

**Town of Hampton
Annual Town Meeting
February 4, 2012
Results of Balloting
March 13, 2012**

Moderator Robert Casassa opened the Deliberative Session of the Hampton Town Meeting at 0843 on February 4, 2012 in the Winnacunnet High School Community Auditorium.

Moderator Casassa welcomed everyone to Deliberative Session and announced that the warrant had been posted.

Moderator Casassa introduced Jacob Smith, Devin LaRoche, Michael Moser, Caitlyn Barbieri, Cooper Pennfield, and Cate Casassa, 8th Graders from HAJH who led the group in the Pledge of Allegiance.

The Moderator introduced the town officials: Selectmen Chairperson Richard Nichols, William Lally, Richard Griffin, Gerald Znoj, Michael Pierce; Town Manager Fred Welch; Town Attorneys Mark Gearreald and Wanda Robertson; Town Clerk Jane Marzinzik; Deputy Town Clerk Shirley Doheny; Administrative Assistant Kristina Ostman; Finance Director Michael Schwotzer; Budget Committee Chairperson Eileen Latimer; Supervisors of the Checklist Arleen Andreozzi, Davina Larivee, and Barbara Renaud. Assisting the Supervisors are Teresa Ryan and Martha Williams.

The Moderator advised if you intend to vote today you must check in with the Supervisors of the Checklist to obtain your voting card.

Assisting the Moderator are Denis Kilroy, Darold Mosher, Nathan Page, Glyn Eastman, and Nancy Stiles. Breakfast is being served in the entry way, and lunch will also be served in the entry way by Hampton Academy 8th Grade Class to benefit their trip to New York City.

The Moderator advised we will be voting on March 13 at the WHS Dining Hall.

The Moderator gave the purpose and rules of Deliberative Session and gave information regarding exits and fire codes.

Moved by Dick Nichols, Seconded by William Lally to allow out of town residents to speak (Fred Welch, Town Manager, Mark Gearreald, Wanda Robertson, Town Attorneys; Kevin Schultz, Building Inspector; Mike Schwotzer, Finance Director; Dyana Martin, Recreation & Parks Director; Ed Tinker, Assessor; Jamie Steffen, Planner; Kristina Ostman, Administrative Assistant; Keith Noyes, Public Works Director, Amanda Reynolds Cooper, Library Director). Motion Passed.

ARTICLE 1

To choose by non-partisan Ballot: Two (2) Selectmen for 3-year terms: One (1) Tax Collector for a 3-year term; One (1) Moderator for a 2-year term; One (1) Supervisor of the Checklist for a 6-year term; Two (2) Trustees of the Trust Funds for a 3-year term; Two (2) Library Trustees for 3-year terms; Two (2) Members of the Planning Board for 3-year terms; One Cemetery Trustees for a 3-year term; Four (4) Members of the Budget Committee for 3-year terms; One (1) Member of the Budget Committee for a one-year term; Two (2) Members of the Zoning Board of Adjustment for 3-year terms

The Moderator announced the candidates for each office in the order in which they will appear on the ballot per RSA 656:5-a:

Selectman

Jerry Znoj - 1010

Philip Bean – 1441*

Dustin Marzinzik – 847*

Ben Moore – 1592*

Mary-Louise Woolsey - 1146

Tax Collector

Donna Bennett – 2694*

Moderator

Robert A. Casassa – 2827*

Supervisor of the Checklist

Barbara Renaud – 2564*

Trustee of the Trust Funds

John M. Sovich – 2256*

Norman Silberdick – 1917*

Library Trustee

Richard M. Laskey, Jr. – 1425*

Mark Hughes – 1432*

Sunny Kravitz - 1301

Planning Board

Mark Olson – 1978*

Tracy Emerick – 1787*

Art Moody - 1415

Cemetery Trustee

Thomas Harrington – 2512*

Budget Committee (3-yr term)

Richard E. Reniere – 1463*

Pat Collins – 1686*

Joe Grzybowski – 1532*

Brian Lapham - 1384

Michael Plouffe – 1660*

Budget Committee (1-yr term)

Diandra Sanphy – 1483*

Victor R. DeMarco - 1391

Zoning Board

William “Bill” O’Brien – 2076*

Robert Vic Lessard – 2109*

ARTICLE 2

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows?

Amend ARTICLE I – GENERAL

Section 1.5 Planning Board - Site Plan Review.

To modify the wording to comply with new State law (RSA 674:39) on vested rights relative to approval of site plans.

Moved by Mary-Louise Woolsey, Seconded by Mike Plouffe, to open Article 2 for discussion.

Fran McMahan, Chairman of the Planning Board gave an overview of Article 2.

No further discussion. Article 2 will be on the ballot as written.

Yes - 2753*

No - 346

Article 2 passed.

ARTICLE 3

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows?

Amend ARTICLE III – USE REGULATION

Section 3.26 to modify the wording to replace the use regulation term of Garage with Motor Vehicle Repair and Service Shop; and

to delete Parking Lots from the use category; and

to revise the definition of filling station to include the words “and dispensing” after the word “sale” and “electricity or other alternative fuel” after the words “diesel oil”; and

Section 3.26a to permit parking lots and/or parking areas in the RCS zoning district with site plan approval by the Planning Board.

Moved by Mike Pierce, Seconded by Jerry Znoj to open Article 3 for discussion.

Alec Desrochers, non-resident appeared at the podium. Moved by Dick Nichols Seconded by Rick Griffin allow to Mr. Desrochers speak. Motion passed. Alec Desrochers advised the article should be split up to be two articles and that the acts that occur in the parking lots are deplorable.

Steve Light, owner of 180 Riverview Terrace, non-resident, asked for permission to speak, which was granted by the body. Mr. Light spoke in opposition of Article 3.

