009-64 - 1 Mill Rd; 2009-67 - 89 Ashworth Ave; 2009-68 - 63 Hampton Towne Estates; 2009-70 – 99 Ocean Blvd; 2009-71 – 97 Ocean Blvd; 2009-72 - 3 Dumas Ave; 2009-73 – 2.5 Dumas Ave; 2009-74 – 4 Dumas Ave. Mr. Lally SECONDED

VOTE: 5-0-0

### 2010 “Supplemental” Real Estate Property Tax Warrant

Mr. Tinker explained that one property was not included in the total of the warrant but a tax bill was issued and sent.

#### Discussion

The only comment Chairman Nichols would make is that the total assessed value of properties without the revaluation was actually up by a little bit.

Mr. Znoj MOTIONED to approve the 2010 “Supplemental” Real Estate Property Tax Warrant. .  
Mr. Lally SECONDED

VOTE: 5-0-0

### 2. Attorney Ells “Mrs. Mitchell’s” RE: Corrective Deed

Atty. Ells appears tonight on behalf of the Mitchell family. With him tonight is Bob Mitchell and some of the builders who will be working on rebuilding this property. The Mitchell family is in the process of rebuilding and hope to be back in business for the 2011 season. When preparing plans for the reconstruction it was discovered that the footprint of the Mitchell building slightly encroached beyond the boundaries of their deeded lot by a few feet. Atty. Ells shared

some findings from doing a title search. Atty. Ells provided the Board with copies of plans showing the plot lines. Atty. Ells would ask for a corrected deed to expand their lot line to include the footprint of the old building. He also shared how the Mitchell's purchased the leased land from the Town. The Mitchells would ask for the Boards support so that they can continue with their rebuilding plans. There was additional information provided about the surveying of this land.

#### Discussion

Chairman Nichols summarized that the corrective action of corrected deed known as parcel 1A on exhibit 6 would essentially allow their building to exist but that it would not include any highway lines. The surveyor for Mrs. Mitchell explained what he thinks happened when this lot was surveyed at an earlier time by the engineer. He also explained the plans in further detail for the Board. The area they are asking for does not affect any of the Town's right-a-ways.

Mr. Znoj pointed out that the fencing today is basically an outline of their property.

Atty. Gearreald explained this deed does not include a setback restriction. Therefore there is not a need to go to Town Meeting for relief from such a restriction. Nevertheless in order to rebuild there is a 4 foot setback in the Zoning Ordinance and if there is not such a setback in the plans they will need to go to the Zoning Board of Adjustment for variances.

Mr. Znoj wonders why they want to build on the corner like this since it cannot do much square footage wise inside. Mr. Mitchell explained that when you are driving down Ashworth Ave their entrance has always been that corner. This is how the building has always been situated on the corner. The contractor explained in further detail how the building would be constructed.

Atty. Gearreald explained on the plans the Board can see the solid line which is the 1984 Parker line (the deed was given in 1987 with the Parker survey) and then you see the dotted line which is the 1929 survey which was used by the HBIC which departs in more than one spot. The only change they are asking to be made is the parcel 1A. Atty. Gearreald would suggest that the Town verify that parcel 1A does not contain any highway property.

Chairman Nichols clarified that the mistake that was made was by someone who was under contract by the Town.

Mr. Bateman stated that the Town sold them a plot of land and that we should do what needs to be done to make it right.

Chairman Nichols would ask that Atty. Gearreald verify in the next week or so that this parcel 1A does not contain any highway property.

Mr. Griffin MOTIONED to approve the corrective deed for Mrs. Mitchell's contingent on Atty. Gearreald verifying that parcel 1A does not include any highway land. The Town will also accept the offer of the release of the excess of the dotted line over. Mr. Bateman SECONDED

VOTE: 5-0-0

#### VI. Minutes of May 24, 2010

Mr. Znoj MOTIONED to approve the minutes of May 24, 2010. Mr. Bateman SECONDED.

VOTE: 5-0-0

Mr. Znoj MOTIONED to approve the minutes of May 24, 2010 non public meeting. Mr. Bateman SECONDED.

VOTE: 5-0-0

## VII. Town Manager's Report

The next meeting of the Coalition will be on June 28<sup>th</sup> at 3PM at the Local Government Center in Concord.

The Director of Public Works has filed for reimbursement of administrative expenses from FEMA for the February 2010 wind and rain event in the amount of \$1536.70 and for the March 2010 wind and rain event in the amount of \$1769.66.

The Fire Chief has filed an Assistance to Firefighters Grant for equipment totaling \$104,790, of which the Town portion would be \$5239 and the Federal portion is \$99551 for thermal imaging cameras, PPE washing and drying equipment, SCBA compressor and incident rehab equipment.

