

April 10, 2017

PRESENT: Regina Barnes, Vice-Chairman
Rick Griffin, Selectman
Phil Bean, Selectman
Rusty Bridle, Selectman
Frederick Welch, Town Manager
Jamie Sullivan, Assistant Town Manager

ABSENT: Jim Waddell, Chairman

SALUTE TO THE FLAG

Vice-Chair Barnes: made a statement regarding the item under Old Business, Renewal of Bernie's Beach Bar Entertainment License; public hearing in the submission of written materials regarding the issuance of an entertainment license to Bernie's Beach Bar during the recess hearing has been closed. Therefore, when it comes to Old Business tonight it will just be the Selectmen's deliberation period and no other parties will be allowed to speak at that time.

Attorney Gearreald: the process of modifying or releasing deed restrictions on formerly leased land, has been taken up for a number of years at regular Town meeting votes; several articles appear each year with mixed success. Since March 2002, the Town meeting gave its Selectmen authority to acquire or sell interest in land; however, the 2002 specifically excluded interest in land from the leased land sales program. Article 33 at this year's Town meeting, which passed has made a change to that and has added this authority to Selectmen. Two of those applications are pending tonight for their first of two public hearings under RSA 41:14-a, the subject has already been broached with the Planning Board and Conservation by statute and has received their no objection or okay. The Selectmen may wish to look further into why particular restrictions are on particular lots; the way it was set up back in the leased land program was whatever restrictions were in the lease for the particular parcel were to be carried over into the deed. Not necessarily, the case these restrictions are uniform throughout the leased land; some had them and some did not.

- I. Public Hearings pursuant to RSA 41:14-a Proceedings "Amend and Release of Town owned Deed Restrictions on formerly Leased Land" First Hearing
 1. Charles and Martha Foley, 7 Ninth Street: Request to amend Deed Restriction #3 "Fence height of no more than a three-foot height" to four feet

No one from the public wished to speak regarding the above.

Selectman Griffin: I was at the Planning Board meeting and this one is about trying to hide the trashcans; the people next door have lined up many trashcans and it takes up her view towards the ocean.

Attorney Gearreald: one factor to consider; separate zoning articles pertaining to corner lots where there is a site line involved.

Town Manager Welch: not a corner lot.

Public Hearing regarding Charles and Martha Foley, 7 Ninth Street: Request to amend Deed Restriction #3 "Fence height of no more than a three-foot height" to four feet closed at 7:06PM.

2. Daniel Considine, 30 Dover Ave: Request to amend Deed Restriction #3 "No Fences may be created upon said premises, other than ornamental fences of no more than a 3-foot height" to six feet

Selectman Griffin: is the new rule is to go to 6'. Town Manager Welch: they are requesting permission to go to 6'.

Selectman Griffin: the Conservation Commission is happy as it helps hold the sand from leaving the dunes.

Public Hearing regarding Daniel Considine, 30 Dover Ave: Request to amend Deed Restriction #3 "No Fences may be created upon said premises, other than ornamental fences of no more than a 3-foot height" to six feet closed at 7:07PM.

Vice Chair Barnes: at the next hearing should make sure both residents should be here

II. Public Comment Period (12:17)

Bob Blair, 4 Haverhill Avenue: was not able to attend the March 20, 2017 hearing on the Bernie matter, but did watch the recorded session; also met with Al Fleury, neighbors, Police Chief, Boars Head neighbors, L Street, and Bradford Avenue residents. Struck that the Chief of Police considers the noise ordinance is unenforceable; lack of experience training and resources could also be applied to this Board regarding acoustical engineering. The sound reports, which this Board relied on which were written by the speaker salesperson being called misleading by a professional MIT trained acoustical engineer. Based on misleading reports the Board thought the speakers were magical and their technology could defeat physics; assume Board thought could put a rock band 20' in the air with little physical barriers and the speaker technology would keep the sound from impacting the neighbors. The neighborhoods that wrote letters do not need a permit to secure peaceful and quiet enjoyment of their homes, it is their right according to the ordinance; the entertainment license being sought is not a right, but rather can only be granted if it does not impact the peace and quiet of the neighborhoods. Granting an unrestricted entertainment license for rock bands to disturb the peace and quiet of so many neighborhoods from 8PM-12AM, 7 days a week will turn a friendly neighborhood beach bar into a public nuisance and it will not be allowed to stand by the neighborhoods. I urge the Board not to make the same mistake twice, please return our neighborhoods to the peace and quiet we have a right to enjoy.

