

Town of Hampton



TOWN OF HAMPTON
BOARD OF SELECTMEN
August 23, 2010 Minutes

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

6:00 PM Non-meeting with Legal Counsel - RSA 91-A:2., I., (b)

7:00 PM

SALUTE TO THE FLAG

Chairman Nichols explained that there was a request to move the Presentation of the Channel 22 Scholarship to Brian Lafond in the amount of \$1,500 up on the agenda and this will be done before the Public Hearing. Mrs. Nickerson shared that Mr. Nickerson had requested that she present this scholarship tonight since he was not able to be here. Mrs. Nickerson expressed how important this was to John and how much he loved and respected the work that Brian has done. She presented the scholarship to Brian on behalf of the Cable Committee and John Nickerson. A member of the Cable Committee requested the permission of the Board to rename the scholarship fund John Nickerson Channel 22 Memorial Scholarship.

Mr. Griffin MOTIONED to rename the scholarship John Nickerson Channel 22 Memorial Scholarship. Mr. Bateman SECONDED.

VOTE: 5-0-0

I. Public Hearing – CDBG Funding for SleepNet Corp. of Hampton, NH

Chairman Nichols explained this is a proposed economic development application to the Community Development Finance Authority for up to \$400,000 in Community Development Block Grant (CDBG) funds. Of the funds, \$20,000 will be retained by the Town for CDBG administration costs and \$380,000 will be sub granted to Coastal Economic Development Corporation (CEDC). CEDC will retain \$5,000 for delivery and service fees and loan \$375,000 to SleepNet Corp. of Hampton, NH (SleepNet). SleepNet will use the loan proceeds for working capital to accommodate expected business growth. As a result of this project, SleepNet will create an additional 20 jobs, of which at least 60% will be available to

persons of low and moderate income. In addition, part of this public hearing is to review the adoption of the Town's housing and community development plan as well as review adoption of the Town's residential anti-displacement and relocation assistance plan.

Donna Lane from CDBG introduced the individuals from both CDBG and SleepNet who are here with her tonight. She also announced that informational packets are available. She explained that things have to be done in a certain fashion including the need for 3 public hearings. She also read some additional information to go along with what Chairman Nichols stated before.

Community Development Block Grant funds are available to municipalities for economic development, public facility and housing rehabilitation projects and feasibility studies that primarily benefit low and moderate income persons. Hampton is eligible for up to \$500,000 a year for public facility/housing rehabilitation, up to \$500,000 a year for economic development projects, as well as up to \$500,000 a year in emergency funds. Feasibility Study funds are available for up to \$12,000 per year.

This project conforms with Hampton's Housing and Community Development Plan's Goal to encourage economic development activities to increase quality industrial and commercial development. Encourage the expansion and retention of employment opportunities for residents. (Short-term and Long-term goal).

Mr. Moulton from SleepNet explained in greater detail what the company does including the making of mask for people with sleep apnea. They expect a lot of growth with this business and want to keep jobs here in the United States.

Discussion

Mr. Znoj asked what the exact mission is of the company. Their mission is to hire people. They expect growth and need money to finance that growth. They will be creating jobs for people to make this equipment, which will be shipped, around the country. Mr. Znoj asked how housing comes into this plan. Ms. Lane explained that CDBG funds can only be asked for by a municipality and in order to receive the CDBG funds they must have a Housing and Development plan. The Town has this plan since it was adopted a few years ago so that Foss could receive CDBG funds.

Mr. Griffin explained that this is going to be something we see more and more of after the last Planning Board meeting. He explained some more details about the guidelines put in place by the Federal Government in regards to affordable housing and that Hampton currently falls into the category of affordable housing. Mr. Griffin shared some information on the product with the Board.

They currently have between 25 and 30 employees.

Public Comments – None

Chairman Nichols closed the first public hearing and opened the public hearing related to the review and adoption of the Town's Housing and Community Development plan.

It was reiterated that this is a Housing and Community Development plan that was adopted previously by the Town. The goals were all read and it was pointed out that all the goals state the Town should encourage but does not state we must provide. The goals are things that every community should be after but not obligating them to anything. As a matter of

policy, Hampton will minimize the involuntary displacement of household from their neighborhoods. These goals are consistent with Hampton Master Plan and Ordinances. Any federal CDBG grant funds awarded to address any of these goals shall be expended consistent with national objectives and shall, at a minimum, provide improved housing in accordance with Section 8 standards, be used for public facility projects, employment opportunities, or feasibility studies. All CDBG funded projects, shall primarily benefit low and moderate-income persons or households, and shall not benefit moderate-income persons to the exclusion of low-income persons.

