

Town of Hampton



Hampton Board of Selectmen Minutes of February 13, 2012

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

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

SALUTE TO THE FLAG

I. Public Comment Period

Marilee Twomey, 77 Ocean Blvd, would like to thank all of the people from the State and Town who worked to get the beach infrastructure and the pavilion/bathhouses completed at the beach. She commented on the project and how great it was, including coming in under budget. She discussed the land that the Town deeded to the State in the 30’s. She quoted the following stipulations “that the land was held by the State for public highway, park, and recreational purposes forever, and no concession shall be granted there on.” The State has disregarded this law with allowing several concessions within the new pavilion. The State does not pay property taxes on these businesses, therefore the pavilion concessions are subsidized by the Hampton taxpayers. Businesses who lease from the State reap the benefit of being able to use Town services the Transfer Station, sewer, water, fire, and police at the expense of the taxpayer. This gives the concessions an unfair advantage over Hampton’s small businesses. No concessions means “no concessions shall be granted”. These new business enterprises on the east side of Ocean Blvd violate the intention of the agreement made with the Town of Hampton, which originally gave some of the most valuable land in the State to the State. Dismissing the concern of a small gift shop and function room is clear misrepresentation. She discussed many experiences with functions in tents and how events at the function room in the pavilion can grow. Should the Town chose to ignore or not enforce the 1933 agreement, then the Town is setting a precedent to allow further development of the State Park on a grand scale, as a State owned convention center leased to investors could easily be built at the State Park Beach Reservation. This would require greater Town services at the taxpayer’s expense. Ignoring the act of 1933 is like opening a Pandora’s box with “unlimited for profit opportunities” for the State. In the near future, we may have to pay an admission charge to walk the sands of Hampton Beach. She is very grateful for the beautiful pavilion but she is very concerned with the blatant disregard of Chapter 159 of the

Acts of 1933 and this additional burden that is placed on the already over burdened taxpayers of Hampton. She thanked the Board

Arthur Moody has four items to discuss. He would request that the Town reclaim parking from the State on Haverhill Ave., the State has leased those spaces there. He believes the Town's lease rates are lower than the States. He was disappointed to hear that the Board was sending Atty. Gearreald to Concord to testify on Senate Bill 2 in regards to voting without asking the legislative body of the Town. He expressed disappointment of the Board to the amendment they made to the warrant article for roads, this is the first time in 14 years that the Capital Reserve Fund for Roads has been brought down. He commented on removing the list of roads and how many of the roads on the list will not be paved this year. He believes that the amendment to remove the list of roads could possibly be illegal by drastically changing the language of a warrant article. He stated the only road that will be paved and resurfaced in 2012 is going to be \$5,000 for Tuck Road & Mill Road after drainage improvements. The forth point is in regards to the meeting next week on the holiday to go over the warrant articles. He believes that this meeting falls under political advertising under the State law and he wonders how appropriate it is since most of the articles are Selectmen sponsored and he imagines only one side will be given. It would need to be noted at the end of the program about this being political advertising.

Tim Jones, resident came to speak tonight after hearing that the delegation was present and would be discussing the Deliberative Session and preventing the zeroing out of warrant articles. He is very concerned with this and against this change. He thinks that by doing this you will only help to reduce attendance even further for this meeting. He noted how this was his first time to attend a Deliberative Session and he found it very interesting and informing. He brought up how the Deliberative Session is a form of government in itself. If the delegation wants to look into how the laws might be modified to improve the conditions that would be good. He provided some examples of things that could be done to improve the articles so that people can understand them. He commented on the increased use of the MOU.

Brian Lapham, 27 I Street, wants to remind everyone present tonight that the Town still needs help finishing the infrastructure on the west side of Ashworth Ave that never got completed when the drainage improvements were made. He knows the Board is trying to do what they can to get this work done, but thinks it is important to make sure this is in the back of the minds of anyone who may be able to help find money for this project.