Patricia Murphy, 4 Haverhill Avenue: submitted two letters and an expert report by Douglas Bell; trust the Board has read these and is part of the record; support the prior statement by my husband Bob Blair. I am here to address my opposition to the issuance of an entertainment license to Bernie's Beach Bar without significant and forcible restrictions being included. Must be on temporary basis only to allow time to conduct actual testing of the system in use; restriction should include ending live music at 10:30PM, limiting the number of nights per week of live entertainment, restricting decibel levels to 75 on the dance floor, building walls a

roof etc. I requested to be put on the agenda for this evening to present testimony as well as our audio expert Mr. Bell, my request was denied without reason or explanation. This along with other actions of the Board set forth in prior correspondence smacks of bias and potential prejudgment in Mr. Fleury's favor; if anyone on the Board has business or financial relationship with Mr. Fleury such individual should disclose same and recuse themselves from consideration from this license application due to a conflict of interest. The Hampton code is clear it is the Board's primary obligation and duty to secure and promote the peace and quiet of the Town and its residence, not promote the prosperity of Al Fleur to the detriment of surrounding residents; the Board has the ability and authority under the code to do so. Bernie's has created a public nuisance, wittingly or unwittingly; there was no problem in 2014 or 2015, the sound levels should be restored to that level. Mr. Fleury created this problem and it is his problem and obligation to fix.

Vice-Chair Barnes: thank you, but it has been past the 3 minutes.

Ms. Murphy: the neighbors have a right to the quiet enjoyment of their property; he needs to fix it; will work with Mr. Fleury; want an acceptable solution if possible; tired of hearing how much money he spent to do this, we spent a lot of money on our property. This was his choice and he did it wrong; we as a group will not tolerate another summer like last; we are not going away and not stand idly by and have another summer ruined and see our investments in our homes diminish by a continuing public nuisance. In this instance if the Board does not deny the license outright or put suspicion and enforceable restrictions on the requested license, which are enforced, litigation will ensue; this is not an idle threat, but a promise.

Kathy Scrubo from Stratham and understand it requires Board approval to speak; here with Mom and Dad, Chet and Diane Riley; grew up in Hampton; live on Winterberry Lane in the Wiggins Way neighborhood, and wants to speak concerning the water issue with Wiggins Way.

Selectman Bridle: you have three minutes.

Kathy Scrubo, Stratham: was disheartened by comments and the characterization of my neighborhood; we bought our home for \$315,000, not worth \$1,000,000; 2014 husband passed away; single income family; has full time job allowing her and children to continue living in home; the neighbors have done so much. We are not water experts; understands you have legitimate concerns; changed arsenic standards the solution shutting down 1 of 3 wells. September 2015 that water was still in safety range; short of supply and were ordered to correct, we thought creatively, not trying to be interlopers, thought we were lucky as we were on the North Hampton line and there was a water system we could tap into. We went to Aquarian who led us to Stratham; we did not go to the State because we knew someone, we went because we thought they could help us. Our neighborhood has significance covenants that restrict our use of water; have private wells; most do not have pools; lawn not green; unfair assessment of wanting cheap way to pay for water; would pay for hydrants. Small group of homes and thought we had solution; stuck in political conversation and not about people; intend to pay way; was homeowner in Hampton and helped pay for infrastructure; neighborhood extends into North Hampton.

Jim Rose: audio installer and designer for Bernie's Beach Bar has the read report by Mr. Bell and I have been involved in audio as long as he has; he mentioned a perceived 95db which is nothing that Al has ever asked for; Al is trying to keep property at 75. Daytime noise @ 55db

and nighttime @ 45db, took reading of meeting and the average was @ 69db. At 6:22 ran meter at beach for 5 minutes and the average was 72.2db, minimum 50db, and max was 89db. Sat out front here for 11 minutes, the average was 62.6db, 47 low and 78 high, this is to give you an idea what the average noise really is; unrealistic number to get 45db. Al is taking positive steps to correct; nothing in my report is false and I took minor offense to that; the information you got from me is correct; just while we talk tonight we are over those levels.