Discussion

Mr. Griffin just would like to say again that they are working on things similar to this on the Planning Board and these are issues that we are not being forced to do and is something that has been worked on for a while probably since 2008.

Public Comment – None

Chairman Nichols closed the second public hearing and opened the third public hearing on the Antidisplacement and Relocation Assistance Plan.

This plan must be adopted every time before you ask for CDBG funds therefore the Town has already done this in the past. This is not relevant to the project being discussed today. Although this project does not involve any displacement or relocation of persons (or businesses), if the Town were to undertake a CDBG project which involved displacement or relocation they would follow this plan. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated.

Discussion

Mr. Bateman commented that anytime we are bringing jobs under the umbrella of the Town of Hampton it works for everybody.

Mr. Znoj asked what the probability is to get a grant like this. It is likely that they will be able to receive the grant.

Public Comment – None

Chairman Nichols closed the public hearings and the Board made the following motions.

Chairman Nichols MOTIONED to approve the submittal of the application and vote to authorize the Town Manger to sign and submit the application, and upon the approval of the CDBG application, authorize the Town Manger to execute any documents, which may be necessary to effectuate the CDBG contract. Mr. Griffin SECONDED.

VOTE: 5-0-0

Chairman Nichols MOTIONED to adopt Housing and Community Development Plan for Hampton, NH. Mr. Griffin SECONDED.

VOTE: 5-0-0

Chairman Nichols MOTIONED to adopt Residential Anti-displacement and Relocation Assistance Plan for Hampton, NH. Mr. Griffin SECONDED.

VOTE: 5-0-0

II. Public Comment Period

John Nyhan of the Hampton Beach Area Commission along with Nancy Stiles would like to give the Board an update on the project they have been working on to look for Federal funds to support the finishing of the Infrastructure Project down on the beach and the famous 7 streets. Mrs. Stiles explained that she spoke with Senator Gregg's office last week and the project was put forward for funding. The process is very lengthy as we all know and Mrs. Stiles was told that she would be continued to be updated as long as it is still on the floor. We were cautioned that it is an election year so we are not sure that anything will be able to be put forward.

Mrs. Stiles did also notice that the Fire Station was an agenda item and if the Board needs anything put forward to legislation on this please let her know, she would be happy to put it forward through the House.

Mr. Griffin explained that there have been concerns expressed to him about the Sea Shell stage and whether or not it will be able to be used next year. Mr. Nyhan explained that between him and Mr. Warburton they have been attending their weekly meetings. They do have some concerns and have asked the individuals involved to attend the next meeting of the Hampton Beach Area Commission on September 23rd. They have asked Harvey Construction to have a project plan in place for this meeting so the business community can plan accordingly. There was an additional discussion on the reason for the delay and one reason for the delay on the bathrooms was ledge. Everyone was reminded that this contract was negotiated between the State and Harvey Construction and the completion date is sometime in October which we were not made aware of until recently. Mrs. Stiles wants everyone to know that she is still on the radar on this and is meeting with people at the State level including the State Department of Public Works.

Arthur Moody would like to comment on the long list of items on the Consent Agenda. He thinks the Consent Agenda is a terrible thing and should not include so many items that are not discussed. In regards to the use of the Ashworth Ave parking lot on September 18th, he wonders if the whole lot will be used and the Town could possibly lose revenue if it is a nice day. Chairman Nichols does not believe from talking with Mrs. Martin that the lot will be closed to daily sales and this should not affect the revenue for the day. There is an insurance rider provided by these groups using Town property. He would also like to know where the "Fire Lane" designation is going to be located in the High Street Lot. Chairman Nichols referred to Chief Silver for an answer to this question. Chief Silver explained that presently there is a "Fire Lane" on the west side of the High Street lot along the side of the building. It is currently 60 feet in length and there was a request made to shorten the length and allow for a 10-minute parking space. Chief Silver provided the exact measurements of the "no parking", parking space and "fire Lane." Mr. Moody would like to get on to the layout of Hardardt's Way and some stop sign ordinances. He does not think that these stop signs need to be littering up the ordinance and also asked for some clarifications as to the exact locations. He also questioned whether the access road to Public Works has been named Hardardt's Way. Mr. Welch commented that in order to have a name it has to be public road otherwise it is just an access driveway. He also thinks that the action the Board took two weeks ago was a subdivision of land and he does not think the Board had the authority to do so.

