

# Town of Hampton



TOWN OF HAMPTON  
BOARD OF SELECTMEN  
September 20, 2010 Minutes

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

ABSENT: Richard Bateman, Vice Chairman

7:00 PM

## SALUTE TO THE FLAG

I. Recognition of Service “Albert Mason” – Not presented

## II. Public Comment Period

Arthur Moody pointed out that there are two obscenely large political signs on the west side of Rte 1 on the Town right of way grass. These signs should be removed.

Chairman Nichols asked Mr. Welch to clarify what the law is in regards to political signs on State or Town property for State elections. Mr. Welch stated that it is not allowed on Town property but can be on State property for so many days before and after an election. Mr. Welch will look into this and get a copy of the statute for the Board. He asked if it was going to cost the Town for the demolition of the tax deed property on Glade Path and Chairman Nichols stated it would cost something. Mr. Welch added that some of the work could possibly be done in house and that the land would be turned over to the Conservation Commission since it is marshland and there was a Town Meeting vote a few years back on this.

Mr. Moody pointed out some issues that he feels exist with Brooks Lane and the fact that it is not a public way. In regards to the 375<sup>th</sup> Committee, he had planned to put in a petitioned article for this committee as all previous anniversary committees have been formed not by the Board of Selectmen. Most of the articles were Selectmen sponsored articles not petitioned articles. Mr. Moody stated that he will continue to go forward with his petitioned article and does not feel that the Board should be forming this committee, as it is unprecedented. He also commented on how one of the names on the list of committee members is someone who does not even live in this Town. Mr. Griffin confirmed with Mr. Welch that the Board does have the right to form a committee.

Mr. Moody believes that since this is not an advisory committee than there could be an issue. Chairman Nichols stated that the Board would look into the legality of this. Mr. Griffin added that anyone who wants to be included would be.

### III. Announcements and Community Calendar

Mr. Lally commented that this Wednesday night at 7 at the beach Precinct meeting room the Recycling Education Committee Subcommittee would be having an open forum to discuss how the recycling has gone over the summer. They would like to get residents thoughts on how it went the meeting would be open to anyone who wants to attend.

Mr. Lally stated that we had the Town auction over the weekend and raised \$3,500, which will be going into the general fund.

Mr. Griffin reminded everyone that the Hampton Beach Commission would be meeting on Thursday night at 7 o'clock at the Police Station. They will be discussing the timeline on the Infrastructure Project at the beach. There will be people present from the State.

### IV. Appointments

#### 1. Michael Schwotzer, Finance Director – Undesignated Fund Balance 2010 Tax Rate

Mr. Schwotzer explained that he asked to be put on the agenda since he will soon be going to Concord to set the tax rate. He has completed the MS-4 form, which essentially sets the income and sent it up to Concord. When we started this process last year we set up all the warrant articles up with the money the tax rate was set on and from that he takes out the income and plus he adds in an overlay. This is literally the same format that happens every year. The worksheet he provided the Board with shows that if the numbers stay exactly the way they are than we would need \$400,000 to be used from the Undesignated Fund Balance. This would give us the tax rate of \$6.41 for the Town, which is exactly the same as what we had last year. The Undesignated Fund Balance at the time of audit was \$4.6M of which \$750,000 was used to fund warrant articles. He is suggesting that we need \$400,000, which would leave \$3.4M. The suggested minimum 5% balance by DRA and the accountants would be \$2.7M therefore, we would have an excess of \$670,000. The numbers they have seen multiple times and what he is looking for is the authority to reduce the Undesignated Fund Balance and use it for the tax rate setting. He and Mr. Welch have discussed this and have come up with a motion, which he read to the Board.

#### Discussion

Chairman Nichols pointed out that last year they had to use \$450,000 to bring them down to the \$6.41 tax rate.

Mr. Griffin MOTIONED Board of Selectmen authorizes the use of surplus so that the Town portion of the 2010 tax rate will not exceed \$6.41 per thousand dollar of valuation. Mr. Znoj SECONDED.