Cullen Harrington, 6 Haverhill Avenue: come and sit on my porch any night during the week, it is too loud, 4-5 hours a night; taxes too high to listen to this every night; just want it to tone down.

Philip Bradley, 5 Bradford Avenue: block away from Bernie's Beach Bar; since it opened it is obnoxiously loud; cannot sit outside on porch or back yard; close windows and turn on air will still hear the noise from Bernie's. Invite anyone to come and hear it for themselves; not in favor of granting a permanent license; had police officer live in our house, but because of license could not complain; would like you to not authorize license; not authorize that type of music or the loudness of music.

Chet Riley, 641 Exeter Road: issue of extending utilities came up in Town years ago; have no Town water or sewer; when the State widened 95 and moved toll gates, they gave the Town the option to put conduits underneath construction so would be available for future use by Town in extending utilities; at the Town meeting it voted down the money. Would like to know about continuing discussions on the water agreement with Stratham; wants to attend meetings?

Vice-Chair Barnes: I am the water guy; send me an email and will keep you informed.

John Cardarelli, 3 Bradford Avenue: I totally agree with Tricia's letter and its recommendations; one night window was shaking, it was coming from Bernie's; have grandchildren and they cannot sleep; Bernie's is great establishment, but too loud. I believe Al really wants to resolve this; do not think the license should be unrestricted, put conditions on it; think we can resolve.

Susan Bradley, 5 Bradford Avenue: worried about property evaluation; decrease in value; renters wanted to know what is going on; noise pollution; neighbors are concerned; had great time at Bernie's, but too loud.

Dorothy Todd, Ocean Boulevard/Haverhill Avenue: had company on one occasion and person wanted to know how we could stand it; something has to be done about the noise level.

Janet Todd, Ocean Boulevard/Haverhill Avenue: agree with neighbors and residents at Boar's Head; wanted to let you know I am backing all of them.

Jillian Colby: was at last meeting; represent Lawrence & Valerie Santilli who own 2 units at 10 Haverhill Avenue; reiterate all the points made in letter of March 20, 2017 and everything said by everyone tonight. Point to police report included in letter and clarify that it was pointed out that Bernie's was not sited; although true, but number of calls to the police department is clear evidence of a problem; three month period over 10 calls related to noise; 6 complaints in one night; put restrictions on Bernie's.

Al Fleury: we heard the concerns; find compromise; Chief Sawyer hosted a meeting; came up with solutions he thought would help; brought in decibel experts as the law is based upon that;

obviously there is a problem, which is my problem as the neighbors have problem. I do not want to be put in position that my license is not what everyone else's is, have not done anything wrong. My suggestions were maybe extend wall, put a sound thing up, can do testing with everyone there; would sit with neighbors; think we can get through it; wants to have great summer.

III. Announcements and Community Calendar (49:50)

Selectman Bridle: had Easter Egg Hunt at the Beach and the Village Preschool had Easter breakfast, both big successes. Recreation Department looking for volunteers to assist installing a new playground at Five Corners, please call Dyana at 926-3932 or email parks-rec@hamptonnh.gov.

Selectman Bean: wants to speak to water issue; sympathetic to plight and tragedies, but unanimous opinion from senior executives in Hampton and this Board; assault on tax base that Mr. Tinker will address with the DRA in terms of assessing the power plant. The census is if we assess at full value, the other Towns will incur great increases. In terms of water, it is a fact that we almost could not meet water demand last year; sympathetic to all people in all plights, I stand by my statements last week that Wiggin Way is an affluent community in terms of housing; they are double and triple many of Hampton's properties. I was elected to represent the people of Hampton; it is unusual to hear people from other Towns talk; I stand by those remarks; myriad legislative efforts at both at the State level and Washington DC interest that we will not be able to control water interest; this is an issue at the State level. If we cannot make the water demand, it affects our ability to handle our wastewater treatment; millions of gallons of effluent being discharge in the summer and we were at a crisis condition last year, where we could not meet that demand. Water, assessments and equity in our tax revenue is in play.

Selectman Griffin: read article about history of Hampton Water Works; Hampton Village District put in the initial infrastructure; Hampton really started to grow due to having the water company, whereas, other Towns did not; WICA charges.