Fran McMahon advised this would be with a site plan approval only.

Rick Griffin advised the types of circumstances Mr. Desrochers has described happens all over Hampton.

Steve Light advised the police activity in the residential areas is much less than the business districts. He advised the parking lots are out of the way.

Jerry Znoj advised he doesn’t believe this subject came up in the public hearing.

Rick Griffin advised the establishments are paying for police presence in these areas.

Arthur Moody, 3 Thomsen Rd, spoke in regard to grandfathering parking lots.

No further discussion. Article 3 will be on the ballot as written.

Yes - 2302*

No – 629

Article 3 passed.

ARTICLE 4

Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows?

Amend ARTICLE IV – DIMENSIONAL REQUIREMENTS

Section 4.1.1. To modify the table to add footnotes 6, 7, 8 and 23 from pages 45 and 46, relative to existing lots of record for the required minimum lot area per dwelling unit requirement in the RA, RB, RCS, and BS zoning districts.

Moved by Mike Plouffe, Seconded by Mike Pierce to open Article 4 for discussion. Fran McMahon gave an overview of Article 4.

No further discussion. Article 4 will be on the ballot as written.

Yes - 2006*

No - 768

Article 4 passed.

ARTICLE 5

Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows?

Amend ARTICLE II – DISTRICTS

Section 2.3 Wetlands Conservation District. To clarify the existing wording and modify the organization of the District regulations to make them easier for the public to understand. A definition of impervious surface is proposed to be added, and a requirement that all tree removal shall comply with the NHDES Shoreland Water Quality Protection Act.

Moved by Mary-Louise Woolsey, Seconded by Mike Pierce, to open Article 5 for discussion.

Jay Diener 206 Woodland Road, gave an overview of Article 5.

Fran McMahon advised that the Planning Board unanimously endorsed Article 5.

No further discussion. Article 5 will be on the ballot as written.

Yes - 2653*

No – 447

Article 5 passed.

ARTICLE 6

Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows?

Amend ARTICLE XIX to enact a new article entitled ARTICLE XIX TRANSPORTATION CORRIDOR OVERLAY DISTRICT and renumber the articles that follow accordingly.

The Transportation Corridor Overlay District would serve the following purposes:

- a) to provide opportunities for future transportation uses and facilities and utility line uses and facilities; and
- b) to allow for recreational trail use; and
- c) to restrict land uses from being established in the transportation corridor that conflict with these uses.

The District shall consist of the B&M Hampton Branch rail line property regardless of ownership running from the North Hampton Town line to the Hampton Falls Town line within the Town of Hampton.

Moved by Mike Pierce, Seconded by Mary-Louise Woolsey, to open Article 6 for discussion.

Fran McMahon gave an overview of Article 6.

Fred Welch advised that the rail has been de-classified, and the railroad most likely will be sold. He advised that the best place to install drainage along Route 1 is to bury a drain line where the railroad is now. He advised if the rail is sold privately, the town would not be able to install drainage & utilities along that line.

Arthur Moody advised the state currently owns the state bed and gave further information regarding the rail line.

No further discussion. Article 6 will be on the ballot as written.

Yes – 2609*

No – 445

The Article passed.

ARTICLE 7

Are you in favor of the adoption of Amendment No. 6 as proposed by the Board of Selectmen for the Hampton Zoning Ordinance as follows?

Amend ARTICLE V – SIGNS

Amend Section 5.2 Definitions. To define Sandwich Board/Menu signs separate from Portable signs; and

Section 5.4.2. To set forth restrictions on Sandwich Board/Menu signs as indicated in Table I – Permitted Signs Per Zone; to list in which zones such signs are permitted; and

Amend Table II – Size Chart to include Sandwich Board/Menu signs, and to list the size restriction on such signs.

Recommended by the Planning Board

Moved by Mike Pierce, Seconded by Jerry Znoj to open Article 7 for discussion.

Fran McMahon gave an overview of Article 7.

Mike Pierce spoke in favor of Article 7.

Rick Griffin spoke in favor of Article 7.

Arthur Moody advised there is no mention of how the signs look and spoke in opposition of Article 7.

Victor DeMarco, 11 Milbern Ave, advised enforcement is a problem and that there are so many ordinances that they are difficult to enforce.

No further discussion. Article 7 will be on the ballot as written.

Yes – 2392*

No – 685

The Article passed.

ARTICLE 8

Passage of this article shall override the 10 percent limitation imposed on this appropriation due to the non-recommendation of the budget committee.

Shall the Town of Hampton vote to raise and appropriate the sum of \$4,744,940 for the purposes

a) of constructing a new Beach Fire substation for \$3,109,990 including but not limited to, as to the Beach substation, demolishing and removing existing structures and making other ancillary and related improvements with respect thereto as provided in the Memorandum of Understanding described below; and

b) of constructing the first phase of improvements to the Winnacunnet Road Fire Station for \$1,634,950.