II. Announcements and Community Calendar

Michael Pierce reminded everyone once again about recycling. He also informed the public that anyone wishing to get rid of the old green bins can do so since they are recyclable and can be brought to the Transfer Station.

Chairman Nichols read a resolution and recognition of service for Bill Lally, Chairman Nichol presented to Mr. Lally. Mr. Lally thanked everyone and commented on how it has been a pleasure to have work with the bright and dedicated people in this Town.

III. Appointments

1. Senator and Representatives Legislative Delegation

a. Legislative Update

Chairman Nichols mentioned that both he and Mr. Znoj had forwarded some input on what they would like to discuss with Legislators present tonight. He suggested that they have a back and forth type of dialogue.

Nancy Stiles thanked them for having them and understands that the issues they would like to discuss tonight are: the retirement system, spiking, defined contribution, CACR12 education constitutional amendment, Deliberative Session, school building aid, and rooms & meals tax.

Discussion on the Retirement System

Jim Waddell thanked the Town officials for all their help and discussed some of the help they have provided. There are an awful lot of changes that can be found on their website. Some of the most important things that happened include: increased contributions by the employees who was vested and who was not vested; HB1306 assessing the Town for part time employees who are part of the Retirement System; unfunded liability is growing; the retirement system is not going to go broke, but there is the unfunded liability portion, the unfunded liability is currently over \$4M and studying going from a defined benefit to a defined contribution. A lot is involved and there is the importance of making sure it is don<http://hamptonheritage.org/bostoncane.htm> correctly.

There was an additional discussion on moving from a defined benefit to a defined contribution plan. Senator Stiles brought up a bill that Senator Groen has in regards to defined benefit and defined contribution and it looks like it is going to push \$1.5M down on to the communities. There is a great push to have an interim study of this bill.

Senator Stiles stated that the NHRS bill to change the makeup of the Board was killed in the House. She brought up the bill she has that will kill the spiking charge. She hopes that once this bill is pushed through to the House they will move it through. Mr. Waddell mentioned how Hampton and Portsmouth are the only communities that are involved in Concord with the spiking charges.

Chairman Nichols stated that now is the time to get active and talk to people in other cities and towns about getting involved. The next several days are critical.

Mr. Znoj confirmed with Senator Stiles that the makeup of the retirement board is not going to remain the same. He has a real problem with recipients of the pension system running the Board. Mr. Waddell stated the plan to change the board was to have four employees, four employers, 4 members of the public and the State Treasurer. This was HB227 and it went before the House on January 4th. Chairman Nichols believes that the language of SB3 was incorporated in HB227 and the board did change from the original eight employee representatives and a board of 13 to the makeup mentioned above of 4, 4, 4, and Treasurer. Senator Stiles agrees it has changed, but the house bill was to reduce the number of employees even further. Therefore, the current makeup is four employees, 4 employers, 4 members of the public and State Treasurer. Mr. Rice stated that the reason that HB227 did not go forward was that there is always the feeling of not wanting to go too far. Mr. Znoj feels better about this makeup.

Mr. Znoj asked about the defined contribution program and felt it would be similar to a 401 plan. Mr. Waddell has a study that he can get to Mr. Znoj that goes through this point by point, on what is involved with switching programs. There was a discussion on how this had

cost the State of Utah a lot of money when they had switched over to this type of plan, but Utah was in a different situation than New Hampshire is in. They also discussed how the employer rates could increase with the defined benefit plan.

Discussion on CACR12

Senator Stiles stated that this is the constitutional amendment for education funding allowing the State to focus its money first on those communities most in need, this has been developed and the language was provided to the Board. This language has been agreed upon between Senate and the Governor's office, so there are two components that are on board with this. She feels confident it will pass the Senate. There will be a press conference on Thursday at 11 o'clock, and members of the coalition communities who would like to be there, are welcome.