Vice-Chair Barnes: last week Hampton Union had a nice article about Officer Turcotte, forced to retire, served with Hampton Police Department for 13 years; injured in the line of duty in 2015; due to spinal injuries he can no longer return as police officer and is very upset about that.

IV. Consent Agenda (59:50)

1. 2017 Veteran's, Veteran's Spouse and Veteran's Total Disability Credit and Elderly, Blind, Disabled Exemptions: Alie, Gary, New Veteran Credit, 95/2/1; Arvidson, Russell, Veteran Credit Requalification, 172/6/116; Bednar, Richard P, New Veteran Credit, 40/7; Casey, Linda, New Veteran Credit, 155/15/2; Drake, Barbara, New Veteran Spouse, 172/6/63; Conway, Thomas & Constance, New Elderly Exemption and Veteran Requalification, 166/44; Hagen, David, Disabled Exemption Requalification, 179/19; Grant, Ernest & Donna, New Elderly Exemption, 230/19; Hall, Brian, Disabled Exemption Requalification, 127/12; Newcomb, Joyce, New Elderly Exemption, 221/1/1; Rice, Margaret, Elderly Exemption Requalification; Stemska, Rita, Elderly Exemption Requalification, 289/40/1; Royal, George, Veteran and Total Veteran

Requalification, 178/74; Tillbury, Marilyn, New Veteran Spouse, 22/2; Songer, Brenda, New Veteran Spouse, 295/15/14

2. State of New Hampshire Surplus Distribution Agreement for Federal Property
3. Bench Request in memory of Joshua T. Sharpe
4. Raffle Permit: Acorn School 04/10/17Community Oven
5. Rockingham County Fiscal Year Support Letter

Selectman Bean MOTIONED to APPROVE the Consent Agenda SECONDED by Selectman Bridle.

VOTE: 4-0-0

V. Approval of Minutes (1:00:24)

1. April 3, 2017

Selectman Bridle MOTIONED to APPROVE the Minutes of April 3, 2017 SECONDED by Selectman Bean.

VOTE: 3-0-1(Barnes)

VI. Appointments (1:00:39)

1. Ed Tinker, Chief Assessor

- a. 2016 Abatements: #4 Scalisi Family Revocable Trust of 2016 385 Exeter Rd Map 51-2-A; #6 Goodman, Richard H. 1997 Trust 182 Exeter Rd Map 88-27; #12 Coombs, Lydia Revocable Trust 64 Anns Ln Map 127-18; #13 Davis, Arlene F. 62 Ancient Hwy Map 134-24-1; #14 Goethel, David T. & Ellen D. 23 Ridgeview Ter Map 146-35; #16 MPR Revocable Trust 19 Glen Rd Map 150-33; #17 Duffin Family Revocable Trust 13 Glen Rd Map 150-45; #20 Dovas, George & Evelyn 190 Kings Hwy Unit #A2 Map 168-2-A2; #21 Radwan, Robert A. & Ann L. Meadow Pond Rd Map 168-64; #24 McNerney, Michael T. & Lisa B. 1 Sanborn Rd Map 193-44; #26 Potvin, Gary & Jane 360 Winnacunnet Rd Map 207-33; #36 Carney, James & Judith 128 Ashworth Ave, Unit #201 Map 290-150-201; #38 Lyons, Suzanne & Christopher 21R Perkins Ave Map 292-12; #45 Finnell, Christopher & Marybeth Living Trust 12 Ashbrook Dr Map 13-7; #48 Lauder, Keith F. Revocable Trust 1044 Ocean Blvd, Unit 3A Map 116-8-3A; #52 Shea, Lisa M. & Brian J. 192 North Shore Rd Map 134-12; #66 38 Depot Square, LLP 38 Depot Sq. #3 Map 143-21-3

Selectman Bean MOTIONED to APPROVE the recommendations of the Chief Assessor for the 2016 Abatements for \$5,007.31 SECONDED by Selectman Bridle.

VOTE: 4-0-0

Chief Assessor Tinker: there has been an attempt to pass the valuation process of all utilities to the State to control the values or at least set them and present to the Towns; we would be using those values; they would typically be much less than fair market value. They use a unit method; value utilities throughout entire State, then allocate percentages to each Town; the bill is still out there, not been repealed.