Such sum of \$4,744,940 to be raised by the issuance of municipal bonds and notes for a period not to exceed twenty (20) years under and in accordance with the provisions of the Municipal Finance Act (RSA 33); and to:

Authorize the Board of Selectmen and the Town Treasurer to issue and negotiate such bonds or notes and to determine the rate of interest thereon; and

Authorize the Board of Selectmen to apply for, contract for, accept and expend Federal, State or other available funds toward the project in accordance with the terms and conditions under which they are received and to borrow in anticipation of the receipt of such aid or the issuance of such bonds or notes as provided in the Municipal Finance Act, (RSA 33), as amended; and

Authorize the Board of Selectmen to execute and deliver, in the name of and on behalf of the Town, a Memorandum of Understanding between the Board and the Hampton Beach Village District Commissioners pertaining to the construction of a new Beach Fire substation in the Hampton Beach Village District, and the conveyance of certain property interests, and other matters, all as more particularly described in said Memorandum of Understanding, and to ratify and confirm the prior execution of said Memorandum of Understanding by the Board and any other actions by the Board taken with respect thereto; and

Authorize the Board of Selectmen, under such terms and conditions as the Board of Selectmen determine to be in the best interest of the Town, including but not limited to appropriate rights of reverter, and as per the terms of the Memorandum of Understanding between the Board and the Hampton Beach Village District Commissioners:

To accept from the Hampton Beach Village District Precinct the transfer of Tax Map 287, Lot 31 in its entirety and portions of Tax Map 287, Lot 29, and Tax Map 287, Lot 32 for a combined total of 18,200 square feet, plus or minus; and

To transfer to the Hampton Beach Village District Precinct all of Tax Map 287, Lot 28 at the expiration of the current lease with the Town in the year 2013; and

To authorize the Board of Selectmen to take any and all actions as may be necessary to carry out the project in the best interests of the Town of Hampton? (3/5ths vote required)

Recommended by the Board of Selectmen 5-0
Not Recommended by the Budget Committee 8-7

Moved by Gerald Znoj, Seconded by Michael Pierce to open Article 8 for discussion.

Jerry Znoj gave an overview of Article 8.

Christopher Silver, Fire Chief, 8 Reddington Landing, gave an overview of the project relative to Article 8.

Moved by Dick Nichols, Seconded by William Lally, to Amend Article 8 to change the amount in line 2 to \$5,756,740 and to change the amount in Line B to \$2,646,750 and remove the words “the first phase of” and to change the amount in the sentence that begins “Such sum” to \$5,756,740. Dick Nichols gave a review of the reasoning for making this amendment.

Victor DeMarco asked a question regarding the memorandum of understanding. Mark Gearreald explained the memorandum of understanding and the reverter.

Eileen Latimer, 251 Mill Road, Chairman of Budget Committee, spoke in favor of the Nichols amendment. She advised that at the end of the meeting the budget committee will take another vote regarding the recommendation of this article and should the vote change, thereby the budget committee recommendation changes, asked if this would mean that the 10% wording would be removed. Mark Gearreald advised the wording cannot be removed. Eileen Latimer asked why, Mark Gearreald gave an explanation.

Eileen Latimer advised she sees this as a legal maneuver to get around the budget committee.

Peter Traynor, Presidential Circle, Budget Committee, spoke in favor of the Nichols amendment.

Mary-Louise Woolsey, 148 Little River Road, spoke in opposition of the Nichols amendment.

Diandra Sanphy, 34 Langdale Drive, spoke in favor of the Nichols amendment.

Richard Reniere 29 Highland Ave, spoke in favor of the Nichols amendment.

Brian Warburton, 24 Sanborn Road, spoke in agreement with Mr. Gearreald’s comments and made recognition of William Lally and his service to the town.

Vote taken on the Nichols amendment. The Nichols amendment passed.

Arthur Moody spoke regarding the selectmen’s hearing on the bond issue and questioned the memorandum of understanding.

Brian Warburton, 24 Sanborn Road, spoke in opposition of Article 8.

John Nyhan, 2 Walnut Ave, spoke in favor of Article 8.

Chuck Rage, 121 OB, spoke in favor of Article 8.

The Moderator took a sense of the body on whether or not to continue discussion on Article 8. The body indicated it was in favor of moving the article forward.

No further discussion. Article 8 will be on the ballot as amended.

Yes – 2396*

No – 952

60% Required – 67% Received

The article passed.

ARTICLE 9

Shall the Town of Hampton vote to raise and appropriate the sum of \$4,850,000 for the purpose of constructing a complete replacement and installing necessary equipment at the Church Street Sewer Pumping Station that provides sewer services to Hampton Beach from Boar's Head to the Hampton-Seabrook town line.

Such sum to be raised by the issuance of municipal bonds or notes for a period not to exceed thirty (30) years under and in accordance with the provisions of the Municipal Finance Act (RSA 33); and

To authorize the Board of Selectmen and the Town Treasurer to issue and negotiate such bonds or notes and to determine the rate of interest thereon; and

To authorize the Board of Selectmen to apply for, contract for, accept and expend any Federal, State or other available funds towards the project in accordance with the terms and conditions under which they are received and to borrow in anticipation of the receipt of such aid or the issuance of such bonds or notes as provided in the Municipal Finance Act (RSA 33), as amended; and

To authorize participation in the State Revolving Fund (SRF) (RSA 486:14) established for the purpose, and to authorize the Board of Selectmen to apply for, accept, and expend such monies as they become available from the Federal and State Governments; and

To authorize the Board of Selectmen to implement such cost effective solutions as are presented in the future that they deem to be in the best interests of the Town that may result in a lesser amount of expenditure than is authorized by this warrant article; and

To authorize the Board of Selectmen to take any and all actions necessary to carry out the project in the best interests of the Town of Hampton? (3/5ths vote required)

Recommended by the Board of Selectmen 5-0

Recommended by Budget Committee 7-5

Moved by Gerald Znoj, Seconded by William Lally to open Article 9 for discussion.

Jerry Znoj gave an overview and spoke in favor of Article 9.

Keith Noyes, Public Works Director, gave an overview of Article 9 and highly recommends approval of this article.

Vic Lessard stated that it was the prior Town Manager that allowed the contractor to leave without completing the Beach Project. He spoke in favor of Article 9.

Rusty Bridle, 225 Towle Farm Road, advised that he wants to support this article. He believes sewer west of Rte 95 needs to be addressed.

Eileen Latimer, 251 Mill Road spoke in favor of Article 9.