Mr. Znoj supports this amendment and will try to be there. The problem will be in the House he believes. Mr. Rice commented on the number of members of the house and the redistricting that took place and how the Federal Govt. was involved and the Federal Constitution one man one vote trumps the State Constitution on this one. They also discussed how the number of representatives remains the same. The vast majority of redistricting was mathematical and was a huge game of Wack-A-Mole in Mr. Rice's opinion. Hampton went from five representatives to four with an additional representative shared between Hampton, Seabrook, Hampton Falls, and others. It was discussed how anything can be done with 400 members and it is handled by committees. Mr. Rice explained how the committees work on each bill and then they are brought to vote in a similar manner to the consent agenda by this Board. Mr. Rice also talked about the things that we see in the paper and how the work is actually done.

Chairman Nichols questioned what the process is going forward on a constitutional amendment if it was to pass through the House, Senate, and Governor. Senator Stiles stated that it would be put forward for vote in November and would need to pass by 3/5th vote or 60%.

Discussion on the Deliberative Session Bills

Senator Stiles explained there are actually three bills dealing with the Deliberative Session this year. There is one in the House that would prohibit petitioned warrant articles from being amended at all at the Deliberative Session if you are in a SB2 Town like Hampton. Mr. Rice commented that it is HB1176 and is recommended out of committee as Inexpedient to Legislate (ITL). Senator Stiles stated that there are currently two bills in the Senate. One is the one Senator Stiles put in for some of the communities and it has been changed. It still includes the language allowing the Towns to include the tax impact of the article in the article. It also still has the section that does not allow you to change the implementation date by more than 90 days. In regards to ordinances, it allows the topical discussion to be on the ballot and the long language to be posted and made available to the voters. The zeroing out piece has been removed, and the last piece in it says that any petitioned article cannot have the intent reversed, the committee has not decided yet if this language will remain or be taken out of this bill.

Mr. Lally expressed concern with being able to change the intent of a petitioned article at the Deliberative Session. He does not think this is fair to the 25 registered voters who supported the original article as it was written.

Chairman Nichols is a little confused and asked for clarification on what the difference is between changing the intent and the language that was in the Senate bill last year.

Senator Stiles explained that the bill last year stated you could not change the subject matter, but you could still change the intent, this bill just clarifies that you cannot change the intent of the petitioned warrant article, as well. Mr. Rice added that when that bill comes to the House they are considering an amendment to increase the number of signatures on a petitioned article from 25 in some communities; he explained that the reason for this is to eliminate some of the mischief behind some articles. The possibility is to raise the number of signatures to 100 or 2% of the voters, the number would be whichever is less (of 100 or 2%) of the total registered voters. Mr. Znoj thinks this is a great idea. Chairman Nichols thinks that 100 signatures are reasonable. Senator Stiles stated that there was a lot of discussion on this change when it was brought forward.

Senator Stiles stated the other bill in relation to the Deliberative Session has to do with forming a study committee on SB2 Towns. Senator Stiles has respectfully requested that the amendment to change the number of signatures needed for a petitioned warrant article be added to this bill as opposed to being an individual bill, as discussed above.

Mr. Rice raised the following items that are also related to the Deliberative Session, but he does not know the status on all of these: HB1376 prohibits an official ballot referendum Town from amending at the Deliberative Session, any warrant to do with the operating budget, if the Town has a Municipal Budget Committee; HB1170 allows municipalities to authorize the inclusion of a statement of the estimated tax impact to be voted on at the Town meeting; HB1497, is a bill that prohibits proselytizing in warrant articles, this makes sure the warrant article states the issue. CACR21 is a constitutional amendment that would allow the voters to veto laws by referendum. There are many things coming up that are in regards to warrant articles alone.

Mr. Pierce has a question about the Deliberative Session, there was a voter who wanted to change a petitioned warrant article; although this voter was the person who wrote the article, however, who knows if this is ok with 25 registered voters who had signed the petition as written.