Selectman Bean: if DRA takes over and does that; decrease values here; our assessment no longer is integrity based; control at State level; Hampton must protect its own interest. Town

Manager, Assistant Town Manager, Fire Chief, Chief of Police, Public Works Director, Remy Cushing and I will meet with Speaker of House/Minority Leader to establish a better visibility and better situational awareness for people in Concord so they can be responsive and in tune with the needs and the fiscal realities of Hampton.

2. Chief Sawyer, and Deputy Chief Hobbs, Police Department (1:03:58)

a. Departmental Update

Chief Sawyer: current staffing levels are 34 sworn and 9 civilian; Officer Cronin retired after 30 years of service; Officer Turcotte has retired due to injuries; two officers were hired full time; Daniel Nersesian retired. Part time staffing are 30 sworn; swear in 9 part time officers in June; recruitment 11 officer candidates. One overdose death in first quarter; special Olympics was held; 20 mile run; no issues. Busy preparing for upcoming summer season; liquor investigator will work during summer season; training with other departments; officers completed tactical training, firearms training will begin shortly. Police activities: calls for service +4%; motor vehicle stops +21%; arrests -14%; DWI +19%; drug offences -19%; incidences reported +28%; offences +17%; felonies -50%; parking tickets +67%; accidents -25%.

Selectman Griffin: there was a time when entertainment licenses were granted and there could be no outside entertainment after 11PM; what does everyone else have? Chief Sawyer: outside entertainment has a curfew of 11:59PM; some facilities have a combination of in and out; all outside entertainment will need to be into building by midnight; the Board does have authority to place restrictions.

Selectman Griffin: you do not have any other complaints, like the Ashworth? Chief Sawyer: they curtail their entertainment most nights by 10:00PM.

Selectman Griffin: do you find it is hard to adhere to the ordinance? Chief Sawyer: I have significant concerns about the enforceability of the ordinance; decibel levels; my voice carries and I will be in the 60-65 level; let us not focus so much on the decibel levels, let us focus on common sense impact; perception is reality; I believe the ordinance does need to be worked on.

Vice-Chair Barnes: what is your ideal part-time police force numbers? Chief Sawyer: we are permitted to have up to 70 part-time officers, but have not seen that in years; recruitment is a huge issue nationally; most people are recruiting for full time; always trying to replenish, which is why we test twice a year.

Vice-Chair Barnes: are we going to order speed bumps on Fellows Avenue? Chief Sawyer: we tried the one on Moore Avenue; proposed warrant article but it did not make it to the voters; will try to research funding.

Selectman Bean: congratulate Mr. Welch in the Chief Executive role you have performed in this Town; the police department's distinguished graduates of the National Academy/Federal Bureau of Investigation in Quantico, Chief Sawyer and Deputy Chief Hobbs, also ex-Chief Sullivan; this Town will be one of the largest Towns in New England during the summer. Your department heads are tasked to give opinions and recommendations to the Board, it comes from nationally and internationally recognized institutions; good luck to your men and women this summer.

Selectman Griffin: thank you for your report.

Chief Sawyer: impaired driving is still an issue; will be doing compliance checks; monitor establishments for over-serving.