The 21<sup>st</sup> Annual Seafood Festival has requested the use of the Town Hall Parking Lot as a satellite parking area for the afternoon of September 10<sup>th</sup>, and all day on 11<sup>th</sup> and 12<sup>th</sup>.

The Department of Public Works has been instructed to begin the process of cleaning the drainage easements on Cogger Street behind the properties from Tuck Road to the rear of number 10 Cogger Street and along the east sideline of 10 Cogger Street. The cross street culvert between numbers 10 and 12 Cogger will also be replaced. This is the beginning of the drainage maintenance program.

We are beginning the annual cycle of difficulties with and complaints about parking at the various Town areas along the beach. You have a request for new signage that we trust you will consider. The new signage will assist in ticketing for unlawful parking. To further assist we would request the Selectmen to consider paving the parking area at Billy Joe Brown Park. This will allow pavement markings to better control parking in this area.

The Board has again received complaints regarding loud noises at 5 F Street through the operations of a so-called nightclub called Coconutz. This is the second year that we have received complaints. The request to the Board is to not grant an entertainment license for the coming year or thereafter.

Representative Kepner forwarded a copy of the Citywide Neighborhood Committee Blog for the Boards information. Does the Board wish to proceed in this direction? And if you do who would you like to accomplish that goal, in house or volunteers?

Last year the Board discussed with a resident the placement of a concrete sidewalk on River Avenue. Is it the Boards desire to proceed with that work?

I have a late filed Hawkers and Peddles application for Steven Kaufman for the Boards consideration. He would like to open as soon as possible with the beginning of summer upon us.

I have instructed the Department of Public Works to contact the Strafford House of Correction to see if we can schedule their work crew to begin the cleanout of Nilus Brook starting at Barbara Road working north.

For the boards information we have scheduled a meeting for the 22<sup>nd</sup> of this month with DES regarding the flood gate on Brown Avenue. This will begin the process and he believes this will be permitted.

The ceremonial flag burning is scheduled for June 14<sup>th</sup>. If you have flags that need to be put to rest please get them over to the American Legion Hall.

We received an announcement from the State Department of Transportation that the Town's fuel purchases will immediately increase from \$1.94 to \$2.74 per gallon. Mr. Lally pointed out that we would be better off filling up at Hess. Mr. Welch has already asked the Chief to look into getting some credit cards for local vendors in order to purchase gas. This is a price fix for one year and diesel is remaining the same.

The Board talked about holding a special Town Meeting in November and he has checked and under RSA 669:1, III no Town election shall be held in conjunction with a biennial election. So effectively this cannot be done. There was an additional discussion on the requirements that must be met in order to hold a special election. Chairman Nichols also pointed out that there would probably be small turnout if a special election is held.

Does the Board wish to appoint a committee to begin working on the 375<sup>th</sup> Anniversary Celebration?

Some instructions have been given to Public Works Department in regards to formulating drainage criteria. They have been asked to inventory by street all catch basins, location of all culverts and outfalls, all drain easements in Town, provide a schedule when all streets with catch basins will be swept, a list of when catch basins will be cleaned and list of cleanouts for culverts and easements. They are moving ahead on drainage issues.

Today opened bids in regards to tree work. They received three bids one of which did not meet the bid requirements. The low bid was from Urban Tree Service in the amount of \$361.50 and the high bid was from Mayer Tree Service in the amount of \$711.20. Since there was only two bidders and it deals with more than \$5,000 they would ask the Board to approve the low bidder. It was explained that this bid is not for over \$5,000 but since the line item totals \$25,000 it needs the approval of the Board. This particular bid is for the removal of the tree at the Grist Mill.

There was a consensus amongst the Board to have Urban Tree Service remove the tree at the Grist Mill for \$361.50.

#### Discussion

Mr. Znoj would like to thank Mr. Welch for taking the initiative on the drainage. Mr. Znoj asked about the Strafford House of Correction providing workers for the Town. Mr. Welch explained that the reason we are contacting Strafford County is because they will provide their own equipment and Rockingham does not. Mr. Welch explained that the Town will tell them the work that needs to be done and they will arrange the work crews and schedule. We do have to feed them.

Mr. Bateman asked if the Board would like to approve the use of the Town Hall parking lot as requested for the Seafood Festival. Mr. Welch explained that it would be used as soon as the Town Offices close. There was a consensus amongst the Board to allow the use of the Town Hall Parking Lot for the Annual Seafood Festival.