III. Announcements and Community Calendar

Mr. Griffin would like to extend the Board condolences to the family of Diane Lamontagne. Mr. Griffin shared some of the history of her family and the impact they have had on the Town.

Mr. Bateman agreed that Diane Lamontagne was a wonderful person. He would like to echo two things. First to the general public to show their support on Friday August 27th at North Beach where they are having the Hit the Beach for the Wounded Warrior Project. Second, if you can schedule it out Saturday September 11th at 6 pm the American Legion Post is going to be having a service and rededication for the Memorial. Mr. Bateman gave additional information about the Memorial.

Mr. Griffin also wanted to mention that the Hampton Historical Society still have tickets available for the September 4th Pig Roast from 12 to 3.

Mr. Lally mentioned, as we all know it was a sad week with the passing of John Nickerson. Without going into great details, he would like to mention he retired from the Hampton Police Department along with the Sheriff's Department but he also did a tremendous amount of work in the more recent past for Channel 22. He had a real love for the Town. He offered the Board's condolences and asked for a moment of silence for John.

Atty. Gearreald spoke regarding John in his lifetime he wore a number of uniforms but the uniform he was buried in was the Hampton Police Department uniform and we should be very proud of that. The lifeblood of a community is often times what goes on behind the scenes and John was always the man behind the camera. Not only at these meetings but many others for countless hours big shoes to fill and because he personified public service he is someone who sets an example for all of us.

Chairman Nichols would add the extraordinary progress that Channel 22 has made over the past few years and how John made that happen. He was very dedicated.

IV. Presentation of the Channel 22 Scholarship in the amount of \$1500.00 to Brian Lafond – moved to beginning of meeting.

V. Appointments

1. Josephine Rossello – Request for Accessible Parking Space “J Street”

Mrs. Rosello explained that she sent a letter to the Board requesting a handicap parking space across the street from her house at 26 J Street to help accommodate her husband when transporting him.

Discussion

Mr. Bateman asked if they have a driveway at their residence. Mrs. Rosello stated that they do have a parking lot that they share that comes out onto Ashworth Ave. She explained that how when she needs to take her husband to an appointment she has to set him out front of their residence while she goes to get the car and come around the block to pick him up.

Mr. Griffin clarified that there is a handicap space on J Street at Ocean Blvd. There was a discussion amongst the Board that they do have a policy and that there is a handicap space at the Ocean Blvd end of each street.

Mr. Lally commented that these are always hard decisions. Mrs. Rosello commented that she has a placard and plans to park her car in the space and leave it there.

Mr. Bateman MOTIONED to discuss this request for Accessible Parking Space "J Street" at a later time. Mr. Lally SECONDED.

VOTE: 5-0-0

2. Matthew Broad, Eagle Scout Project for Tuck Field

Matthew provided the Board with a copy of his proposed project. Matthew introduced himself to the Board and informed them that he is a member of Troop 176. He is proposing to make a picnic area for families to enjoy when they are at Tuck Field. He gave a quick overview of what he hopes to do including three picnic tables. The approximate cost is \$2,500, which he will raise through fund raising efforts. He hopes to complete the project by the spring of 2011.

Discussion

Mr. Lally thinks it is a great idea having coached many teams and never having a place to sit down between double headers. He is in full support of the project.

Atty. Gearreald suggests that this would need to be an agenda item to accept as a gift.

Mr. Znoj questioned if the tables are secure. It was explained that for stability the tables are being attached to the side of the building.

Mr. Bateman complimented him on his speaking etiquette. He pointed out the extreme amount of work that goes into getting to this point in scouting and how it will really take young people far in life. Anyone who would like to help with his fundraising efforts can contact Matthew at matt.broad101@gmail.com.

Mr. Bateman MOTIONED to approve Matthew Broad's Eagle Scout Project for Tuck Field. Mr. Lally SECONDED.

