

Town of Hampton



Hampton Board of Selectmen Minutes of October 24, 2011

PRESENT: Richard Nichols, Chairman
William Lally, Vice-Chairman
Gerald Znoj, Selectmen
Michael Pierce, Selectmen
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney
Wanda Robertson, Assistant Town Attorney

ABSENT: Richard Griffin, Selectmen

6:30 PM Public Meeting – Town Manager’s Conference Room, Upstairs Town Offices

I. Non-meeting with Outside Labor Legal Counsel – RSA 91-A:2., I. (b)

7:00 PM Public Meeting – Selectmen’s Meeting Room, Downstairs Town Offices

SALUTE TO THE FLAG

I. Public Comment Period

Candice Stellmach, 488 High Street, shared that this weekend they had 67 families participate in the Fairy Fantasia activity that took place in conjunction with the Grist Mill and Hampton Parks and Recreation Department. The event was wonderful and she thanked everyone who helped to make this happen. She went through all the things that took place and how the families really enjoyed themselves.

Arthur Moody asked about the 8 Ocean Blvd termination of lease agreement and he wonders if there is a new name for this lease. Chairman Nichols responded an unrelated party. Therefore, it is not going to be a relative. Mr. Moody commented on the cost of replacing the bench at Bicentennial Park that was damaged, replacement cost of \$600, and he thinks it is inappropriate for private memorials to be on public property. Mr. Moody confirmed the location of Federal Land at the Beach is down by the river and this is a boat launch. He would like to ask about the Hampton District Court House sign and he would like to suggest that it be posted in the Town Office right over the Landing Road sign outside the door to the Selectmen’s Meeting Room.

II. Announcements and Community Calendar

Mr. Znoj would like to remind people that on October 29th at the Police Department between 10 and 2 they would be hosting a drug take back program so that you can dispose of drugs in a proper fashion.

Chairman Nichols read a Resolution and Recognition of service for Judy Park who has served the Town of Hampton; one year as a member and 19 years as Chair of the Highway Safety Committee.

Chairman Nichols made an announcement relative to a tentative agreement with the Hampton Police Association. In a non-public meeting tonight, the Board agreed unanimously to the language of the tentative agreement that has been accepted by the Hampton Police Association negotiating team. There is reason to be optimistic that the Hampton Police Association as a whole unit will agree to the tentative agreement that has been reached.

Mr. Lally wants to make sure the people of Hampton know how much work Chairman Nichols, Atty. Upton and Mr. Welch have put into this tentative agreement.

Mr. Lally MOTIONED to ratify and approve the tentative Hampton Police Association and the Hampton Police Sergeants Collective Bargaining Agreements. Mr. Pierce SECONDED.

VOTE: 4-0-0

Chairman Nichols added that he did speak to Mr. Griffin over the weekend and although he is unable to be here tonight, he is in support of this tentative agreement. It is the Selectmen's intention to make this tentative agreement available to the public once it has been accepted by the Association, which they anticipate, taking place this week.

Mr. Pierce announced that this Wednesday the State is having a meeting in North Hampton related to the highway funding. He cannot attend the meeting since there is a Budget Committee meeting that night and he wonders if someone else might be available to attend. Mr. Welch has asked that the DPW Director or Deputy attend.

III. Appointments

1. Ben Moore, Hampton Historical Society & Susan Erwin, Hampton Heritage Commission
 - a. Hampton Court House

Chairman Nichols asked Mr. Moore to attend the meeting tonight after receiving several comments lately about whether or not the Court House should be demolished. Ms. Erwin would like to state that the Heritage Commission would really like to see the building saved. Personally, she would like to see the building saved and made into something attractive and that can be used by the Town.