Keith Noyes advised we do have a plan, it is a preliminary design with cost estimates, and then if the funding is approved then full design will be done. He stated he feels confident with the program.

John Nyhan asked a question of clarification of Mr. Noyes, asking what he sees as a time frame for completion.

Keith Noyes advised the delay could be with DES, he advised his goal is to start January 1, 2013. He is hopeful that the majority of the work will be done before the summer season of 2013.

John Nyhan spoke in favor of Article 9.

Keith Noyes advised we have done everything we can to have a backup plan should the pump go.

Norman Silberdick, 70 Tide Mill Rd, spoke in favor of Article 9.

Fred Rice, 15 Heather Lane, spoke in favor of Article 9.

The Moderator asked for a sense of the body as to whether to close discussion of Article 9. No further discussion. Article 9 will be on the ballot as written.

Motion by Rusty Bridle to Restrict Reconsideration of Articles 8 & 9, Seconded by Brian Warburton. Motion passed.

Yes – 2609*

No - 751

60% Required – 73% Received

ARTICLE 10

Shall the Town of Hampton vote to raise and appropriate the sum of \$80,000 for the purpose of replacing the air conditioning chiller with an energy efficient model and replacing current lighting with energy saving fixtures, all at the Lane Memorial Library so as to realize energy savings that are expected to far exceed the cost of the improvements; and

To authorize the Board of Selectmen and the Town Treasurer to issue and negotiate such bonds or notes or loans with Unitil Energy Systems, Inc. for 10 years under a program providing no interest loans, with repayment of said loans to occur monthly over the 10 year period with the Library's monthly energy bills, and with the Library through its Trustees is to be solely responsible by agreement with the Town for the repayment of these loans from Unitil; and

To authorize the Board of Selectmen to take any and all actions as may be necessary to ensure that the project is implemented by the Library Trustees in the best interests of the Town of Hampton? (3/5ths vote required)

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 14-0

Moved by Jerry Znoj , Seconded by William Lally to open Article 10 for discussion.

Jerry Znoj gave an overview of Article 10.

Amanda Cooper, Library Director, gave an overview of Article 10.

Brian Warburton spoke in favor of Article 10.

Sunny Kravitz spoke in favor of Article 10.

No further discussion. Article 10 will be on the ballot as written.

Yes – 2918*

No – 480

60% Required – 81% Received

The Article passed.

ARTICLE 11

Shall the Town of Hampton raise and appropriate as an operating budget, not including appropriations for special warrant articles and other appropriations voted separately; the amounts set forth in the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$24,388,634. Should this article be defeated, the default budget shall be \$24,632,021, which is the same as last year, with certain adjustments required by previous action of the Town Meeting or by law, or the governing body may hold one special town meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised budget only? (Majority vote required)

Not Recommended by the Board of Selectmen 3-2
Recommended by the Budget Committee

Moved by Mike Plouffe, Seconded by Peter Traynor to open Article 11 for discussion.

Moved by Art Gopalan, Seconded by Skip Webb to amend the operating budget figure from \$24,388,634 to \$24,535,290 an increase of \$146,656. Art Gopalan spoke to the amendment.

Skip Webb spoke in favor of the Gopalan amendment.

Diandra Sanphy spoke in opposition of the Gopalan amendment.

Eileen Latimer offered a point of order that we restrict comments to town residents. Mrs. Latimer spoke in opposition of the Gopalan amendment.

Brian Warburton spoke in opposition of the Gopalan amendment.

Keith Noyes spoke in favor of the Legal Department.

Mike Schwotzer, Finance Director gave a visual view of the difference between in-house and out-of-house legal counsel.

Ed Tinker, Town Assessor, spoke in favor of the Legal Department.

Kevin Schultz, Building Inspector, spoke in favor of the Legal Department.

Fred Rice, 15 Heather Lane, spoke in regard to the Budget Committee doing things the right way.

Amanda Cooper spoke in favor of the Legal Department.

The body voted to move the Gopalan amendment. Motion passed.

Gopalan amendment passed.

Moved by Mike Pierce, Seconded by Jerry Znoj to add at the end before (Majority vote required):

; if Article 16 on this warrant passes so as to approve the cost items in a two-year collective bargaining agreement between the Hampton Board of Selectmen and the Hampton Fire Department Supervisory Association Local 3017 (Fire Officers), then the foregoing operating budget and default budget amounts shall each be reduced by \$1,899; and if this Article 11 passes, then Articles 26 (as to mosquito control) and 27 (as to the Police Department Mounted Patrol) on this warrant shall be null and void?

Mike Pierce gave an overview of his amendment.

Mary-Louise Woolsey asked why we are seeing this now.

The Moderator advised that this amendment was required by DRA.

Eileen Latimer spoke regarding Diandra Sanphy speaking on her amendment.

Vote taken on the Pierce amendment. Motion passed.

Diandra Sanphy made a motion to amend Article 11 to decrease by \$14,650 to \$24,520,640, Seconded by Mark McFarlin. Diandra Sanphy gave an overview of her amendment.

Mark McFarlin, 3 Warner Lane, gave an explanation of the \$14,650 (human resource position).

Eileen Latimer spoke in favor of the Sanphy amendment.

Sanphy amendment passed.

A vote was taken to close discussion on Article 11. Motion passed.

Motion made by Brian Warburton, Seconded by Mary-Louise Woolsey to restrict reconsideration of Articles 10 & 11, Motion passed.

Yes – 2845*

No – 420

The Article passed.