VOTE: 4-0-0

Chairman Nichols asked Mr. Schwotzer to update the Board on the conversation that he, Chairman Nichols and the Chief had earlier today in terms of the \$75,000 that changed through the EMS fund since last week when they went over the Fire Department Budget as

well as some of the rough numbers he has come up with as he started to visit the Default Budget. Mr. Schwotzer explained that in the Fire Department Budget there is a transfer of cost from the General Fund to the EMS Fund. This was budgeted for \$225,000 for the 2010 budgeting cycle. They have been booking off this number all year basically taking 1/12 at a time. He and the chief did an analysis of the income for the year and explained how the write offs last year effected the income.

Mr. Schwotzer did a 31-month analysis going back to 2008. In order to keep the current level of funding in this fund they will need to trim back in 2010 from \$225,000 to \$200,000. This is not much but it does affect the Fire budget. To keep the \$200,000 in the fund for 2011 we will need to trim back the \$225,000 down to \$150,000.

Chairman Nichols clarified that this is the amount of expenses that can be moved from the Fire Department Budget to the EMS fund. The net effect of lowering this number actually makes the budget go up. They also feel that 2011 will be the last year that they will be able to move these expenses if they want to keep the balance in the EMS fund enough to cover the cost of an ambulance. Therefore, when they talk about the budget adjustments he would like to at least look at lowering the \$225,000, which once again would increase the budget by \$75,000. Chairman Nichols pointed out that this really is not a huge number it is about a .25% increase.

As instructed by the Board Mr. Schwotzer has made a pass on the Default Budget using what he knows as the 2011 Budget. Using past budgets and calling the \$510,000 in the Other Cost Offset account as a onetime expenditure as instructed by the Board the Default Budget is essentially \$250,000 less than the proposed budget. He is not sure if it is a good idea to call all of the \$510,000 expenses as onetime expenditures. This is something that the Board will need to discuss. Mr. Schwotzer explained that Chairman Nichols had expected the Default Budget to be essentially the same but it is not because Mr. Schwotzer follows the debt budget, which is consistent with what he has done in the past. Chairman Nichols pointed out that the \$250,000 calculates to 1%.

## 2. Edward Tinker, Assessor – Town wide Property Revaluation

Mr. Tinker is here tonight to update the Board on the 2010 revaluation. They have gone through several delays in receiving preliminary values from Vision Appraisal. As a result of this, they were not able to hold hearings with residents this summer when it would have been convenient for residents. Additional time is going to be needed to assure the most equitable and uniform appraisals. As a result, revaluations cannot be achieved in time for issuance of the second issue of the 2010 tax bills.

Therefore, he is requesting the Board of Selectmen agree to an extension of Vision's completion date from 9/15/10 to 9/15/11. This will mean the establishment of values will be as of April 2011 as opposed to April 2010. Therefore, Vision has agreed to redo a substantial amount of their work at no additional cost to the Town. They are in the process of drafting a new contract which he will have available for the Board in about a week. This year's second tax bill will reflect current valuations.

## Discussion

Mr. Znoj clarified that the revaluation would now be completed by September of 2011. Mr. Tinker stated they hope to have the valuation done earlier than this so that they can hold hearings in June or early July.

Chairman Nichols explained that they had a meeting with Vision last week and they essentially agreed to everything and it now just needs to be put in writing. He also added that by statute, revaluations must be done every 5 years and we are only 2 years into it so we have time. Chairman Nichols supports what Mr. Tinker is requesting.

Mr. Lally thinks that after what happened last time it is important to make sure everything is done correctly.

Mr. Tinker has spoken with the DRA and they are ok with deferring this a year.

There was a consensus amongst the Board to support Mr. Tinker's request.

3. David Rhodes request to use Parking Lot at Plymouth and Compton Streets for Deployment Party

Mr. Rhodes explained that they are throwing a party for his son who is deploying. He explained that he just returned last year from Iraq and is leaving for Afghanistan. He and his wife are back in Town to see all his friends and family. He has spoken with the Chief and he has no problems with this.