Mr. Moore explained why the building was evacuated in 2005, and that they did work actively to find another use for the building. He provided the history on the building going back to when it was built; he spoke about how the building was used; as a school, a fire station, and as a courthouse. In 2006, there was a warrant article to improve the building and move it behind the Fire Station; however, the article was zeroed at the Deliberative Session. Although the building would be nice to have in the Society's inventory, he can honestly say that the Town's people are not going to vote for the money that it would take to upgrade the building unless there is an adaptive use. Unless a good use for the building is brought forward and a decision by the Town, it will continue to sit there. He thinks the building is too much of a part of the history of Hampton to let that happen. He would suggest to the Board that they form a group that could look at the adaptive uses. He reminds everyone that the Department Heads are always talking about the lack of space. Another need of the Town is a Community Center. The building will

need to be gutted, elevator installed and/or even possibly moved. And he thinks it is premature to tear it down now.

Discussion

Mr. Pierce questioned why the Historical Society does not want the building. Mr. Moore stated not that the Historical Society does, they do not have the land to put the building on. Mr. Pierce stated that if it is going to be used or kept for historical reasons than the taxpayers should not be made to pay for this, but if the building can be used by the Town that is a different story. Mr. Moore is not suggesting that it be used for a historical use.

Mr. Lally recalls the meeting when the Department Heads were seeking additional space. Mr. Lally thinks the idea of a Town Hall Annex is a good idea. He feels that something needs to be done to this building or it has to be removed.

Mr. Znoj asked about the heating system and Mr. Moore reiterated that the building would need to be gutted and totally rehabilitated.

Chairman Nichols read that the building has 3,000 sq ft and he wonders if this is usable space or includes the basement. Mr. Moore explained that the footprint is 1,500 sq ft. on each floor and he explained in greater detail the dynamics of the inside of the building. Chairman Nichols asked if it is post and beam construction and Mr. Moore does not know.

Mr. Lally reminded everyone that this place was in horrible condition when people were working in it and now it has been empty for quite awhile.

Chairman Nichols does not think that we will save any money construction-wise but you will be preserving the historical value of the building.

Chairman Nichols asked Mr. Welch to comment on whether or not he has any opinions on the adaptive use idea. Mr. Welch brought up to be ADA compliant it will need an elevator. We are currently looking for space for Fire Headquarters but he feels it will take an enormous amount of money to retro fit this building.

Chairman Nichols pointed out that this could be worth looking into especially with the Fire Chief wanting to move uptown. Even if this was only a temporary use, it is worth looking into. Chairman Nichols would like to hear something in terms of input from the Chief on the re-use of this building, especially if this could be used as the headquarters for 3 or 5 years until a new headquarters and uptown station is built.

Mr. Welch has brought this up to the Chief and he understands that it is something that should be looked into as an option. The Board agreed that this would be a gut job and only end up with a frame.

Mr. Lally pointed out that the land is worth way more than the building at this time. Mr. Moore pointed out that the building has been moved before so it can be moved again without reducing the value of the building.

Mr. Znoj thinks that the Chief needs to have a plan for the headquarters and see if that plan will fit into this space and the costs involved.

Mr. Pierce suggested that they see the inside of the building again and he and Chairman Nichols plan to go on Wednesday afternoon.

2. Donna Bennett, Hampton Tax Collector
 - a. Tax Deeding 2008 Levy

Mrs. Bennett provided the Board with a revised list that includes eight properties to be deeded although nine properties are listed and that is because #6 was not used. Mrs. Bennett went through each property on the list and provided advice to the Board on what she thinks is the best solution for each property.

Property #1. On property #1, the Board is being asked to approve a deed waiver for property #1.

Mr. Pierce MOTIONED to approve a deed waiver for property #1. Mr. Znoj SECONDED.

VOTE: 4-0-0

Property #2. On property #2, the Board is being asked to defer a decision until they are able to see if a payment plan can be worked out.

Mr. Lally MOTIONED to defer a decision on property #2 until it is decided if a payment plan can be worked out. Mr. Pierce SECONDED.

VOTE: 4-0-0

Property #3. On property #3, the Board is being asked not to take on the liability of property #3 and to approve a deed waiver for property #3.

Mr. Lally MOTIONED to not take on the liability of property #3 and sign a deed waiver. Mr. Znoj SECONDED.