Mr. Znoj commented that at the Deliberative Session we had 1% of registered voters. He went through the numbers of people present at different times of the day. He thinks this is a playground for special interest groups. Mr. Rice reminded everyone how originally the Town did have a Town meeting where 500 or 600 people would come out and raise their card to vote. Now we have SB2 and we have a Deliberative Session with 100 people or so and then the election a month later with a few 1,000 people who are not well informed. He talked about the fair amount of influence provided by the yellow sheet. Mr. Rice has met the person who puts out the yellow sheet, who happens to be a friend of Mr. Pierce's, and he takes great glee in being able to stir up the politics in Towns that he has nothing to do with. His name is Ed Nail and he is one of the board members of the Granite State Concerned Taxpayers. The people putting into the yellow sheet is even a smaller number than those represented at the Deliberative Session. Chairman Nichols feels very strongly that 3500

people weighing in on vote is better than the small amount that would possibly attend a Town Meeting. Mr. Rice believes the job now is for the Board to educate the people on what they are voting on. Chairman Nichols agrees and Mr. Znoj added that this is what they plan to do next week. They do not have any political agenda but instead plan to inform the public of the tax impact and contents of each article. Mr. Znoj would like to see at least a certain percentage of voters needed to participate in a Deliberative Session. He wonders if maybe a warrant article can be written allowing the Town to have a public hearing instead.

Senator Stiles will suggest that this also be added to the list of things for the committee who are to study the SB2 Towns. Mr. Rice stated the importance of hearing from the Towns on issues such as this.

Discussion on School Building Aid

Senator Stiles provided the following overview: moving from paying after the fact on the bond period of 20 years to paying upfront, in the next millennium we owe approximately \$43M in existing project and will continue to pay them. Chairman Nichols pointed out that this is the amount that is owed by the State for projects they have previously committed to supporting. There are similar bills, one in the House and one in the Senate that are very similar. The payment from the State has changed to upfront, so the community would only need to bond the remainder of the project cost. There is a bill in the House to cap the amount in any given year to \$50M, the Senate bill has no cap. She explained the process these bills must go through. The money available in the first few years would not be as good but it will grow in time.

Discussion on Rooms & Meals Tax

Senator Stiles attempted last year to put forward a bill to would try to get more revenue back to the Towns but it was met with a lot of opposition. She commented on how the legislators back in 2008/2009 bonded the school aid, so that school aid is taken off the top of the Rooms & Meals Tax before distribution. Hillsborough and Rockingham County are the two largest contributors to Rooms & Meals Tax, and what she had proposed last year was that 85% would be distributed amongst everyone and the other 15% would be distributed amongst the major contributors. Chairman Nichols commented on the uniqueness of Hampton, and how this would have a large impact on Hampton.

Mr. Pierce asked about the ability of the Town to add an additional tax, over and above this tax, for the Towns use. Senator Stiles stated that was put forward as a bill last year but the tourism industry was very opposed to that. Mr. Rice stated that they would hit a lot of opposition in the House if they tried to do this. Chairman Nichols stated that we might want to talk to some of the surrounding States that have attempted this. The legislation will look into doing this.

Additional Discussion

Chris Nevins would like to make some comments on some of the bills discussed and reminds everyone that this is just the starting point for things that are happening. He brought up HB1305 pole tax and the vote is coming up Wednesday and some of the expressed concern that this would be double taxation. He does think this bill will be defeated and Towns will be able to continue taxing the utilities. HB593, is the gambling bill and this is basically a social issue, it came up for vote last week, but was sent back to committee because it was felt that

there was not enough votes. There are a few amendments on this, the State is divided on this, and there is concern on what it would do to charitable gambling. Mr. Rice stated that he was informed that that the vote was postponed since the numbers of votes for this were very low, and it was sent back to committee. Mr. Waddell stated that it is not only a moral issue but an economic one, as it takes away business. Mr. Znoj thinks this is a good way to raise revenue for the State. Mr. Rice mentioned the minimum in MA is \$100M and NH is only going to require \$50M. Mr. Griffin feels it is too late since there are already so many casinos in the area. SB269 is being discussed this week, which is the definition of a Default Budget. Chairman Nichols has looked at this language and it did not look particularly harmful. SB289 is presenting a photo id to vote in person. There was an additional discussion on how they are working with the Town Clerks to make sure this will work. They discussed some of the problems that arose from the first bill that did not pass through. CACR12 should be thought of as a Donor Town bill. HB514, which is the privacy for your property, which has amended to allow Assessors to go onto people's properties and it has passed the house.