Discussion

The Board agreed that this should not be a problem at this time of year.

Chairman Nichols would just suggest that the Police Chief know that there may be some additional cars parked in this lot.

Mr. Lally MOTIONED to approve the request for use of the Parking Lot at Plymouth and Compton Streets for Deployment Party. Mr. Griffin SECONDED.

VOTE: 4-0-0

4. Warren Bambury "Regional Desalination Plant"

Mr. Bambury explained that about 5 years ago a group was looking into having a Desalination Plant. He shared how this could not be done at the time due to cost involved. Since then things have changed and the last two reports he has read the cost is now half because of the progress made in this field. He is asking the Board tonight by vote to give him permission to continue to meet with the rest of the committees on the seacoast to raise money for a feasibility study. He is not asking the Board for money just for permission to raise funds for the study.

Discussion

Mr. Znoj asked if the feasibility study would show the cost involved to operate a plant. The study will talk about the cost to operate such a plant. The plant would hopefully be located in Hampton

Mr. Griffin MOTIONED to grant Mr. Bambury permission to work with other groups on the seacoast to raise money for a feasibility study. Mr. Lally SECONDED.

VOTE: 4-0-0

Mr. Bambury explained to the public that 97.5% of water is salted and that is why it is so important to get involved.

## V. Budget Discussions

### 1. Police Department

Chief Sullivan and Deputy Chief Sawyer were both present to discuss the Police Department budget.

Chairman Nichols would suggest taking the same approach as they did with Fire and have them go over whatever they wish to go over and then come back to the Board for questions.

Chief Sullivan stated they are up slightly with the three major components being the number of specials they are going to try and achieve, increase in number of cruisers to buy along with a transport van and the other is in wages subsequent to the increase of wages as a result of a law suit along with a deviation in sick and vacation wages in the patrol area. They hope to hire 15 specials this year. The increase in sick and vacation wages is a result of doing some research on their run rate in this area and making adjustments. These items essentially make up the 2.3 increase over this year's budget.

#### Discussion

Chairman Nichols asked about the fact that there is not an increase in the wage account for specials yet they hope to hire 15 new specials. The Chief explained that the increase will not be in the number of shifts offered but the increase is in training and outfitting these officers.

Mr. Znoj wonders how many specials make up the wage account. Deputy Chief Sawyer explained that they currently have 42 special officers but when they ended the Seafood Festival they actually only had 29 working. Chief Sullivan reminded the Board of the conversations that they have had in regards to the number of leaves of absences that they have for police specials. Mr. Znoj wonders if they are keeping that sort of level in the 30/42 area. Chief Sullivan explained that the goal is to get in the 50/55 range to feel comfortable but he does not believe we will get there. Chairman Nichols pointed out that their budget reflects the goal they wish to reach for specials.

Mr. Znoj asked about the three cruisers and transport van and wonders how many we bought last year. Chief Sullivan stated that they only purchased two cruisers last year and the transport van is replaced every 10 years. Mr. Znoj pointed out that they do not have a lot of miles when he looks at the vehicle schedule. Chief Sullivan agrees that they do not have a lot of miles but the idle time needs to be taken into consideration, which increases the miles tremendously. He also explained how they rotate the vehicles out. They also discussed the wear and tear factor on these vehicles as opposed to someone's personal vehicle. Chief Sullivan mentioned how they are beginning to change out the radios and computers when they replace the cruiser.

Chairman Nichols asked about the transport van and wonders how much of that was for the cost of the van versus whatever they do to equip it afterwards. Chief Sullivan stated the cost is about \$24,500 for the vehicle cost.

Mr. Znoj asked about the account for internal details and we never seem to budget for this account yet we spend money out of this account. Chief Sullivan explained that these are for

internal details for public works and it is transferred out by Mr. Schwotzer to the special revenue fund for details. Mr. Znoj asked about the vacation coverage account for the custodian and the budgeted amount historically is higher than the actual amount spent.