VOTE: 4-0-0

They discussed in further detail exactly what the Board is being asked to do and the reason/consequences around deeding a property. They also discussed the ability to obtain a demolition permit if taxes are owed on a property.

Property #7. Mrs. Bennett explained that property #7 is the same situation as property #3 and she recommends that they do not take the responsibility of this property as well.

Chairman Nichols MOTIONED to not take on the liability of property #7 and sign a deed waiver. Mr. Lally SECONDED.

VOTE: 4-0-0

Property #4. Property #4 is vacant land and owner is deceased. Mrs. Bennett and Atty. Gearreald have discussed this property and agreed they would like to see if there are any family members around before the land is deeded. Therefore, they would like to wait on this one until the end of the year.

Mr. Pierce MOTIONED to defer property #4 until December 15th. Mr. Znoj SECONDED.

VOTE: 4-0-0

Property #5. Atty. Gearreald explained that property #5 is represented by counsel here tonight and is the next item on the agenda. Chairman Nichols suggested that it seems appropriate to discuss it at this time. Atty. Gearreald explained that Atty. Thorner sent the Board a letter on August 24th asking to have until December 15th to see what can be worked out in the circumstances he laid out in the letter. The recommendation of Mrs. Bennett and Atty. Gearreald

is that Atty. Thorner's request be granted understanding however that the auditors would want a waiver form by December 31st. Atty. Thorner provided some history on the Trust and how he is the Trustee of the Trust. He expressed the difficulty of obtaining a loan for the Trust and how this is not really an option. It was also discussed that Michelle Kingsley will probably be getting involved in this to help set up some sort of a payment plan.

Mr. Pierce pointed out that the interest rate is 18% on taxes and this is very steep. Atty. Thorner hopes to have something worked out by December 15th and if not he will have to look into selling the property.

Chairman Nichols MOTIONED to defer a decision on property #5 until December 15th. Mr. Pierce SECONDED.

VOTE: 4-0-0

No property listed under #6.

Property #8. Mrs. Bennett explained that property #8 is a commercial property and she is recommending that this one also be deferred until December 15th. Mr. Lally confirmed this is the same property that a family member came before the Board not too long ago, requesting that they do not deed this property. Mr. Znoj commented that this is another ship that is taking on water quickly since they are also on the list for 2009 and forward. Chairman Nichols pointed out in regards to Mr. Znoj's comment that the total money owed from multiple tax years in the past 6 months has gone from over \$50,000 down to \$38,000. Therefore, the amount owed is headed in the right direction. Mrs. Bennett stated that this is one that makes a concerted effort to come in and make the payments and this is one were the interest really throws the property owner off. Mr. Znoj wonders if the interest rate can be changed. Mrs. Bennett stated that it is an RSA but she believes the Selectmen can change the amount but warns that if you change for one you change for all. It was discussed how this has been voted down several times when it was brought before the Legislative to change the interest percentage. Atty. Gearreald clarified that they are recommending that this one be re-noticed since one of the three members on the deed is deceased and would like to send notice to the heirs of the deceased. They also discussed the possibility of holding off on this one until the court case in January however, Atty. Gearreald stated the auditors require a deed waiver by December 31st.

Mr. Pierce MOTIONED to defer property #8 until December 15th. Mr. Znoj SECONDED.

VOTE: 4-0-0

Chairman Nichols stated that he is in favor of deferring this until December 15th. He expressed that the Board goal is to look out for the best interest of the public and the Town is getting 18% interest and with the possibility of getting the money owed, as a result of the January court case. Chairman Nichols would request that Atty. Gearreald look into the December 31st deadline for the auditors to see if this could be extended, to give this property owner additional time to at least get the resolution of the court action.