Mr. Znoj is in favor of the sidewalk on the west side of River Ave. Chairman Nichols pointed out that the Mr. Welch at the time of the discussions last year had commented on the maintenance involved with concrete sidewalks. Mr. Welch thinks that asphalt is the way to go but he felt that the Board and the abutters wanted the concrete sidewalk. The asphalt sidewalk can be repaired in house for less of a cost. Mr. Lally brought up the fact that the stability of the ground down there is not very solid and this could cause problems with concrete sidewalks. Chairman Nichols also pointed out that this particular area of sidewalk does not appear to be in worse shape than the others in this area. Chairman Nichols wonders why we are looking at one small section when the whole area is a mess. There was an additional discussion as to how many people down there do not even want sidewalks. Mr. Lally wonders why this item cannot be put on the warrant in the same manner as repaving of the streets. There is \$50,000 on the line item for sidewalks. The Board agreed to table this for now and suggests that people in this area come to the Board with their thoughts.

Mr. Lally brought up the letter they received in regards to a complaint against 5 F Coconutz. The letter states that the resident knows that this establishment is not going to abide by the new Entertainment Ordinance. Mr. Lally pointed out that this is a prediction and not something that has happened yet this year. Mr. Lally commented that if the establishment does violate the ordinance then the Board should address the problem at that time not now. The Board agreed that at this point Coconutz should be made aware of the complaint and if they violate the ordinance the Board will address the problem at that time.

Mr. Griffin wonders if a good place to start with the 375<sup>th</sup> is the Heritage Committee. The Board agreed that this would be a good place to start and Mr. Griffin will bring it up to the Committee.

The Board agreed that a blog is a lot of work and if someone wants to volunteer to maintain it that would be fine but it is not something the Board wants to take on at this time.

There was a consensus of the Board that they will not be holding a special Town Meeting.

Chairman Nichols commented that the catch basin in the area of Ocean Blvd around Boar's Head that DOT has been doing some work. Chairman Nichols has spoken with the individuals doing the work and they are making repairs but not to the piping.

Chairman Nichols asked about the late request for the hawkers and peddlers license. Mr. Welch explained that he would be functioning out of a hotel since this cannot be done on the street. He is selling sunglasses and sweatshirts. Mr. Welch read off the restrictions that have been made. Mr. Griffin stated that he has the support of the owner.

## VIII. Old Business

### 1. Public Safety Issues

#### a) High Street

Chairman Nichols thinks that it was a good idea to restrict parking in this area of High Street.

Mr. Griffin commented that there is a petition coming forward with 75 signatures from residents who are very upset about this. The complaints are coming from the residents starting at Ocean Blvd and going up High Street. They feel that this is taking away parking for their guest.

Mr. Lally commented that he has spoken with the Deputy Police Chief and they are happy that the Board has decided to do this since it is a safety problem. Mr. Welch stated that these

residents have a much better chance of getting parking for their guest by special permit from the Board.

- b) Fire Lane Designation for Mill Pond Road, Fox Road, and Glen Road – Chairman Nichols commented that this has been addressed by the Fire Chief.

#### Discussion

Unanimous consensus of the Board on the Fire Lane Designation for Mill Pond Road, Fox Road, and Glen Road as designated by the Fire Chief.

- c) Signage Posting for Municipal Lots

The Police Department has requested that signage be posted at the municipal residential parking lots (Joe Billy Brown, Bi-centennial lot, King’s Hwy and High Street, Cusack Road & Ocean Blvd, Church Street, Campton & Plymouth Streets), that will identify what type of parking is prohibited under Ch. 3, Art. 5. Sec. 6 of the Town Ordinance.

In order for the Police to enforce the parking regulations with respect to these parking lots, appropriate signage is required to be posted and is to identify what is prohibited for parking and what the penalties are for the violations of such (Ch. 3, Art. 5. Sec. 6; Sec. 21; Sec. 23).

The prohibited parking sign would be approximately 2 feet by 2 feet, be red in color with white lettering. The signage would read as follows: (see attached example)

Parking is prohibited for the following vehicles:

- Non Residents Vehicles;
- Personal Recreational Vehicles;
- Unregistered Vehicles;
- Commercial Vehicles;
- Commercial Recreational Vehicles; Trailers; Unregistered Trailers; Construction Vehicles; Construction Equipment; Buses.

All violators are subject to a \$100.00 Parking Fine and towing of the vehicle (Ch. 3, Art. 5; Sec. 6; Sec. 21; Sec. 23).

#### Discussion

Mr. Lally shared some comments made by a resident in regards to the signs in the Plaice Cove lot and how they are all rusted out and buried in the trees. This resident has also suggested that maybe some of the signs should be in French.

Mr. Bateman pointed out that we might want to copy what the State is doing in regards to signage and how they are putting them in English, Spanish and French.

Mr. Welch shared some information about the ticketing that has been taking place by the Police Department.

There was a discussion about what a recreational vehicle is.