ARTICLE 12

Shall the Town of Hampton vote to approve the cost items included in a two-year collective bargaining agreement reached between the Hampton Board of Selectmen and the Teamsters Local 633, which calls for the following increases in salaries and benefits at the current staffing level:

2012 \$17,638

2013 \$40,237

And further to raise and appropriate the sum of \$17,638 to fund the cost items relating to the Teamsters Local 633 salaries and benefits for 2012? Such sum represents the additional salaries and benefits (over the 2011 budget level) for the first of the two years that are contained in a collective bargaining agreement between the Town of Hampton by its Board of Selectmen and the Teamsters Local 633 (Clerical, PW Foremen, PD Dispatchers), pursuant to N.H. RSA 273-A? (Majority vote required)

Recommended by the Board of Selectmen 5-0

Recommended by the Budget Committee 13-1

Moved by Richard Nichols, Seconded by William Lally to open Article 12 for discussion.

Dick Nichols gave an overview of Article 12.

Keith Noyes, Public Works Director, spoke in favor of Article 12.

Mike Pierce spoke in favor of Article 12.

Mike Edgar, 7 Ann's Terrace, spoke in favor of Article 12.

No further discussion. Article 12 will be on the ballot as written.

Yes – 2346*

No - 951

The Article passed.

ARTICLE 13

Shall the Town of Hampton vote to approve the cost items included in a two-year collective bargaining agreement reached between the Hampton Board of Selectmen and the Hampton Police Association (Officers), which calls for the following increases in salaries and benefits at the current staffing level:

2012 \$133,420

2013 \$191,105

And further to raise and appropriate the sum of \$133,420 representing the additional cost attributed to the increase in salaries and benefits required by the new agreement to fund the additional cost items Hampton Police Association (Officers) salaries and benefits for 2012? (Majority vote required)

Recommended by the Board of Selectmen 5-0

Recommended by the Budget Committee 14-0

Note: the above stated amounts are calculated as follows:

2012: \$133,420, which is derived from the difference between an increase in salaries, and benefits of \$173,196, offset by \$39,776 in health insurance savings.

2013: \$191,105, which is derived from the difference between an increase in salaries, and benefits of \$247,101, offset by \$55,996 in health insurance savings.

Moved by Richard Nichols, Seconded by William Lally to open Article 13 for discussion.

Dick Nichols gave an overview and spoke in favor of Article 13.

Jamie Sullivan spoke in favor of Article 13.

William Lally spoke in favor of Article 13.

Rick Griffin spoke in favor of Article 13.

Brian Warburton spoke in favor of Article 13.

Arthur Moody asked if “Officers” is the same as “Patrolman?” Dick Nichols advised the two are synonymous.

Diandra Sanphy spoke in favor of Article 13.

Art Gopalan attempted to clarify Arthur Moody’s question.

Jamie Sullivan made clarification for Arthur Moody and Art Gopalan. He advised Officers is a universal term.

Bill Bowley, 252 Landing Road spoke in favor of Article 13.

Eileen Latimer spoke in favor of Article 13.

No further discussion. Article 13 will be on the ballot as written.

Yes – 2379*

No -955

ARTICLE 14

Shall the Town of Hampton vote to approve the cost items included in a two-year collective bargaining agreement reached between the Hampton Board of Selectmen and the Hampton Police Association (Sergeants), which calls for the following increases in salaries and benefits at the current staffing level:

2012 \$16,041

2013 \$27,118

And further to raise and appropriate the sum of \$16,041 representing the additional cost attributed to the increase in salaries and benefits required by the new agreement to fund the additional cost items Hampton Police Association (Sergeants) salaries and benefits for 2012? (Majority vote required)

Recommended by the Board of Selectmen 5-0

Recommended by the Budget Committee 14-0

Note: the above amounts are calculated as follows:

2012: \$16,041, which is derived from the difference between an increase in salaries, and benefits of \$30,307, offset by \$14,266 in health insurance savings.

2013: \$27,118, which is derived from the difference between an increase in salaries, and benefits of \$47,182, offset by \$20,064 in health insurance savings.

Moved by Richard Nichols, Seconded by William Lally to open Article 14 for discussion.

Dick Nichols gave an overview and spoke in favor of Article 14.

Mike Pierce spoke in favor of Article 14.

Vic Lessard suggested we move all of the contracts together.

The Moderator advised he would continue as we've been going.

No further discussion. Article 14 will be on the ballot as written.

Yes - 2373*

No - 960

The Article passed.

ARTICLE 15

Shall the Town of Hampton vote to approve the cost items included in a two-year collective bargaining agreement reached between the Hampton Board of Selectmen and the Hampton Fire Fighters Local 2664, which calls for the following increases in salaries and benefits at the current staffing level:

2012 \$58,579

2013 \$116,439

And further to raise and appropriate the sum of \$58,579 representing the additional cost attributed to the increase in salaries and benefits required by the new agreement to fund the additional cost items Hampton Fire Fighters Local 2664 salaries and benefits for 2012? (Majority vote required)

Recommended by the Board of Selectmen 5-0

Recommended by the Budget Committee 14-0

Note: the above amounts are calculated as follows:

2012: \$58,579, which is derived from the difference between an increase in salaries, and benefits of \$106,734, offset by \$48,155 in health insurance savings.

2013: \$116,439, which is derived from the difference between an increase in salaries, and benefits of \$184,238, offset by \$67,799 in health insurance savings.

Moved by Richard Nichols, Seconded by William Lally to open Article 15 for discussion.

Dick Nichols gave an overview and spoke in favor of Article 15.

Rick Griffin spoke in favor of Article 15.

William Lally spoke in favor of Article 15.

Sandy Buck spoke in favor of Article 15.

No further discussion. Article 15 will be on the ballot as written.

Yes - 2378*

No – 962

The Article passed.