Atty. Gearreald explained in detail the lien process including what it is done on an annual basis by the Board and how the deeding process comes up 2 years later. Chairman Nichols wonders if there is an action that the Board can take tonight as opposed to deferring it until December 15th, which would essentially achieve the objective of deferring it until June of 2012 based on the 2009 taxes. Atty. Gearreald is recommending the deferral for several reasons; one being that they do not know a lot about the court action and secondly, parts of the property are not in good

shape. Chairman Nichols thinks a condition of a building is a different issue and nothing to do with a tax deed. They also discussed how the value of the land is much higher than the \$38,000 in taxes owed. Mr. Znoj clarified that on December 15th they will be receiving another recommendation on this property. Atty. Gearreald expressed once again that he would like to follow up with the property owner's attorney to find out some details surrounding the January court case.

Property #9. Mrs. Bennett explained property #9 has an error on her part since it has an IRS lien on it and the IRS was not notified of the deed date. This needs to be held off until November 21st since the IRS needs to be notified. She did speak with the property owner today and he plans to pay the Town before this date. Mr. Znoj commented that overall, we are looking at about \$20,000 of unpaid taxes for 2008 with people who are going through various adversities.

Chairman Nichols MOTIONED to defer property #9 until November 21st. Mr. Lally SECONDED.

VOTE: 4-0-0

3. Richard Thorner, Attorney – Property #5 discussed above.
 - a. Montgomery Trust, 42 Locke Road

IV. Town Mangers Report

1. The Public Works Department retrieved the concrete bench and picnic table that were vandalized last week. Cost to replace the bench at approximately \$600. Anyone with information on who vandalized this Town property please call the Crimeline Hotline at 929-1222.
2. Public Works has a start work date of October 21 for roadwork and a paving date of October 26th. Roadways to be completed are Tide Mill Road, Eastmor Lane, Holly Lane, Lamprey Terrace, Leary Lane, and Tucker Lane. Total cost for this work is estimated at \$246,888.

Discussion

Mr. Znoj clarified that these are all of the roads that were included in the warrant article.

Mr. Pierce asked about the other roadwork that is being done after we do the drainage and it was discussed that that work will not be done this year.

3. The contract for the printing of the Town Report was awarded to the Country Press at a cost of \$4089.98 with a cost of \$17.50 per page above 250 pages. Country Press was the low bidder of six bids received from 14 potential bidders.

Discussion

Mr. Znoj asked how many copies we get and it is 1250 copies. He also added that this is a really good price.

4. The Town currently holds a parcel of Federal Land at the Beach. The parcel is a 20-foot right of way that runs from the old Coast Guard Lifeboat Station of Ocean Boulevard. The Board should consider requesting that the land be returned or turned over to the Town in fee simple. Mr. Welch explained that he wrote a report in 2009 and the number of buildings built on top of this right of way.

Discussion

Mr. Pierce asked for clarification on the location, which Mr. Welch provided. The right of way runs from Ocean Blvd to the Harbor.

Mr. Znoj wonders why this came up. Mr. Welch explained that the Town is required to write a report on this parcel of land every 2 years and where the Town does not technically own the property, it is held in trust by the Town, it is still the property of the Federal Government. Mr. Znoj asked if Mr. Welch is suggesting that we take ownership of the land. Mr. Welch suggests that the Town do something since we are required to write these reports every 2 years and that it does not serve a purpose for the Town. Mr. Welch is suggesting that somehow the Town get rid of this.

Mr. Pierce wonders how we could get rid of this land when there are buildings sitting on the land. Mr. Welch would suggest that the land be sold to the people who own the buildings sitting on the land.

Chairman Nichols stated if we assume that the Federal Government agrees to turn the land over to the Town and what would the next step be. Mr. Welch would suggest that then they go to Town meeting to get the authority to sell the land. Chairman Nichols questioned if the land would be sold at a very reasonable price. Atty. Gearreald clarified that this is a right of way as opposed to the land itself and it does not show on every plan at the registry. Chairman Nichols clarified that this serves no benefit or is of use, therefore, in his opinion the Town ought to get rid of this problem. Atty. Gearreald stated that one option would be that the Town abandons the right of way, once the Federal Government releases the Town from having to maintain it. Chairman Nichols confirmed that there is a consensus amongst the Board to have Mr. Welch contact the Federal Government and resolve this problem.