Selectman Griffin: is there a time when you make more DWI arrests. Chief Sawyer: 8PM-2AM is when the vast majority of impaired drivers are caught, but it can happen any hour of the day. I have the memo drafted to you in regards to the entertainment license of Bernie's Beach Bar, dated April 10, 2017: reviewed the entertainment license at Bernie's and listened to the concerns and complaints from citizens; the primary complaints voiced were the volume and hours of entertainment. Some citizens felt the fact off minimal complaints lodged was misinterpreted; several offered when informed by responding officers that there was not an enforceable violation in the ordinance and nothing could be done, they decided not to continue calling the department with further complaints. I would like to express my gratitude for the mature decision made by these citizens; lack of calls to the department should not be indicative of the significance of the issues being expressed. Mr. Fleur was present for the community discussion and offered to work with neighbors to fix the problem; sound engineering to help mitigate volume issue; Mr. Fleury expressed deep concern over the hours of entertainment stating that any restrictions that fell short of the outside entertainment of 11:59PM would negatively impact the business. In 2016, the entertainment license to Bernie's was 11PM, which had been imposed prior to Mr. Fleury taking ownership of La Bec Rouge. On July 25, 2016, Mr. Fleur appeared before the Board to request amending the existing permit for entertainment to remove all license restrictions; he made a short presentation regarding the sound system and made assurances that he would take care of any issues if they occurred; the Board voted to amend the license and remove all restrictions. Shortly after the new sound system became operational, the department began receiving complaints from Haverhill Avenue, Bradford Avenue and Boars Head. Based upon my review of all the facts and circumstances presented involving this application; I recommend the issue of an entertainment license to Bernie's, but offer several suggestions to ensure the mitigation of the issues brought forward. The Board encourages Mr. Fleury to follow through on his commitment to work with his abutters to mitigate and calm the noise impacted Bernie's and the surrounding area. The Board issues the entertainment license at the April 17, 2017 meeting, which is prior to the opening of Bernie's, April 21, 2017. The Board schedules a hearing within 30 days of the issuance of an entertainment license to ensure that reasonable efforts have been made to mitigate the issues raised and to permit the abutters to voice their complaints and concerns if the situation has not been resolved. If the issues have not been sufficiently addressed at the time of this hearing, it is within the Board's authority to issue additional restrictions or conditions on Bernie's entertainment license.

Selectman Griffin: as of now, at Bernie's they only go until 11:59PM. Chief Sawyer: yes, for the outside entertainment.

Selectman Griffin: all the other places, such as the Boardwalk, is it the same type of thing, where the people were not allowed to complain as it would not have done any good; they would have to go to court; is that the way it is for all the licenses. Chief Sawyer: every entertainment license comes before this Board with that comes a sheet where the Fire Department, Police Department, DPW, Building Inspector approve and with any recommendations. To my knowledge, the only entertainment license issued for a facility that is exclusively outside entertainment is Bernie's; most is mixed; inside entertainment has until 1AM; anything outside is 11:59PM.

Selectman Bean: Chief that meeting in Concord is Wednesday.

3. Charlie Preston (1:29:24)

a. Operations of the Town owned parking lots in the Hampton Beach Village District

Mr. Preston: Ashworth Avenue parking lot; request is a common sense no brainer; request is for the exit of the parking lot opposite the Hampton Fire Station; shortest distance between two points. When you leave the parking lot now; have to go up G Street; if you open gate will go half distance; cost is minimal. The concern was people sneaking in the back, do not think that will be issue policing it as the police station is 100' away. The parking lot generates \$350,000-\$375,000; use credit cards; place ATMs at dead zones/corners of parking lot, stripe off zones for bikes/scooters, costs minimal. If you like, traffic jams do not do anything, if you want to help alleviate traffic let us do this. If you get State Park plates for \$85 when you register your car, can park weekdays.

Selectman Bridle: always bring good points in; I disagree with him on the entrance to Brown Avenue; cannot do sidewalks due to marsh; street too narrow; have Police and Fire Station and start choking more cars down Brown Avenue, which takes ability for the apparatus to get off the beach; makes more of a problem; create delayed response.

Selectman Griffin: thank you Charlie for all you have done; we need to hear from Dyana and Assistant Town Manager and hear what they have to say.

Selectman Bean: great common sense; lines of communication; love for Board to have a consensus from the professionals.

Mr. Preston: I respectfully disagree with you Rusty; this is an incremental release of cars, this is a car now and then, not a mass evacuation, if the Fire Department has a problem it is on the front.

Vice-Chair Barnes: like to get the reports from Parks & Rec, DPW, Fire and Police; I agree as I am there every day, weather permitting; maybe a certain time of day, someone can monitor; be a good way to flush excess traffic out of the beach; do research.

Mr. Preston: I think the bottom line is your revenues are going to increase, which is important to the taxpayers of the Town of Hampton.

VII. Town Manager's Report (1:41:35)

1. Property owners who desire to obtain an exemption under the statutes for elderly, veterans, blind or current use must come to the Assessor's Office and obtain the necessary forms to apply. Completed applications must be submitted by April 15, 2017.
2. The Hampton Beach Precinct Exemption must be applied for by April 15th, forms are available in the Assessor's Office.
3. Please make any repairs or complete any work that you wish to make on the beach frontage before April 15th. The State will be posting the beach on that date for the incoming piping plovers. Work that needs to be done after that date will require approval and/or supervision of the State.
4. The Tax Collector's office will be closed on Wednesday April 19th for their annual training conference.