Ken Sheffert is on the Agriculture committee, which is trying to get small farmers up and competitive. They work with beginning farmers and the State has land that they put out to bid for farming. They are working with small farmers in order for them to use the unused raw milk to make butter and cheese, and be able to sell it, instead of being disposed of, and up to 20-gallons can be used. They are working with the Homestead Act by increasing the amount of money one can make, up to \$10,000, so that people will be able to sell more before you have to become commercial and get licensing. He talked a little about commercializing and how difficult it can be. They would like four meat inspectors in the State, and there is only one processor in the state.

Mr. Rice mentioned a bill on a definition of prime wetlands, HB1416 prohibiting the introduction of substances into the NH public water supply and CACR that no new tax should be levied upon a person's income from whatever source it is derived.

Senator Stiles added the following: bill on truancy, which would allow officers to issue a violation to a student, SB243, which is looking at adjustments to trust funds and capital reserve funds and the graffiti bill out on Thursday and it is being said they are going to kill it since it will weaken the statute.

Mr. Rice stated that he and some other representatives on Saturday went to a good briefing on Red Hook. He brought up some of the problems faced by breweries. The Liquor Commission is going to try to work something out. Mr. Sheffert mentioned a problem that one wine manufacture ran into similar to the one Mr. Rice mentioned with the Liquor Commission.

2. John Nyhan, Hampton Beach Area Commission
 - a. Federal Grant Opportunity – Ocean Blvd

Mr. Nyhan stated that they were made aware at the end of January that there is going to be a 4th round of funds called TIGER funds, available through the Federal Government. The total funding amount for this round is \$500M nationwide. The HBAC would like to submit an application for funding for reconstruction of Ocean Blvd from Haverhill Ave to Ashworth Ave. This would entail a new road, sidewalks on the west side, and new drainage going down the letter streets. Based on the eligibility funding opportunities, this work falls within the requirements of the grant. He has spoken with NHDOT on both the State and Federal

level and they would consider this application eligible and possibly desirable one, based on the Commission being made up of local and State officials. The last round of TIGER funding, both ME and MA received \$10M and NH received zero. We would be asking for \$10M for this project, as our projected cost, and this does fall under the 80/20 matching rule as we are consider as Urban Status, and with no local match. The timeframe for the funding is that the pre-application is due on February 20 with the full application due on March 24th. The application is very comprehensive and requires help from many State agencies. The biggest hurdle will be providing the source of the 20% match. After speaking with NHDOT preliminarily, they have indicated a willingness to help with the application and assist in finding a way to come up with the \$2M match, therefore not requiring any financial obligation from the Town of Hampton. In order for NHDOT to help with the TIGER funding, the issue around sidewalks with the Town will have to be resolved, specifically if, and only if NHDOT was able to come up with the match (by putting this amount in the capital budget) and we were awarded the grant, and it would be expected that just the sidewalks within the projects scope would be maintained by the Town. The Beach Commission is willing to do all the legwork around the application and will petition the NHDOT Commissioner to commit to submitting in a \$2M request in the upcoming capital budget year. However before they go through this process he needs to know if the Town is willing to except the responsibility to maintain the sidewalk, sidewalks only, if DOT constructs/reconstructs when appropriate the identified (West) sidewalks within this application. If awarded the project would need to start no later than fall 2013. There is a possibility to find Federal funds to repair Ocean Blvd and a match from the State through the capital budget. He needs to know if they receive the grant and the 20% match, would the Town be able to accept the responsibility of the sidewalks on the west side of Ocean Blvd between Haverhill Ave and Ashworth Ave. No other commitment of the Town would be required by NHDOT for this application. He needs direction from the Town regarding this grant, specifically the issue of the maintenance of the west side sidewalks (Ocean Blvd between Haverhill Ave and Ashworth Ave).