5. Public Works has received the balance of the cart order and will be working on distribution. The carts should all be out and distributed by Thursday.

Discussion

Chairman Nichols confirmed that we have ordered all the carts up to the \$99,000 the Board approved.

6. A new contract for the maintenance of the Town Offices has been awarded to Capital Contractors of Londonderry as the low of three bidders for \$10300 for a 12-month period.

Discussion

Mr. Znoj commented that this is a great price.

Other Items for the Town Manager's report

He received today from NH State Parks some information in regards to extending the Sea Shell construction until December. He explained in further detail for the Board the reasoning this is being extended.

In regards to tides, we are due for a "King Tide" at the end of this week. This is an astronomical high tide. Chairman Nichols commented that he has looked into this high tide warning and from what he found is the high tide is in the range of 10 feet+ tides. This did not look any different to him from other types of storms during the year.

Mr. Znoj confirmed that the flapper valve is in place at the WWTF.

Mr. Welch provided the Board with a letter he received from the new Commissioner dealing with sidewalks, crosswalks and other things on Rte 1A. One suggestion they are making is that all the crosswalks on Rte 1A have red lights installed at the expense of the Town. He suggested to the Board to read the letter and Mr. Welch will review it further.

Mr. Welch and Atty. Gearreald have been working with the Library in regards to lighting and other improvements. They have prepared a draft warrant article since there is a loan involved it must be approved by the voters. The savings on electric bills will pay for the loan and create extra savings for the Library. Atty. Gearreald explained that the loan has to be taken out by the Selectmen or Treasurer. Mr. Znoj thinks this is a great program. Mr. Pierce confirmed that the bill responsibility would be that of the Library.

Chairman Nichols questioned the cost of the bench and wonders if that is the cost to replace the whole bench or for repairs. Mr. Welch stated that Frank Swift has recommended that the bench be replaced and not repaired. Chairman Nichols thinks we should look into the possibility of repairing the bench. He wonders if the Town is responsible for replacing these benches since they have been paid for by a resident. However, he does think that it might be reasonable to see if the people who bought the bench would be interested in paying for the parts to repair the bench and have the work done by DPW. Mr. Welch will check with the company to see if we could get parts. Mr. Znoj confirmed that the bench is Town property but there is a \$1,000 deductible. There was a discussion on how this is not an isolated event. The Board agreed to have Mr. Welch look into repairs and bring the information back to the Board. They also discussed whether we could ask the person who paid for the bench to cover the cost of repairs since it is Town property. Mr. Znoj asked about the possibility of surveillance cameras especially with the new facilities at the beach. Mr. Welch stated that it was supposed to be put in by the State but they did not do the wiring or buy the equipment.

1. Old Business Acceptance of additional funding – Highway Safety Grant “Operation Safe Commute”

This is a reimbursement and the Board received copies of all this information in their packet.

Discussion

Chairman Nichols MOTIONED to approve the acceptance of additional funding – Highway Safety Grant “Operation Safe Commute” in the amount of \$5,850. Mr. Lally SECONDED.

VOTE: 4-0-0

2. Warrant Articles

Chairman Nichols explained that he made a commitment to have warrant articles on the agenda until January and asked if the Board has any input or questions at this point.

Discussion

Mr. Znoj still thinks that we need to see the backup information on the Church Street Pump Station and hear from the Fire Chief on the Fire Station.

Mr. Pierce commented on the Library, on the list for \$24,895 and he believes this can be crossed off since it was a onetime shot. Mr. Welch stated that it was supposed to be added to the budget

but it was not, as the default budget was passed. Chairman Nichols reminded everyone of the discussion they had with Amanda and it is a safety net in case the Budget is not approved. The same is true for the Mounted Patrol. The Board discussed the issue of a warrant article that does not pass and the budget does pass, can the money still be spent on the Mounted Patrol and Library.