Chief Sullivan explained that this is an account that in the past had to be contracted out when the custodian is on vacation however there is currently an employee who does not mind picking up these shifts when the custodian is out. However if something should change then this line item would have to be contracted out once again. The regular wages for traffic control seems to be high when compared to a 3 and 4-year average. Chief Sullivan explained that when he does the math to calculate full coverage this is the amount he comes up with.

Chairman Nichols pointed out that it almost appeared to him that he was moving a position from crime control into traffic control. Chief Sullivan stated that he is correct since they have talked about the open position and instead of sliding a name over; they are waiting until the position has been filled. There are a number of differentials that apply to this account. Mr. Znoj asked about the sick wages in traffic control and Chief Sullivan explained that they have had an increase in sick usage along with some long-term injuries.

Mr. Lally asked about the long-term injuries and the status of the employees is that one is back and the other is still out with a bad break to their hand. Chief Sullivan pointed out that the back fill on these shifts adds up quickly although they have not been always filling the shifts but now that they have lost 2 more fulltime people things need to be filled. There was an additional discussion on the shifts that the two people who left worked and the situations in which you must fill these shift.

Mr. Lally asked if there is new criteria for the leave of absences for the specials or if it is medical only. Chief Sullivan explained that they keep with historical data and it can be medical or something that is a change for the individual for the year. It is limited to onetime and is limited to the one year. Mr. Lally just wants to make sure that the people at home realize that there are criteria involved for a leave of absence and wanting the summer off does not constitute a reason.

Chairman Nichols would like to point out that although sick overtime wages are increasing the sick liability for the Town is going down since sick time is being used. There was a discussion as to how sick shifts are filled.

Mr. Znoj asked about the replacement equipment under administration and the average for '07, '08 and '09 is \$276 per year and in '10, we have spent only \$20 through July. There is a 2009 PO for \$18,000 and he is asking for \$3,000 he would like the Chief to explain all this.

Chief Sullivan explained that the \$18,000 was to purchase a computer application so that people can electronically report a crime to the department. The Chief explained how this could come in handy to people who return home out of state and need to report a crime so that the department will have it for data purposes. This has still not been invoiced in full. The \$3,000 is simply for replacements that might be needed for computer equipment. There is significant work that must be done in their system. They have some server and platform updates that must be done hopefully through some grant funds.

Mr. Znoj asked about the fact that the canine dog or breathalyzers in every cruiser are not in this budget. As for the breathalyzers, they are working through what they currently have to see what works and will make the necessary replacements through budgeted funds.

Chief Sullivan explained that there are a lot of additional costs for a canine and with what they have to work with for budget constraints; he does not think this is the time to add a new program. If this is something the Board wants to put through as a separate warrant article then maybe that would be the way to go. He also explained that they have had canine units down at the beach several times over the past year and it has worked wonderfully. There was a discussion as to the actual cost involved and he thinks it would be around \$10,000 to \$15,000 per year with additional upfront cost. Chief Sullivan does not disagree that this would be a great thing to have but he still does not think this is the time to implement this. There are a number of things he would love to bring in but they will have to wait. Chief Sullivan commented that they come in here and are told to reduce, reduce and therefore he does not come in with these increases. Mr. Znoj would like to see the Chief come in with ideas of what can be done to improve the community so that the Board knows he is thinking about these things.

Chairman Nichols wonders what the plan is for the use of the old ambulance. Chief Sullivan explained the many things that the ambulance can be used for including the SERT team. Chairman Nichols asked about the air handling equipment and how it might be used to increase energy efficiency.

Chief Sullivan explained that this was implemented last year costing about \$4,500. This year they have had to replace valves and other things so they have not been able to completely measure the benefit. They did see a decrease in electric bills. Chairman Nichols thinks that they appear to be able to come in under budget in the police special wages in the amount of \$100,000 this year and if this is true that money will go into the Undesignated Fund Balance essentially covering the cost of budget increase for 2011. Chairman Nichols would like to know if the Chief agrees with this and he does think it is realistic that they will come in under budget. Chief Sullivan agreed with Chairman Nichols Statement.