VOTE: 5-0-0

3. Fire Station Petition – Art Gopalon

Mr. Gopalon explained that he is going to use a flip chart tonight so that everyone has a visual. He provided the Board with a copy of his presentation. This is a petition that he has started but it is not a petition in regards to a warrant article. He will be asking the Board to reconsider the Fire Station proposal at the end of his presentation. The current proposal is for 2 Fire Stations totaling \$8M, which he thinks is high. The scope of the plan is ambitious for the Town. The Town Fire Station upgrade is 60% of the total cost. The basic needs are bring equipment inside, move Chief's Offices and Communication Center uptown. The uptown station is currently 6,000 sq. ft. and the proposed station is 21,200 sq. ft. 3 1/2 times bigger. He thinks that this should be considered completely new as opposed to an upgrade. The current Town Station has a lot going for it. It is functional, a sound structure and just built in 1978. The proposed upgrade demolished the major portion of current building, current building is within its current life cycle and environmental & resources waste. He feels that we are wasting a good building. This is why he thinks we should reconsider the Town Station. He thinks we should revisit construction costs currently at the Town \$181/sq. ft. and at the Beach \$225/sq. ft. The national average data for Fire Station construction is

6,000 sq. ft. and the cost is \$128 - \$140 sq. ft. (2008 data). In regards to being within earthquake code, he took an average for California and the cost was \$154/sq. ft. When you look to local cost of the Rye Safety Bldg. is 22,900 sq. ft. at \$2.931M, which he calculates to a cost of \$128/sq. ft. Stratham building is 23,800 sq. ft. at a cost of \$3.3M for a cost of \$139/sq. ft. Comparing these numbers the construction cost for Hampton are high. To find out the value for the cost he asks if there are any incidental improvements in response times as a result of the large expensive replacement Town Fire Station.

In summary his request to the Board is to scale down Town proposal consistent with basic needs, add not demolish, exercise due diligence, tamp down construction costs at Beach & Town, reduce new furniture cost of \$70,000, assure strict functionality and protect Beach Fire Station.

Discussion

Mr. Griffin would just like to mention that he brought up the Stratham Fire Station to the Board and it was his understanding that a lot of the work was donated by local business people including engineering cost. Mr. Griffin is all for doing things more locally like it was done there and he would like to see a lower cost. However, we are doing things differently in Hampton and when this was brought up earlier there was no interest shown from local businesses. Mr. Gopalon provided some more background information on the Stratham Station and the steps they went through.

Mr. Lally thinks Mr. Gopalon always does his homework and makes a good presentation. Maybe when the Chief comes forward he will make some comments on the presentation for the Board.

Chairman Nichols questioned the petition and the 30 signatures it has. He wonders how many people Mr. Gopalon asked to sign the petition to get the 30 signatures. The reason for asking this question is because of course this project has to pass before it becomes a reality. Mr. Gopalon believes he asked about 35 people to get the 30 signatures. Many people felt that this is going to jeopardize the Beach Station.

Mr. Griffin would only like to point out that the Town has never paid to build a Fire Station in the 375 years we have been here.

4. Chief Silver – Fire Department Update

Chief Silver gave each member of the Board his departmental update. He asked the Chairman earlier today if he could use this time to both respond to some of the issues that have been brought up and also use this as an initial opportunity to offer some presentation material he has put together. If the Board does have a question on his report, he can be reached at the office.

First, he would like to respond to Mr. Gopalon's presentation. He commends him for the work that he put into it especially the three dimensional watercolor drawing of the building. The Chief has 3 dimensional drawings with him tonight that he shared with the Board and public. He would like to discuss the functionality of the Town Fire Station and what their proposals in tales He wants everyone to first know that they are not planning demolition of the entire structure but instead mostly the portion of the building to the far west. He is trying to understand what exactly a building life cycle is because if you purchase something and it no longer adequately meets your need it may still have some value but it has meet the end of

its life cycle for your use. In the case of the Winnacunnet Road Station that is what we are really talking about here. Quite honestly, it was inadequately sized from the beginning. He provided some further information about the original construction and how in 1978 the Chief moved into the building for one year at which time he moved the administrative offices back to the beach since this building could not adequately house them. In regards to Mr. Gopalon's figures, he has a few comments. Not saying that they are inaccurate but when you are looking at sq. ft. cost of any structure it is the cost of the structure divided by the number of square feet that determines the per sq. ft. cost. We have to be cautious when we are talking about cost since we are talking both about construction cost and total project cost. The total project cost includes all the architectural, engineering, all the FFE, all the contingencies, all the construction testing, clerk of the works, etc, etc. The further we get into the design process things tend to go down. He agrees that Stratham is a unique case since both the architect and engineering firm are both members of the Stratham Fire Department. We are faced with architectural fees of ½ million dollars. This is where the difference between total project cost per sq. ft. varies from construction only cost per sq. ft. In regards to data from RSMMeans, he is not exactly sure how they come up with their data using the Portsmouth Fire Station as an example. In regards to the Rye Safety Building, they did not finish construction on the whole building instead completing only 16,000 sq. ft. Therefore, the cost can vary since the project was not complete. He went back and defined the process starting with the passing of Article 24 on the 2009 Warrant. The history of the Fire Stations is as follows: Hampton Beach Fire Department was established in 1907, the first station at the beach was lost to a major fire and rebuilt in 1922, the Town Fire Department was formed several years later and occupied the structure recently used as the Hampton District Court, in 1977 the present Fire Station on Winnacunnet Road was constructed and in 2001 the Town and Beach consolidated resources under a single Fire Department organization. He listed out the problems with both the Town Station and the Beach Station. There was an examination of each area and the space needed, which was used for the design programming which was then used for the design and space layout. He showed some examples of needed space and the arrangement. The final floor plan is developed around the need for immediate access to emergency vehicles. He showed pictures of what an apparatus bay should look like and what the bays look like at the Town Station. He also showed what a gear storage area, decontamination area, fire equipment & maintenance, locker and bathrooms, electrical/mechanical rooms, crew quarters and administrative offices. He shared pictures showing the elevation of each station.