Atty. Gearreald commented that the language has to be very clear and it can still raise problems because of the "No means No" and this is a very gray area. The Board agreed that taking the warrant article as a contingency is a good idea and that the language will just need to be very clear. Atty. Gearreald questioned if they want this to be done for the Human Services article as well and the Board agreed to leave the Human Services article the same as in the past.

Chairman Nichols asked about drainage and how the Board still has not seen anything. The Board agreed last year that they would like to see a little something done regarding drainage each year. Mr. Welch confirmed that an article is still being worked on for drainage.

Chairman Nichols confirmed that they plan to have a warrant article to amend the ordinance on the use of portable/sandwich signs. The issue of the Fire Station lease has been brought up and something will need to be done. Chairman Nichols thinks something still needs to be done in the area of compensated absences. He referred to expanding the scope of this account to possibly include items such as NHRS spiking charge and the second piece is the funding of the compensated absences fund through the undesignated fund balance. They discussed how this would work as a warrant article and suggestions made by DRA. Chairman Nichols explained the benefits of funding these unknown items such as compensated absences and spiking charges in a separate fund as opposed to the Operating Budget. They also discussed why this is referred to as compensated absences.

Chairman Nichols commented that they asked Mr. Welch to provide the money warrant articles first and he would like to see a total list of all warrant articles possibly as soon as next Monday. He would like to see the list even if the articles have not been written yet just a list of subjects would be great. It seems like in the past things keep getting pushed off and show up in the last two weeks of December. He would like to get away from this and he would like to see a list with two columns one is the date that they expect to see a draft of the warrant articles written and the next thing would be to see a date where they are going to see a plan for what that warrant article is actually going to be. He provided some examples of what might be included in the second column including: the five corners intersection, Church Street Pump Station, Storm Water Improvement and Fire Stations.

Chairman Nichols asked about the T-Intersection at Winnacunnet Road and Rte 1 and the cost of \$50,000 and the fact that the Town has already funded this so he does not see a need for this warrant article. They discussed how the Town was to fund 20% of the cost and how the money was taken from DPW over 3 years. Mr. Welch will verify if this is the case and get back to the Board. Chairman Nichols asked if the plan could be laid out for the Board possibly by next week.

Chairman Nichols is really concerned about the cost of the Church Street Pump Station.

Mr. Znoj clarified that the Police Station debt goes away in 2012. Chairman Nichols is working on the spreadsheet that will show the impact on the tax rate going out 3 years as he has done in the past.

V. New Business

Mr. Znoj provided the Board with some notes from a meeting he attended on Friday in Concord with the coalition group from Hampton and about 30 other Towns. The issue being discussed on Friday was targeting educational funds to very needy Towns. The idea is that the NH Constitution be amended so that the Legislators have authority, responsibility for the education in regards to how much they take in for funds, and where they go. He went through the different versions from the Senate and House. The amendment is back in the Senate. He read the amendment for the Board including the Governor's version.

Discussion

The Board discussed when the State Legislators are due to come in again and it should be sometime in January.

VI. Consent Agenda

1. Termination of Lease – 8 Ocean Blvd.
2. Lease Agreement – 8 Ocean Blvd
3. One-day Entertainment License – Ron Jillian's Ristorante Pizzeria 10/31/2011
4. Municipal Record Committee Appointment Selectmen's Representative – Arthur Moody

Mr. Znoj MOTIONED to MOVE the consent agenda. Mr. Pierce SECONDED.

VOTE: 4-0-0

VII. Closing Comments - None

VIII. Adjournment

Mr. Znoj MOTIONED to adjourn the public meeting and SECONDED by Mr. Pierce.

VOTE: 4-0-0


Chairman

Town of Hampton



AGENDA

Board of Selectmen
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II. Announcements and Community Calendar

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 - a. Hampton Court House
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 - a. Tax Deeding 2008 Levy
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V. Old Business

1. Acceptance of additional funding – Highway Safety Grant “Operation Safe Commute”
2. Warrant Articles

VI. New Business

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IX. Adjournment