Mr. Griffin asked about the "No Parking" Signage at Meadow Pond Road, Greene St. & Extension of Greene St. and wonders if the Chief wants to comment on this. Chief Sullivan stated that he and Chief Silver did look at this area and he would only suggest that if the Board does want to do this it should be done on the paved portion.

Mr. Lally pointed out that there is such a problem with people parking right up to the corner and it would be nice if there could be some sort of lineage on the road. Chairman Nichols would suggest that maybe we should look at the areas that need to have this done and going to the Town's vendor to see what the cost would be to have this striping done. The Chief will look into identifying these streets for the Board. There was an additional discussion on how parking continues to be an issue.

## VI. Town Manager's Report

The United States Department of Commerce has awarded an Economic Development Grant for the sewer construction for Smuttynose in the amount of \$250,975 in Federal funds the balance to be paid by Smuttynose for constructing a new sewer on Towle Farm Road. I will be signing the grant forms and issuing the forms for the Town as the grant sponsor. That will be accomplished this week.

We have reviewed the list of projects to be completed resulting from the various votes of the 2010 Annual Town Meeting. The only project remaining to be started is the installation of

streetlights on the beach streets starting at "A" block. Bidding documents are being prepared for issuance in the near future to accomplish that project.

Chairman Moore of the Historical Society has release the names of the members of the 375<sup>th</sup> Anniversary Committee for Board approval. I make note that one proposed member is not a resident but is an employee of the School District. Your approval of this individual is requested.

Saturday, September 25th from 9 AM to 12 Noon residents may take their household hazardous waste to the Highway Garage on Route 111A in Brentwood for proper disposal.

Bid documents for the work required by DES on the sewer moratorium have been drafted and forwarded to DES for approval. We are currently awaiting their response.

A successful auction was held at the DPW Facility on Saturday thanks to our two talented auctioneers Vic Lessard and Bill Lally. The Town realized \$3,497.00 in disposing of its surplus materials.

He has been working with Public Works in regards to the buildup of sludge material and has been advised that we need to remove about 100,000 pounds of solids form the WWTP to be within normal operational parameters. This can be solved using three scenarios one in-house, two hiring a company to haul septage to another facility and three to have a contracted watering company to come and depress the sludge when repairs are made to the press. To complete the repairs in-house would entail-processing sludge at less than operable quality that is it will be wetter than normal for one or two weeks while repairs are being made. The additional cost to haul to the pit would be between 18 and 25 thousand dollars. This option would also have the highest timeframe. Hiring a contractor to haul this would be the fastest way to deal with the excess solids this could be done in less than a week with an estimated cost between 25 and 30 thousand dollars. Hiring a contractor to de-wall the sludge would cost between 20 and 25 thousand dollars plus another \$12,000 in tipping fees. There would be a delay in starting this operation until space opens up in the contractor's schedule. It is recommended by Public Works that we have a combination of the first two options. Continue using the press to process primary sludge with fewer loads needing to go to the pit, which would lower the cost. In conjunction with hiring a contractor to haul out a portion of the secondary sludge that needs to be removed. Forty thousand pounds of thickened sludge would cost between 10 and 15 thousand dollars we would see a potential saving on tipping fees to Waste Management. Mr. Welch explained the process that they are going through to repair the press and the problems that they have encountered.

Chairman Nichols pointed out that we bonded \$4.75M for work that was done between 2000 and 2004 and if you look at the bullets showing what was part of the work it is essentially all the issues that have been brought up by DES. This is something that is not making a lot of sense at this point.

Mr. Welch commented that he has started to talk with the folks at DPW and what it is looking like is that the press is not providing us with enough capacity during the summer time and he will need to go down there and look things over for himself. A couple of things bother him about this and they are this was a new type of equipment and we were one of the early users, there is no backup if the press goes down that's it and the building that it is in was built so small it cannot accommodate a second unit. He is going to go down, spend

some time at the plant, and come back to the Board. However, he thinks that the bottleneck here is the press.