Discussion

Mr. Lally wonders if this is an issue with Article 31 on the ballot this year.

Chairman Nichols asked if the Commissioner has been spoken to and is not willing to seek the match unless the Town agrees to maintain these sidewalks. Mr. Nyhan feels that in his conversations both directly and non-directly that the NHDOT would not seek the 2M match without the Town's agreement to maintain these sidewalks.

Chairman Nichols reminded everyone of decision made in the past to maintain the sidewalks on A Street during the summer only and it was rejected by NHDOT. His problem is that the Town did offered a compromise and there was a flat no from the State without any negotiations at all. Therefore, it is very tough to accept this without any negotiating. He does not see himself agreeing to this tonight.

Mr. Griffin mentioned how the State has done nothing to the sidewalks for the past 40 years, so the Town could do the same. He expressed concern with whether or not they want the sidewalks to be plowed; because of the new year-round events occurring; even though it has have never been done in the past. Chairman Nichols commented that a lot of what Mr.

Griffin is referring to is the Town working with DRED and Mr. Nyhan is discussing NHDOT. Mr. Griffin commented on a lack of trust towards the State Departments.

Chairman Nichols asked if anyone on the Board is in favor of agreeing to this within the next day or so.

Mr. Lally's problem is there is an article on the ballot and he does not think they can do anything without seeing how the vote turns out on this article. Chairman Nichols does not feel any regrets for asking the opinion of the voters because they had almost all-negative input on this, and that does not mean everyone feels that way and with the warrant article we will see how people feel.

Mr. Griffin commented on how many feel that the Town is selling out, just by putting the article forward.

Mr. Znoj would be in favor of having some discussions on this with DOT immediately to see exactly what they are proposing in regards to maintenance of these sidewalks.

Mr. Lally reminded everyone that the State repetitively states that they do not do sidewalks, except for one area, and Mr. Welch confirm that the area is the Memorial Bridge. Mr. Welch stated that there is another issue and this is a large construction project. He brought up drainage and possible problems that could arise. These problems are not problems that cannot be solved but need to be talked through.

Mr. Nyhan would like to comment on the following. One is the bigger picture and to follow the Hampton Beach Master Plan; also going forward he knows he cannot come back to the Town looking for financial support. The issue is we need partners to help financially, and a mutual agreement with partners so that we do not get sidetracked with issues that might get in the way of financial assistance. And straight from NHDOT, the maintenance definition is whatever the Town currently has in place now, and there would be no new policy forced on the Town with respect to new maintenance demands made by NHDOT on the Town.

Chairman Nichols expressed concerns that this is not the right time.

Mr. Nyhan stated that they can submit the pre-application and wait to see how the vote turns out before the final application is submitted.

Chairman Nichols thinks that if Mr. Nyhan is willing to do the work and submit the pre-application than that is what should be done. Mr. Nyhan reiterated that he is willing to do this work but he would need guidance from the Board at this time; specifically on the issue of the maintenance of the west side sidewalks (Ocean Blvd between Haverhill Ave and Ashworth Ave); as to whether or not the application should be submitted.

Chairman Nichols asked that he meet with Atty. Gearreald, Mr. Welch and Keith Noyes as they have some sort of handle on what the issues are, and meet prior to the vote so that the Board can move forward quickly after the election if necessary.

Mr. Welch would suggest that Mr. Nyhan talk to Mr. Noyes.