Unanimous consensus of the Board to post signage at the Municipal Lots, and to have the signs “Hampton Residential Parking by Permit Only” Signs to be posted in French and Spanish.

#### Other

Mr. Griffin would like to discuss the Beach Precinct Meeting and where we are going to go from here. Chairman Nichols thinks that we need a written agreement between the Town and the Precinct before we go to the voters in March. Chairman Nichols thinks that this written agreement is the first step and for this to happen Atty. Gearreald needs to get together with Chief Silver and take the original memorandum of understanding from December and review it in regards to some of the minor land changes that have been discussed. One item Chief Silver brought up was moving the fire department parking from the east side to the west side. The second item is the small strip for a ramp. Once they have a memorandum of understanding in place the Board should invite the Precinct Commissioners in to meet. The Board agreed that the Commissioners should be invited to a meeting.

Chairman Nichols brought up the mounted patrol and the fact that the Board agreed to extend it until the end of May. Mr. Lally commented that through fundraising efforts they have raised just over \$9,000 and expect more. There is money there now and the Committee can start paying for the horses now since the Board agreed to pay until May 31<sup>st</sup>. Chairman Nichols commented that there was \$5,800 allocated to this which carried us through until the end of May. Mr. Welch would suggest that the money be accepted as a gift and the Town continues to pay the bills. The problem with this is that it cannot be done until June 28<sup>th</sup> since a public hearing must be held. Mr. Welch will get in touch with them and let them know what needs to be done.

Chairman Nichols brought up a report about the Grist Mill and the issues involved. The issues are complicated and people seem to want to help. He wonders if we want to form a short term committee to work on this project. Mr. Griffin pointed out that the Heritage Committee has always handled things in regards to the Grist Mill. Chairman Nichols thinks that there are a lot of little pieces and they should be done by the same committee. Mr. Griffin will discuss this with the Heritage Committee and come back to the Board with some input.

#### IX. New Business

1. Request for relief on interest on taxes – 72 Hampton Meadows – Chairman Nichols commented that the Board had a note in their packets in regards to this.

##### Discussion

Mr. Znoj commented on the amount of interest being \$391.62 and that the resident is asking for relief on this.

Chairman Nichols wonders if we approve one request why we wouldn't approve them all. He also pointed out that the Town does not have any control over the interest rate since it is set by statute.

Mr. Bateman thinks that the issue of the state of the economy and automobile accident needs to be better explored.

There was a consensus amongst the Board to not grant this request.

2. Request for use of Joe Billy Brown Park for Parking on August 7, 2010

Discussion

Chairman Nichols only concern is that they are requesting 20 spaces on a Saturday in the middle of summer and there appears to only be 40 or 50 spots in the lot. He would not be in favor of doing this but would suggest that the Board might allow or rent them 20 spaces in the Church Street Leased Lot. Mr. Welch stated that this lot is getting pretty full. Chairman Nichols stated that maybe we could charge them \$5 a spot.

There was a consensus amongst the Board to deny the request for parking in the Joe Billy Brown Park and the Town will offer them 20 spaces in the Church Street Lot at a cost of \$5 per space.

X. Consent Agenda

1. Hawkers and Peddles application for Steven Kaufman
2. Greg Grady "Sand Sculpture Event" June 24-26, 2010 – Hampton Beach Village District
3. Raffle Permit "Police Unity Tour" at 144 Ashworth Avenue
4. Parade & Public Gathering License "Hampton Beach Children's Festival" – Hampton Area Chamber of Commerce
5. License for Coin Operated Amusement Devices "Lupos" at 595 Ocean Blvd
6. License for Coin Operated Amusement Devices "Tidewater Campground" at 160 Lafayette Road
7. Taxi Business "Sunshine Taxi" and Operator License – Alan Ladd
8. Taxi Operator License – Ernest Morin for "Sunshine Taxi"
9. Taxi Operator License – William Katan for "Sunshine Taxi"
10. Taxi Operator License – Michael James Lothrop for "Sunshine Taxi"
11. Taxi Operator License – Michael John Richard for "Sunshine Taxi"
12. Banner/Sign License "Car Show" – American Legion

Mr. Griffin MOTIONED to move the consent agenda with the exception of item #4. Mr. Znoj SECONDED.

VOTE: 5-0-0

XI. Closing Comments - None

XII. Adjournment

Chairman Nichols MOTIONED to adjourn the public meeting and to enter into a non-meeting with Legal Counsel under RSA 91-A:2.,I.,(b). Mr. Znoj SECONDED.

And;

By roll call vote the Board voted unanimously to enter into a Nonpublic session RSA 91-A:3.,II.,(a)

VOTE: 5-0-0

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Chairman