Discussion

Mr. Znoj questioned if the wall will be remaining between the demolishing of the west side of the building and the part of the building that will remain. Chief Silver confirmed that it will remain. The flooring will remain along with the wall to the east. All four of the apparatus bay walls will be reinforced. We cannot leave the west wing alone because we need adequate accessible space from the apparatus area so to have adequate space this must be done. He has looked at this area many times and it is just not possible to renovate this area and be up to code. There were additional questions from Mr. Znoj as to why the west side of the building cannot be used.

Mr. Griffin would like to know where the call center is located and it is in the front of the building on the east side of the building. Mr. Griffin wonders if there is enough space in this

area to in the future have a combined dispatch center. Chief Silver does not know if there is adequate space to house a combined dispatch. He does know that it is set up to have two dispatch workstations. Mr. Griffin realizes that tonight is not the time but he does think that at some point it should be addressed that in the future this call center might be combined. Chairman Nichols agrees that this is something that should be looked at before and that it should be a must that there is enough space to combine dispatch in the future.

Mr. Griffin MOTIONED that the Headquarters be designed with enough space to combine the Police and Fire dispatch if so desired in the future. Chairman Nichols SECONDED.

VOTE: 3 (Yes – Nichols, Griffin, Znoj) – 2 (No – Lally, Bateman) – 0

Mr. Znoj still questions whether or not this \$8M project can pass. He agrees with Mr. Gopalon that we need to tamp down the cost. He agrees that the space needs have been properly identified with maybe the exception of what was just brought up tonight about dispatch. He does not think that we should go to the public just yet with a \$8M project with a high risk of failure until we really know where we are going.

Mr. Lally is sticking with the Chief's plan with the understanding of looking for ways to bring the cost down.

Mr. Griffin is also sticking with the Chief's plan with the exception of looking at the possibility of space allowed for a combined dispatch in the future. He has toured the station and it is definitely accurate how the Chief is portraying it and the pictures tonight are actually better than what he saw.

Chief Silver would like to make one final comment in regards to the cost. The contingencies tend to decrease the further you get into the project. Two ways to change cost is decrease size or build it with lesser design materials not his recommendation but it can be done.

Chairman Nichols thinks that the bottom line of what the Board is saying is that they would like to move forward with the current plan but see a lower cost. He thinks that the lower we can reduce the cost the more probability of it passing.

VI. Minutes of August 09, 2010

Page 6: 4th line down, change word "till" to "still"

Page 7: 3rd line down correct spelling of "tipping"

Mr. Lally MOTIONED to approve the minutes of August 09, 2010 as amended. Mr. Bateman SECONDED.

VOTE: 5-0-0

VII. Town Manager's Report

The final perambulation of Hampton's Town Lines with the Town of North Hampton is complete and has been filed with the respective Town Clerks and the Secretary of State.

The Board has been invited to attend the unveiling and dedication of the six new names to be added to the Global War on Terrorism Memorial Monument on Saturday, September 11, 2010 at 6 PM at American Legion Post 35, 69 High Street, Hampton.

The Board has been requested to designate in writing the voting delegate for the New Hampshire Municipal Association Legislative Policy Conference to be held on September 17, 2010 at 9 AM at the Local Government Center in Concord.

The Board of Town Trustees of Trust Funds has announced that they have hired Debora Curtis of Hampton to be the Trustees new Administrative Coordinator.