Mr. Znoj pointed out the concern that was brought up with the press being a rotary press as opposed to a belt press. There was a consensus amongst the Board to go along with Mr. Welch's recommendation.

#### Discussion

Mr. Znoj asked about Smuttynose sewer line going under 101 and Mr. Welch clarified that it is going under 101.

### VII. Old Business

#### 1. Adoption of Regulation of Pawnbroker and Secondhand Dealers

Mr. Lally commented that the Board has all read this and he will make the motion.

Mr. Lally MOTIONED to adopt the Regulations for Pawnbroker and Secondhand Dealers. Mr. Griffin SECONDED.

VOTE: 4-0-0

#### 2. Petition request for "No Parking" Signage at Meadow Pond Road, Greene St. & Extension of Greene St.

Chairman Nichols explained that they have a recommendation from the Fire Chief designating both sides of Greene St. as a Fire Lane with no parking on the paved portion of the roadway for its entire length. To designate the west side of Meadow Pond Road as a Fire Lane restricting parking on the paved portion of the roadway for its entire length. Chairman Nichols pointed out that the Fire Chief does not need the Boards approval but was asked to review it by the Board.

#### Discussion

Mr. Lally does not think he would vote in favor of this because many of the residents in this area are going to lose their parking.

Mr. Znoj commented that they did sign a petition.

Chairman Nichols does not think that this is an immediate problem since it is September and maybe Mr. Lally can look into this further.

Mr. Welch stated that we could send a letter to the property owners.

The Board agreed that they would like to hold off on this for the time being and notify the property owners.

#### Other Old Business

Chairman Nichols provided the Board with an updated spreadsheet on the tax effect spending. It does not include the \$75,000 that came up today in regards to not being able to move this money to the EMS fund.

Everyone also received a copy of the updated recycling report from DPW. The stats are for August and trash was down 11%, 29% of total trash is being recycled and the State recycling went up from 4 to 5%.

Mr. Znoj would still like to see a greater increase in recycling.

The information related to the Sewer Moratorium is on the website.

#### VIII. New Business

1. Authorization for request of proposed legislation for a “Tree Warden” to the General Court

Chairman Nichols stated that this request was made in a September 14<sup>th</sup> letter to Representative Stiles.

2. Approval for demolition of Tax Deed Building at “23 Glade Path”

Chairman Nichols commented that this is one of the issues that Arthur Moody brought up earlier tonight.

Mr. Znoj stated that they should bring in some DPW equipment and haul it out. Mr. Lally added that it is not a big building and it will not take much to take it down.

Mr. Lally MOTIONED to approve the demolition of Tax Deed Building at “23 Glade Path”. Mr. Griffin SECONDED.

VOTE: 4-0-0

3. Approval of selected vendor for the printing of the 2010 Annual Report

Mr. Znoj commented that there was only one bid from what he saw. Chairman Nichols noticed this also and contacted the three vendors who did not bid. He received a response from two and one reason had to do with the bid requirements, which he has spoken to Kristina about possibly changing next year. The good news is that the price is down from last year. The Board agreed that the price is right.

Mr. Lally would like to point out that we should keep John Nickerson in mind for dedication and Mr. Griffin added Diane Lamontagne.

4. Discussion to “Call Security” on Brooks Lane Subdivision

There was a consensus amongst the Board to move forward with this.

5. Notice of Intent to Cut Wood or Timber – Ronald Remick at “Lot 208-50 Esker Road”

Mr. Znoj commented that the trees are on his property and the Conservation Commission does not have a problem with this as long as he does not try to pull up the stumps. Chairman Nichols thinks that there were some concerns in regards to drainage and the legality of the use of the wood once it is cut.