3. Michael Schwotzer, Finance Director
 - a. Monthly Financials

The report is for the month of January and is available on the website. The budget column is using 2011 until Town Meeting makes the final choice between the 2012 proposed or default

budgets. The motor vehicle total came in at \$203.1k, which is \$10k below budget. The expense summary shows the year to date expenses by department. At the end of January, the operating departments were 8.59% of the budget, which is higher than the month's target of 8.33%. It should be noted that this percentage is against last year's budget, which is \$440 - \$500k below any of 2012's choices. The majority of the departments are below the target level and do not have any major issues. Some of the smaller line items are over the year-to-date target because of the January/quarterly effect: where annual contracts or quarterly bills are booked during January. In personnel Administration the \$110k booked to the Buy-Back program occurs only once in January. In Municipal Insurance, the \$137k in Workman's Comp covers the first qtr. And the Membership Dues are for the whole year. Other Safety Services – Hydrants the \$198k is a semi-annual payment. The Transfer Station wage accounts are being booked correctly and when the 2012 Budget is finalized, these accounts will come back in line. It should be noted that the Library Appropriation is paid quarterly in advance resulting in the "% Used" column showing at 25% vs. the target of 8.3%.

Discussion

Chairman Nichols confirmed that the February financials will reflect the 2012 budget once the election results are in.

Mr. Znoj has spoken with Mr. Welch about water and electricity costs under Parking Administration and how it is more costly to turn these services off and on as opposed to paying the monthly bill.

IV. Town Manager's Report

1. Departments have been requested to prepare lists of disposal items that can be auctioned in a Town auction in the coming spring (May – June). Public Works is doing a complete inventory of all old materials on hand that can be disposed of, with all developed lists to be presented to the Selectmen for review and approval.
2. The 2012 Long Range Capital Expenditures Report development has been started and must be completed by May 31, 2012. Draft warrant articles will be prepared for Selectmen's review based upon submissions received.
3. The original contractor selected for the Mill Road drainage work has declined to sign the necessary documents and the second low bidder has been awarded the contract and will hold his price received at the bid. The residents affected will be notified by mail. The price has increased from \$33,315 to \$47,920 or by \$14,605. The work will begin on Monday.
4. Comcast has paid its semi-annual franchise fee to the Town in the amount of \$153,018.59
5. The closing date for any abatement requests for 2011 property taxes is March 1, 2012. The closing date for exemptions from taxes and credits is April 15, 2012. Please check with the Assessor's Office on any of these items and for the necessary forms for filing.
6. Please mark your calendars for the Annual Town Election to be held March 13, 2012 at the Winnacunnet High School from 7AM to 8PM.
7. I will be out on several days over the next month and half and would request that Board appoint Michael Schwotzer as the Acting Town Manager in my absences on February 17 and 24 and March 14 through the 20 and March 30th.

Mr. Znoj MOTIONED to appoint Michael Schwotzer as Acting Town Manager on February 17 and 24 and March 14 through the 20 and March 30th. Mr. Pierce SECONDED.

VOTE: 5-0-0

Discussion

Mr. Pierce asked if we are moving forward at all on the Fairfield area. There is a meeting scheduled with DPW and the engineers to discuss this project. They are looking at everything in this area including drainage, sewer and electrical. They discussed any easements that might exist in this area.

Mr. Lally mentioned that the flag at Bicentennial Park needs to be replaced. Mr. Welch stated it was just replaced. Chairman Nichols thinks there is something funny since this flag has been replaced twice in a few months. They agreed that there is something funny here and this needs to be looked at closer.

Mr. Znoj asked about Southeast Refuse Disposal District. Mr. Welch plans to put this on the agenda next week but made the following comments: the contract with the District expires at the end of June 2015; and a lot of discussion has occurred on what should be done with the District when the contract expires. He has asked DPW to look at whether or not the Town should enter into another contract with them. Mr. Znoj wonders what benefit Hampton receives from being a part of this. There is no real benefit but it does provide proper billing and the cost is about \$17 to \$19k. Once he has a recommendation from Keith he will come back to the Board.

Mr. Pierce thinks that we should look at the Rockingham Planning Commission in the same manner.

Chairman Nichols has one concern with the CIP and having Department Heads spending so much time unnecessarily. He wonders if another step should be added. He has always felt that this is some sort of a wish list that was not properly vetted. He shared with the Board some research and calculations he has done in regards to adding the CIP expenses to his projected forecast out to 2016. With the CIP expenses added there was a 21% increase versus 13%. He would suggest that a step be added so that Department Heads do not waste time coming up with projects that might not be put forward. He would suggest a draft list prior to Department Heads spending a large amount of time on this. Mr. Welch commented on items that need to be removed from the CIP that are not necessary. Mr. Welch will have this discussion with the Department Heads tomorrow morning. Mr. Znoj stated there needs to be a tax impact presented with this CIP report.