ARTICLE 16

Shall the Town of Hampton vote to approve the cost items included in a two-year collective bargaining agreement reached between the Hampton Board of Selectmen and the Hampton Fire Department Supervisory Association Local 3017 (Fire Officers), which calls for the following increases in salaries and benefits at the current staffing level:

2012 -\$1,899

2013 \$12,951

And further to approve net savings in year one of the agreement of -\$1,899 representing the costs attributed to the changes in salaries and benefits required by the new agreement to fund the additional cost items Hampton Fire Department Supervisory Association Local 3017 (Fire Officers) salaries and benefits for 2012? (Majority vote required)

Recommended by the Board of Selectmen 5-0

Recommended by the Budget Committee 14-0

Note: the above amounts are calculated as follows:

2012: -\$1,899, which is derived from the difference between an increase in salaries, and benefits of \$26,632, offset by \$28,531 in health insurance savings.

2013: \$12,951, which is derived from the difference between an increase in salaries, and benefits of \$53,079, offset by \$40,128 in health insurance savings.

Moved by Richard Nichols, Seconded by Rick Griffin to open Article 16 for discussion.

Dick Nichols gave an overview and spoke in favor of Article 16.

Moved by Dick Nichols, Seconded by William Lally to change paragraph 2 to read:

And further to raise and appropriate \$0 representing the costs attributed to the changes in salaries and benefits required by the new agreement to fund the additional cost items Hampton Fire Department Supervisory Association Local 3017 (Fire Officers) salaries and benefits for

2012; if this Article passes, then both the operating and default budget amounts in Article 11 will be reduced by \$1,899? (Majority vote required)

Dick Nichols gave an overview of the amendment.

A vote was taken on the Nichols Amendment. The Nichols amendment passed.

Christopher Silver spoke in favor of Article 15 and all collective bargaining agreements.

Ed St. Pierre, Ocean Blvd spoke in favor of Article 16.

Fred Rice spoke in favor of Article 16 and all other collective bargaining agreements.

No further discussion. Article 16 will be on the ballot as written.

Sandy Buck made a motion to restrict reconsideration of Articles 12-16, Seconded by Ben Moore. Motion passed.

Yes – 2468*

No – 896

The Article passed.

ARTICLE 17

Shall the Town of Hampton vote to raise and appropriate the sum of \$320,000 to be placed in the Department of Public Works Equipment Capital Reserve Fund created under Article 23 of the 2008 Annual Town Meeting in accordance with the provisions of RSA 35, this sum, \$320,000 to come from the Undesignated General Fund Balance, a fund containing unexpended appropriations from prior years, as of December 31, 2011 and no additional amount to be raised from taxation in this tax year? (Majority vote required) (Tax impact has already occurred)

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 12-1-1

Moved by Mike Pierce, Seconded by Gerald Znoj to open Article 17 for discussion.

Mike Pierce gave an overview of Article 17.

Keith Noyes spoke in favor of Article 17.

No further discussion. Article 17 will be on the ballot as written.

Yes - 2677*

No – 636

The Article passed.

ARTICLE 18

Shall the Town of Hampton vote to raise and appropriate the sum of \$300,000 to be placed in the Road Improvement Capital Reserve Fund created under Article 16 of the 1998 Annual Town Meeting in accordance with the provisions of RSA 35, and to fund said appropriation by authorizing the withdrawal of the sum of \$300,000 from the Undesignated General Fund Balance, a fund containing unexpended appropriations from prior years, as of December 31, 2011 and no additional amount to be raised by taxation in this tax year, and to authorize the withdrawal of \$611,000 from the Road Improvement Capital Reserve Fund for the improvement of the 2012 Department of Public Works Road Capital Improvements Plan to include street repairs, reconstruction and procurement of associated materials and labor necessary to do the work, and also to include the repair, replacement, upgrades and improvements in drainage and sewer systems under the plan for 2012 for the following streets: Exeter Road, Tuck Road, Mill Road, Kings Highway, Belmont Circle, Fairfield Drive and Moulton Road? (Majority vote required)

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 10-4

Moved by Mike Pierce, Seconded by Gerald Znoj to open Article 18 for discussion.

Moved by Mike Pierce Seconded by Jerry Znoj to amend Article 18 by striking the paragraph and rewrite it as follows:

Shall the Town of Hampton vote to raise and appropriate the sum of \$611,000 for the purpose of making road improvements, and authorize the withdrawal of \$311,000 from the Road Improvement Capital Reserve Fund created under Article 16 of the 1998 Annual Town Meeting created for this purpose, and to fund the balance of the appropriation by authorizing the withdrawal of the sum of \$300,000 from the Undesignated General Fund Balance, a fund containing unexpended appropriations from prior years, as of December 31, 2011 and no additional amount to be raised by taxation in this tax year for this article to include street repairs, reconstruction and associated materials and labor necessary to do the work, and also to include associated drainage system maintenance, upgrades and improvements as outlined in the Department of Public Works Road Capital Improvements Plan? (Majority vote required)

Mike Pierce spoke in favor of his amendment.

A vote was taken on the Pierce amendment. The Pierce Amendment passed.

Mary-Louise Woolsey made a motion to amend Article 18 to change second line to read “and to authorize the withdrawal of \$150,000 from the Road Improvement Capital Reserve Fund,”
Seconded by Sandra Nickerson. Mary-Louise Woolsey gave an overview of her amendment.

After some discussion among The Moderator, the Finance Director and Mary-Louise Woolsey, it was the consensus along with Sandra Nickerson’s approval, that the \$611,000 should be changed to \$150,000, the \$311,000 should be changed to \$0, and the \$300,000 should be changed to \$150,000.

Keith Noyes spoke in opposition of Article 18.

Rusty Bridle, 225 Towle Farm Road, spoke in opposition of Article 18.

Dick Nichols provided a visual slide to give a better description of the facts of the Article.

Arthur Moody spoke in favor of the Woolsey amendment.

Vic Lessard spoke in favor of the original Article 18.