Mr. Welch stated that legal counsel, the Chairman of the Conservation Commission and abutters are present tonight. Since this started to get involved he asked Mr. Remick to file the Notice of Intent to Cut Wood or Timber. Since it is a personal cut is exempt from taxation. They were concerned because there is a fairly narrow piece of land going between the two existing residential lots. Most of this land is taken up by a drainage facility. Therefore, they have asked that the stumps not be removed because it would destabilize the entire area and there is a provision under statute for this. The other issue is that it appears Mr. Remick will be applying for a driveway permit, which will not meet requirements.

Atty. Gearreald explained how some of this area is considered part of the Wetlands Conservation area. If the Board wants to approve this Intent to Cut it would be suggested that the trees be cut but that the stumps remain at least a foot above ground. The Chairman of the Conservation Commission read part of the Town Ordinance related to Wetland Buffers. He also stated that they do not have an issue with trees being removed but if there is any further activity in this area they would want to know. If there was a desire to put in a driveway this would not be allowed according to the ordinance.

#### Discussion

One of the abutters expressed concerns with the possibility of a driveway put in. She explained how she bought a portion of these wetlands and how her deed reads that she may not do anything to disrupt the land. She has some concerns on whether cutting the trees down will affect the swale. There was an additional discussion on how someone is taxed and how someone is exempt from the tax.

Another abutter agrees with everything that was said but would like to raise another concern since it appears that Mr. Remick was granted a permit to put a driveway in by the Town. It was explained that the DPW did pull the permit once this was brought to their attention. Mr. Welch believes that he intent is to cut the trees and then apply for a permit from the Planning Board.

Atty. Gearreald confirmed that the deed does limit the use of the land.

Chairman Nichols agreed that it appears that this issue goes across three different Committees/Boards but it is the job of this Board to either approve or disapprove the Intent to Cut permit.

The Conservation Chairman would just like to make sure that the motion contains language in regards to having the stumps remain 12 inches above the ground.

Atty. Gearreald expressed that it is possible that the owner may not even want to cut the trees down any longer since Mr. Welch sent the letter containing the reason why he will not be granted a driveway permit. It is Mr. Welch's understanding that the trees will be cut down tomorrow.

Mr. Lally and Mr. Znoj would not agree with this and will not vote in favor of this. Chairman Nichols made the motion but it failed since there was not a second.

Mr. Welch would point out that although the Board does not have the authority to stop Mr. Remick from cutting the trees down if the motion contains a restriction such as not to remove the stumps than it would have to be enforced.

Mr. Lally commented this is like committing a robbery and not taking anything. Mr. Znoj wishes that Mr. Remick were present so that the Board could talk with him. Chairman Nichols thinks that by making the motion we are at least trying to accomplish something as opposed to accomplishing nothing.

Chairman Nichols MOTIONED to approve the Notice of Intent to Cut Wood or Timber – Ronald Remick at “Lot 208-50 Esker Road” with the restriction that the Stumps of the trees cuts shall not be cut lower than 12 inches above the ground. Mr. Lally SECONDED.

VOTE: 2 (Yes-Nichols, Lally) – 2 (No-Znoj, Griffin) – 0 Motion Failed

6. Appointment of committee members for the "375<sup>th</sup> Anniversary" of the founding of the Town of Hampton

Mr. Moore is proposing Glen Eastman, Sue Erwin, and Rev. Debra Moulton, Doc Noel, Kit Rogers (teacher in drama department at Winnacunnet not a resident of Hampton), Skip Windemiller and himself.

Discussion

Mr. Griffin pointed out that Boston's 380<sup>th</sup> is coming soon.

Mr. Znoj MOTIONED to appoint Ben Moore as Chairman of the "375<sup>th</sup> Anniversary Committee" and approve the list of committee members. Mr. Griffin SECONDED.

VOTE: 4-0-0

IX. Closing Comments

Mr. Znoj enjoyed the meeting.

Mr. Lally wonders about Dave Goethel and there is not an update at this time. Mr. Lally hopes for a speedy recovery.

X. Adjournment

Chairman Nichols MOTIONED on a roll call vote to enter into a nonpublic session under RSA 91-A:3., II., (a). Mr. Znoj SECONDED

ROLL CALL VOTE: 4-0-0

  
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Chairman