V. Old Business

1. Memorandum of Understanding DRED

Chairman Nichols stated that the Board all received a copy of the draft that came back from DRED along with a three page summary/comments made by Mr. Welch. Mr. Welch stated that this needs to be fixed and the chairman stated that they need to get together with DRED.

Discussion

Mr. Znoj thinks this is going to take a lot of work and the importance of whether or not they have the track changes available for the Board.

Mr. Welch stated they need to set up a future meeting date, and he needs input from the Board.

Chairman Nichols has one big question the MOA vs. the MOU and the ending date of March 2013. Mr. Welch thinks this is a dummy date but it will be confirmed.

Mr. Pierce thinks this is a mess and is not the same document. Chairman Nichols commented on the fact that once the draft was completed by the Town there was a meeting with DRED and there did not appear to be any controversy with the document. However, we received back a completely different document.

The Board agreed to get any questions or concerns with the document to Mr. Welch and that a meeting does need to be scheduled with DRED.

VI. New Business

1. Format for 02/20/2012 meeting discussion on Warrant Articles

Chairman Nichols reiterated that they would be meeting next Monday to discuss warrant articles in greater detail. He would like to discuss tonight how the Board sees this meeting going and he has some ideas of his own. When he suggested this, it was so that it could be replayed several times prior to the Election. He thinks we need to limit the timeframe and maybe the goal should be one hour in length. He does not think that they need to cover every article. He would like to present a 10-minute overview of the tax impact, followed by 10 minutes on the Fire Station and Church Street Pump Station focus on the objection as opposed to the exact plans, 6 or 7 minutes on collective bargaining agreements and then identify any other articles of importance.

Discussion

Mr. Lally would add the roads article and Mr. Znoj brought up the North Hampton Beach sewer connection, and he will discuss this.

Mr. Lally would like to speak against Article 36 in regards to the Legal Department.

Mr. Znoj wonders about the budget but Chairman Nichols and Mr. Lally agree that this has been discussed in great detail in the past, and the Board agreed.

Chairman Nichols thinks we have a pretty good plan in place and it is important to stay away from lasting longer than an hour or so on this.

Mr. Znoj commented on Article 16, the Fire Supervisory article having a negative impact in the first year. Chairman Nichols stated that he does not feel that we can pick each article a part but should instead focus on the important components.

Chairman Nichols asked the question on how will they handle the public comment aspect of meetings. He heard what Arthur said but does not see this as a political action but instead an informative meeting. Mr. Lally thinks if the public wanted to comment they could have done so at the Deliberative and Chairman Nichols stated that they can comment at the meeting following Monday's meeting. The Board agreed that there will be no public comment.

Chairman Nichols summarized the articles that will be discussed are the North Hampton Beach sewer connection, the Five CBA's, Roads, Fire Stations, Church Street Pump Station, and Legal. The Board agreed that they will all have the opportunity to talk about each

article, but will need to be started by someone. Mr. Welch and Mr. Noyes will discuss the roads.

VII. Consent Agenda

1. Exemptions: Veterans – Skinner, Mitchell; Elderly – Charette, Robert
2. Hampton Cemetery Deed, High Street – Taylor, Patricia
3. Raffle Permit “Sacred Heart School”

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

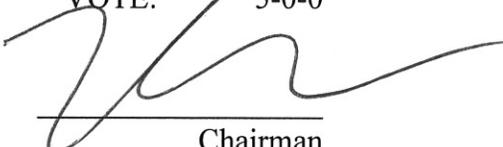
VOTE: 5-0-0

VIII. Closing Comments - None

IX. Adjournment

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

VOTE: 5-0-0



Chairman