The Conservation Commission through the Planning Board is requesting that the Board of Selectmen initiate action for enforcement of the Site Plan and Conservation conditions of approval at 15 Church Street. The construction was completed at this location and it is complained by the Town that the work does not conform to conditions for approval. It is requested that the Selectmen require that the work conform to all aspects of the conditions of approval of both Boards.

The Assessing Department has requested that the Selectmen approve the acquisition of a new on-line service called the "Query Manager on Line" from Cartographics. The cost to the Town is \$2,000 for procurement and installation and \$1800 in annual costs.

Medicare has adjusted rates for our ambulance services starting on January 1, 2010. That adjustment would allow us to re-bill each user for up to \$2 in additional co-pays. We have made the internal decision not to re-bill each user back to January 1, 2010.

A bid for diesel fuel has been awarded to Atlantic Fuel, Inc. as the low of three bidders with a cost of 20 cents over the wholesale price.

A bid has been awarded to M. Bradsher, Inc., as the low bidder of three for crushing excavation spoils and reclaim materials at \$3.40 per cubic yard.

In a bid for the application of asphalt and associated work, there were only two bidders, Brox and Pike Industries. We are requesting that Brox be awarded the bid for asphalt cement in place, emulsified tack coat, milling and handwork as the low bidder. The bid for the pickup of asphalt at the plant to be awarded to Pike Industries, although as the high bidder, due to the distance from the pickup location to Hampton as Pike has pickup at Portsmouth, NH and Brox in Dracut, Massachusetts.

The Salt Storage Shed Bids have been reviewed; the only bidder of the three that meets all of the requirements contained in the bids is "Ricci Construction of Portsmouth", the high bidder at \$149,900. It is requested that the Board consider awarding the bid to Ricci Construction.

Discussion

Mr. Lally would like to see the Salt Shed construction begin so he is in favor of the Manager's request to award the bid to the high bidder. Mr. Znoj wants to make sure that the Salt Shed will be built as discussed by the Board and will be a sound structure. Mr. Lally pointed out that Mr. Welch mentioned that this was the only company to meet all the bid requirements.

Mr. Lally MOTIONED to award the bid for the Salt Shed to Ricci Construction in the amount of \$149,900. Mr. Bateman SECONDED.

VOTE: 5-0-0

The Board agreed that Mr. Welch as permission to initiate the necessary action for the enforcement for the Site Plan and Conservation conditions at 15 Church Street. The Board

also agreed to purchase the “Query Manager on Line” from Cartographics and to not bill the additional \$2 retroactive to January 1st in regards to Medicare and ambulance billings.

Chairman Nichols MOTIONED to approve the bid to Brox for asphalt cement in place, emulsified tack coat, milling and handwork as the low bidder. Mr. Znoj SECONDED.

VOTE: 5-0-0

In regards to the bid for picking up the asphalt there was a discussion amongst the Board as to the cost and it is \$65 a ton to \$61 but transporting to Portsmouth will be much cheaper than transporting to Dracut, MA. This does not need the approval of the Board since the cost will be less than \$5,000.

The Board has already delegated Mr. Welch for the New Hampshire Municipal Association Legislative Policy Conference.

VIII. Old Business

1. July Recycling Report

Chairman Nichols has gone over the report with Theresa. July’s report came in once again at 30%, which he was pleased to see. The YTD recycling was up 47% from 2009. DPW tracks the State trash and recycling that is brought in and he was surprised that the State recycling came in at only 3% of total trash. Chairman Nichols, Mr. Welch and Mr. Price went down and opened several bags of the State trash and not surprisingly found a lot of recyclables. It is hoped that this can be brought to maybe 7 or 8% in time. Education is going to be key to this.

Discussion

Mr. Lally stated that the next Recycling Committee meeting will be on September 13th at 4:30.

Mr. Bateman pointed out that when people come off the beach they have one bag of trash, which they put in the large receptacle, and they do not separate out the recyclables.

Mr. Znoj stated this tells us where we are and has some ideas of what can be done.

Mr. Lally thinks that when we add paper in September the numbers will increase.