VIII. Old Business (1:43:49)

1. Renewal of Bernie's Beach Bar Entertainment License for 2017 Season

Town Manager Welch: time for the Board decision; held hearing; received correspondence, which you have read; Board needs to take position on what they would like to do; take action that you feel is appropriate.

Selectman Griffin: what are the restrictions recommended; my position is by law they are allowed to go to 11:59PM; need to be restrictions in the license; are the restrictions only until June and then after June there are no restrictions, because if that is the case I am against it.

Town Manager Welch: no, the code specifically says outside entertainment activity shall only be allowed between the hours of 12 noon until 11:59PM or earlier if specified by the Board of Selectman; so you can make it anytime you want.

Selectman Griffin: wants to make sure the people are not left in the same situation as last year, not being able to complain.

Town Manager Welch: the summer season starts up July 4; last year you issued a full license to this facility; enforcing decibel levels is problematic; issue temporary license; if issue full license would have to go through complex situation of removing the license; license was filed after March 1; will be completely new license; put restrictions that would be practical. The consensus has been if you issue a license should be temporary and bring back before Board; is noise level going down, is there less confusion, good progress towards resolving issues; bring back in 30 days and no progress has been made then have option of revoking the license and not issuing any further license for the year.

Selectman Griffin: want to make sure the people's complaints are listened too all through the summer; some clients that live on Bradford love the music; people are from all sides; some live the nightlife, many do not. It is up to the businesses to make the taxpayers have the ability to have quiet peacefulness in their life; I am not in favor of a license granted that people are not able to complain and be assured that their complaints are heard.

Town Manager Welch: then you need to issue a temporary license over a set period of time and have people come back in to say whether or not the issues have been resolved. If you issue permanent license it is there until March 31 next year unless you have a reported violation and a citation is issued to go to court

Selectman Griffin: I am prepared to make a motion that this be approved as long as the people get to complain, not until just June.

Town Manager Welch: my point is if you issue a temporary license, you can always extend a temporary license, because work is going on, Mr. Fleury willing to commit to solve the problem, but I do not believe the problem will be solved within 30 days, as it is a large issue and affects many people; complex issue it entails.

Selectman Griffin: that is why it needs to go beyond 30 days.

Town Manager Welch: recommendation would be you issue a temporary 30-day license with a report to come back indicating what progress has been made and people to let you know what progress has been made; if they stop complaining then they must of made progress. You have

the ability to issue an additional 30-day license or any time after that up to the full license; license is a privilege, not a right.

Selectman Bridle: we have had a few complaints; we have a number of situations; Residential B against Business Seasonal; we have a business that has proven repeatedly when there have been complaints he has worked to try to make things work. He said tonight, he is willing to work with them and given them their cell phone number; we have the recommendation from the Police Chief. When issued in writing the license will obey all the provisions of the entertainment ordinance and the Board will seek to review the license and his progress towards resolution of complaints received and the Board will review that progress at its first meeting in June. The Police Chief talks about having a hearing, which we could do before the 12th; Mr. Fleury has done a good job of working with the people with the places he has down there; this gives time to work a solution and work with neighbors.

Selectman Bridle MOTIONED to MOVE to grant Bernie's Beach Bar a temporary Entertainment License effective until our June 12, 2017 Selectmen's Meeting SECONDED by Selectman Barnes.

VOTE: 2-0-2(Griffin, Bean)

Vice-Chair Barnes: we need to work together; getting into legal battles is not going to work; Bernie's is a great place; do not like hearing children being awake; everyone deserves a chance to be successful.

Selectman Bridle: Regina has made a commitment to go down. and I will make a commitment to go down; we can get a solution.

Selectman Griffin: I went into Al's place this weekend, it is a beautiful place, was treated very well.

IX. New Business (1:58:50)

X. Closing Comments

XI. Adjournment (1:58:58)

Selectman Bean MOTIONED to adjourn at 8:54PM SECONDED by Selectman Bridle.

VOTE: 4-0-0

Vice-Chairman