Mary-Louise Woolsey asked why \$311,000 is left, and was not spent on roads last year?

A vote was taken on the Woolsey amendment. Woolsey amendment failed.

No further discussion. Article 18 will be on the ballot as amended.

Dick Nichols made a motion to restrict reconsideration of Articles 17 & 18, Seconded by Jerry Znoj . Motion passed.

Yes – 2814*

No - 512

The Article passed.

ARTICLE 19

Shall the Town of Hampton vote:

- a) to amend the second sentence of Section 2:601 of the Sewage Use and Construction Ordinance that now reads “There shall be no additional out of town sewage and sewer systems added to our Hampton sewer system” so that same would then read “There shall be no additional out of town sewage and sewer systems added to our Hampton sewer system, except that the Town of Hampton will accept wastewater originating from the North Hampton State Beach in conjunction with the rehabilitation by the State of its bathhouse at said State Beach to be commence in 2012, via a connection into the Town of Rye force main sewer pipe that conducts wastewater to Hampton’s wastewater treatment plant under the Agreement for Treatment and Disposal of Wastewater, October 1989 for however long that Agreement remains in effect;” and
- b) to authorize the Board of Selectmen to enter into a Memorandum of Agreement between the Towns of Hampton and Rye and the State of New Hampshire Department of Resources and Economic Development, Division of Parks and Recreation, whereby the State will implement the above connection with the Town of Rye force main sewer line and the Town of Hampton will be paid by the Town of Rye for the resulting additional input into Hampton’s wastewater treatment plant of wastewater from the North Hampton State Beach, which is not expected to have any significant effect on the available capacity or process capability of the wastewater treatment plant, on the same terms as the Town of Rye now pays the Town of Hampton under the October 1989 Agreement? (Majority vote required)

Recommended by the Board of Selectmen 5-0

Moved by Rick Griffin, Seconded by William Lally to open Article 19 for discussion.

Rick Griffin gave an overview of Article 19.

A request was made by Philip Bryce, Director, State of NH DRED, Division of Parks & Recreation, Thomas Mansfield, Architect for DRED to be allowed to speak as non residents. The body voted to allow.

Mr. Bryce & Mr. Mansfield gave an overview of Article 19.

Jay Diener spoke in favor of Article 19.

Jerry Znoj spoke in favor of Article 19.

Brian Warburton spoke in favor of Article 19.

John Nyhan spoke in favor of Article 19.

Rusty Bridle spoke in favor of Article 19.

Ellen Goethel, 23 Ridgeview Terrace, spoke in favor of Article 19.

Arthur Moody spoke in opposition of Article 19.

Eileen Latimer spoke in favor of Article 19.

Fred Rice spoke in favor of Article 19.

Ed St.Pierre spoke in favor of Article 19.

Senator Stiles spoke in favor of Article 19.

The Moderator took a consensus of the body of all those in favor of closing discussion of Article 19. Motion passed.

No further discussion. Article 19 will be on the ballot as written.

A motion was made by Dick Nichols to restrict reconsideration of Article 19, Seconded by Art Gopalan. Motion passed.

Yes – 2611*

No - 596

The Article passed.

ARTICLE 20

Shall the Town of Hampton vote to raise and appropriate the sum of \$100,000 to be placed in the Compensated Leave Trust Fund approved under Article 30 of the 2009 Annual Town Meeting said sum, \$100,000 to come from the Undesignated General Fund Balance, a fund containing unexpended appropriations from prior years, as of December 31, 2011, and no additional amount to be raised by taxation in this tax year, and to amend the Trust by placing therein the following additional purpose in line three, as published in the warrant for 2009 under Article 30, after the words “payment of compensated leave to employees” the words “and such other assessments from the State of New Hampshire as are assessed at the time of an employees retirement or severance from employment” and to add the same words after “Board of Selectmen shall be agents of the Town to expend such funds when required to pay for compensated leave” so that the amended 2009 Trust article would read as follows:

“Shall the Town of Hampton vote to create a Compensated Leave Trust Fund in accordance with the provisions of RSA 31:19-a for the purpose of placing in trust funds appropriated for the payment of compensated leave to employees and such other assessments from the State of New Hampshire as are assessed at the time of an employees retirement or severance from employment in order to fully fund such benefits over time to avoid the expenditure of large unanticipated sums that would otherwise endanger the financial and operational requirements of the Town. Funds shall be transferred at the discretion of the Board of Selectmen from the annual operating budget to fund such trust and the Board of Selectmen shall be agents of the Town to expend such funds when required to pay for compensated leave and such other assessments from the State of New Hampshire as are assessed at the time of an employee’s retirement or severance from employment upon separation from the Town by eligible employees”? (2/3rds vote required)

Recommended by the Board of Selectmen 5-0
Not Recommended by the Budget Committee 8-5-1

Moved by Gerald Znoj, Seconded by Richard Nichols to open Article 20 for discussion.

Jerry Znoj gave an overview of Article 20.

Mike Schwotzer spoke in favor of Article 20 and gave more detail.

Art Gopalan, 20 Windmill Lane, asked for clarification on protection from spiking. Dick Nichols gave the clarification Mr. Gopalan was looking for.

Jerry Znoj gave more detail.

Eileen Latimer spoke in opposition of Article 20.

No further discussion. Article 20 will be on the ballot as written.

Yes – 1870*

No – 1269

66% Required – 52% Received

The Article failed.

ARTICLE 21

Shall the Town of Hampton vote to raise and appropriate the sum of \$15,450 generated from the sale of Town-owned cemetery lots and to authorize the transfer of such sum to the Cemetery Burial Trust Fund; the interest from this fund is withdrawn annually and deposited in the Town's General Fund as an off-set to the amount appropriated in the operating budget for the maintenance of cemeteries? (Majority vote required)

Recommended by the Board of Selectmen 5-0

Recommended by the Budget Committee 14-0

Moved by Rick Griffin, Seconded by William Lally to open Article 21 for discussion.