2. Fire Station funding from the Trust Fund

Chairman Nichols explained that he asked both Mike Schwotzer and Atty. Gearreald to put something together for the Board both from a legal and financial standpoint. For the benefit of the public, Chairman Nichols highlighted contents from both of the emails the Board received. On the legal end, withdrawing from the Trust Fund would require a vote at Town Meeting along with legislation at the State level. Mr. Schwotzer and Chairman Nichols worked on a spreadsheet and it would be a good thing in the short term but not a good thing in the long term to withdraw the funds. In the short term withdrawing from the Trust Fund and taking it out over a 20-year period there is actually an \$800,000 benefit. At 30 years is when you would see the negative long-term impact. On a borrowing basis, both he and Mr. Schwotzer agree that there is absolutely no benefit. As far as the withdrawal aspect, he thinks we have a legal aspect, short-term financial benefit and then there is the political aspect. From a political aspect, we need to look at whether this helps or hinders getting the

bond passed. His feeling for tonight was to have a discussion and see if both legally and politically they still want to move forward. If so at a future meeting, we should invite the Trustees of the Trust Fund and the legislators in to get their thoughts.

Discussion

Mr. Lally commented that it reminds him of the year we had the two warrant articles one to tear down the old Town Office and one to use it as a Senior Center. This would end up being the same situation one article to withdraw funds from the Trust Fund and one for the \$8M bond. Chairman Nichols pointed out that if you were to combine the articles you would have the hoop to jump through to get it passed at the legislative level. If there are two separate articles people would be voting to withdraw the funds and then be looking at the \$8M bond that is not accurate now if the article to withdraw the funds passes both at Town Meeting and by the legislators. Chairman Nichols stated that it is complicated either way.

Chairman Nichols guesses what it comes down to is do we wish to move forward and do we want to ask the legislators and Trustees to come in or do we want to say it's too complicated and move forward without withdrawing funds from the Trust.

Mr. Lally does not think it is that complicated and we should let the voters vote and tell us.

Mr. Bateman thinks we need to look at what is the goal and bring the article for the 2 Stations forward alone since that has been the goal from the beginning. He thinks it is a good idea financially but does not want to complicate things and have both fail.

Mr. Griffin tends to agree with Mr. Lally and put two articles forward one for the \$8M bond and one for the withdrawing of funds from the Trust.

Chairman Nichols would have to abstain on this since he was not in favor of the \$8M article to begin with.

Mr. Znoj is concerned that this is like withdrawing from your 401, which is your retirement. He does not like the idea of withdrawing from the Trust for this since it is not an emergency type of situation. He would like to see the principal built up in the fund.

Mr. Lally MOTIONED to create a warrant article for the people to take a vote that authorizes the withdrawing of funds from the Trust Fund with respect to the funding of the Fire Station. Mr. Griffin SECONDED.

(As it appeared that it would be a split vote, Mr. Nichols would vote.)

VOTE: 2 (Yes – Lally, Griffin) – 3 (No – Bateman, Nichols, Znoj) – 0

One final issue under Old Business Chairman Nichols commented that the Board had asked Mike Schwotzer the last time he was in what the balance is in the undesignated fund after the audit. Mr. Schwotzer has gotten that information from the auditors and the good news is the balance is roughly \$4.5M.

IX. New Business

1. Donation from Barbara A. Slamin of Marsh Land on Birch Road Rear

Atty. Gearreald received a call from the daughter regarding this proposed donation. There is one issue that he would like to get clarification on before the Board takes action on this. On

the tax assessment card there is no book and page number. He would ask the Board to defer this for a week so that he can find this information out.

Discussion

Mr. Bateman and Mr. Znoj would suggest that the Board vote and make it contingent on whether or not Atty. Gearreald is able to find the information he needs.

Mr. Znoj MOTIONED to accept the land on tax map 181 map 30 Birch Road rear conditioned on Atty. Gearreald finding the book and page or other necessary information. Mr. Bateman SECONDED.

VOTE: 5-0-0

Other New Business

Mr. Znoj commented that they received their budget books and it shows the budget up by .8% and he was under the understanding that the Board gave Mr. Schwotzer direction that they wanted a flat budget and this is almost a 1% increase. He is quite disappointed since it was supposed to be up 0% not .8%. Second, the warrant articles he received there were two that were so skeleton he could not make anything out of them. There was not enough substance to analyze them.

Chairman Nichols will make a few comments since he went over the budget book briefly over the weekend. He gave a breakdown of the increase as given by Mr. Schwotzer the Board will begin budget discussions next week. One concern he has with the budget discussions in regards to Mr. Welch's vacation. He looked at Mike's schedule and the Board of Selectmen's vote on their final proposed budget is on October 18th, which is when he is on vacation. Chairman Nichols would suggest that the Board finalize the budget on October 11th. Mr. Welch will be gone from October 7th to October 19th. There was a discussion amongst the Board that the Budget Committee has the books one week before their first meeting. The Board agreed to have the final budget discussion on October 4th before the Town Manager leaves on vacation.

Chairman Nichols would like to bring up the DPW reorganization proposal they received. He has some issues with the increases this has on the budget. He would suggest that the Board discuss the reorganization on the night they discuss the DPW budget.

Mr. Znoj thinks that the Mounted Patrol warrant article was very skinny and needs more content. Mr. Welch explained that he was trying to get them a dollar amount. Mr. Znoj pointed out some other articles that need some further information.

X. Consent Agenda

1. Return of Highway Layout for Hardardt's Way
2. 2010 Veteran Tax Exemptions:

Aiello, John J.; Ajemian, Baret V.; Alden, Sylvia J.; Alker, James, Jr.; Allard, Andre L.; Amarosa, Robert P.; Anderson, Arlene & Wayne; Anderson, Duncan D. Jr.; Andrews, Thomas P.; Annis, Gary & Joan; Aoki, Anne L.; Aoki, James T.; Appelbe, Joseph A.; Appleton, Glenn D.; Aquizap, Bruce F.; Arguin, Bernard L.; Arsenault, H. Raymond; Atwood, Edward G.; Aykroyd, Douglas S.; Azar, John P.; Bagley, Harvey; Bailey, Timothy; Bajowski, Francis K.; Baker, James M.; Baldoumas, William P.;

Ball, Burton T.; Ball, Peter J.; Bambury, Warren T.; Barbieri, Christine M.; Barnes, Thomas A.; Barton, Jerome P.; Barrett, Mark J.; Bates, Evelyn C.; Bean, James B., III; Beaudry, Francis A.; Belanger, Nelson; Benz, Conrad P.; Bermingham, Paul B.; Berube, Helen; Bessemer, Carol B.; Biagini, Peter M.; Bilodeau, Robert R.; Bisset, John P.; Blain, Dennis D. Jr.; Blatchford, Betty & Earl; Blume, Gerhard C. R.; Bobolas, Harry; Bodi, Dale; Boeddinghaus, Stephen; Bohan, Eugene -Woodward, Ann Rev. Tr.; Bontemp, Richard; Botto, Thomas R.; Botzum, Diane; Boyd, Kenneth A.; Britt, Nolan E.; Buckley, William P.; Foye, Robert B.

3. Dance Hall Permit – 9A Ocean Blvd, Stacey Jane’s
4. Use of Town Property – Ashworth Avenue Parking Lot “Reach the Beach Relay” 09/18/2010
5. Parade & Public Gatherings License “Hampton Rotary” 09/18/2010
6. Parade & Public Gathering License “Tri-State Seacoast Century Weekend” 09/25-26/2010
7. 10 Minute Parking Space and designation of “Fire Lane” in the High Parking Lot
8. Amend Chapter 3 Highways & Traffic, Article 6 Stop and Yield Intersections, Sec. 3:601 Stop Intersections. To establish two “Stop Intersection” at the crossing of Olde Road and Exeter Road. Olde Road shall be designated as the “Stop Street” and stop signs shall be places at both outlets of Olde Road.
9. Amend Chapter 3 Highways & Traffic, Article 6 Stop and Yield Intersections, Sec. 3:601 Stop Intersections. To establish the following “Stop Intersections”; at Hardardt’s Way and Tide Mill Road for traffic exiting Hardardt’s Way; at Tide Mill Road for traffic entering Hardardt’s Way from Tide Mill Road; at all driveways of the Public Works Yard onto Hardardt’s Way.
10. Seafood Festival Sidewalk Vendor Licenses (15)
11. Raffle Permit “Police Unity Tour” Seafood Festival on 09/10, 09/11, 09/12

Mr. Griffin MOTIONED to move all items on the Consent Agenda except item #9. Mr. Bateman SECONDED.

VOTE: 5-0-0

Mr. Bateman would like to take item #9 separately since he was opposed the opening of the gate.

Chairman Nichols MOTIONED to pass item #9 on the Consent Agenda. Mr. Griffin SECONDED.

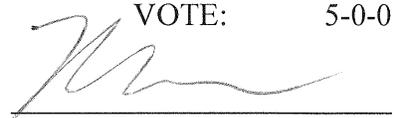
VOTE: 4 (Yes, in favor – Nichols, Griffin, Lally, Znoj) – 1 (No, not in favor– Bateman) - 0

XI. Closing Comments - None

XII. Adjournment

Mr. Znoj MOTIONED to adjourn. Mr. Lally SECONDED.

VOTE: 5-0-0



Chairman