Rick Griffin spoke in favor of Article 21.

No further discussion. Article 21 will be on the ballot as written.

Yes – 2972*

No – 304

The Article passed.

ARTICLE 22

Shall the Town of Hampton vote to raise and appropriate the sum of \$90,000 from revenues generated from the Police Forfeiture Fund, a special revenue fund created by Article 55 of the 2003 Annual Town Meeting to carry out all lawful functions allowed under Federal, State and Local criminal justice forfeiture programs? (Majority vote required)

Recommended by the Board of Selectmen 5-0

Recommended by the Budget Committee 14-0

Moved by William Lally, Seconded by Rick Griffin to open Article 22 for discussion.

William Lally spoke in favor of Article 22.

No further discussion. Article 22 will be on the ballot as written.

Yes – 2662*

No – 564

The Article passed.

ARTICLE 23

Shall the Town of Hampton vote to raise and appropriate the sum of \$100,000 from revenues generated from the Hampton TV Origination Fund, a special revenue fund created under Article 21 of the 2000 Annual Town Meeting and funded by revenues generated from the Cable TV local origination franchise agreement fund, to upgrade, expand and enhance the development of the local origination channels? (Majority vote required)

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 14-0

Moved by Mike Plouffe , Seconded by Rick Griffin, to open Article 23 for discussion.

Ed St.Pierre spoke in favor of Article 23.

No further discussion. Article 23 will be on the ballot as written.

Mike Pierce made a motion to restrict reconsideration of Articles 20-23. Seconded by William Lally. Motion passed.

Yes – 2593*
No – 625

The Article passed.

ARTICLE 24

Shall the Town of Hampton vote to raise and appropriate the sum of \$78,000 for the purpose of replacing storage sheds at Tuck Field and Eaton Park, as well as planning for the remodeling of existing facilities at Tuck Field for use as Recreation Department offices, work and meeting areas as determined by the Board of Selectmen, Town Manager, the Director of Public Works and the Director of Recreation and Parks, and to fund said appropriation by transferring \$78,000 from the Hampton Recreation Infrastructure Special Revenue Fund established under Article 44 of the 2007 Annual Town Meeting, and no amount to be raised by taxation? (Majority Vote required)

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 14-0

Moved by William Lally, Seconded by Mike Pierce to open Article 24 for discussion.

William Lally gave an overview of Article 24.

Dyana Martin, Parks & Recreation Director, gave an overview and spoke in favor of Article 24.

Arthur Moody asked if the Recreation vehicles will be stored there too. Dyana Martin advised they would be.

No further discussion. Article 24 will be on the ballot as written.

Yes – 2158*

No – 1156

The Article passed.

ARTICLE 25

Shall the Town of Hampton vote to raise and appropriate the sum of \$170,651 for the cost of Hampton's contribution to twenty human service agencies in the seacoast area as follows? (Majority vote required)

These twenty (20) human service agencies shall be required to give a written report at the end of the given fiscal year to the Board of Selectmen highlighting what the funds were used for and what the impact those funds had in assisting in their goals and objectives.

Agency

<u>Human Service Agency</u>	<u>Request</u>
A Safe Place	\$5,500
American Red Cross	1,000
Aids Response Seacoast	2,700
Area Home Care & Family Services	12,000
Big Brothers/Big Sisters	6,500
Child & Family Services	5,000
Cross Roads	15,000
Families First Health & Support Center	10,000
Lamprey Health Sr. Transp. Program	4,200
New Generation Shelter	2,000
Retired Senior Volunteer Program	1,800
Richie McFarland Children's Center	6,000
Rockingham Community Action	25,000
Rockingham Meals on Wheels	5,051
SeaCare Health Services	10,000
Seacoast Assault Services	2,000
Seacoast Mental Health Center	8,000
Seacoast Visiting Nurse	40,000
Seacoast Youth Services	2,500
Transportation Assistance for Seniors	<u>6,400</u>
Total	\$170,651

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 14-0

Moved by Gerald Znoj, Seconded by Mike Pierce to open Article 25 for discussion.

Moved by Vic Lessard, Seconded by Arthur Moody to waive reading.

Jerry Znoj gave an overview of Article 25.

No further discussion. Article 25 will be on the ballot as written.

Moved by Vic Lessard, Seconded by Dick Nichols to restrict reconsideration of Article 25.

Yes – 2794*

No – 576

The Article passed.

ARTICLE 26

Shall the Town of Hampton vote to raise and appropriate the sum of \$43,000 for the purpose of providing full larvaciding of mosquito breeding areas in the Town, including catch basins, and for spraying of adult mosquitoes during the months of June through September 2012, but if the operating budget article for 2012 passes then this article shall not be deemed to authorize a duplicate amount of expenditures? (Majority vote required)

Recommended by the Board of Selectmen 5-0
Not Recommended by the Budget Committee 8-7

Moved by Rick Griffin, Seconded by William Lally to open Article 26 for discussion.

Moved by Rick Griffin, Seconded by William Lally to amend Article 26 as follows:

Capitalize the word “article” in line 3. And add “11 in this warrant” and strike “for 2012”. Then capitalize “article” again and add “26 is null and void” and strike from “shall not be deemed to authorize a duplicate amount of expenditures”

Rick Griffin advised that Mike Schwotzer will give an overview of the amendment.

Mike Schwotzer gave an overview of the amendment.

Rick Griffin spoke in favor of Article 26.

Ann Kaiser spoke in favor of Article 26.

Eileen Latimer spoke in favor of Article 26.

A vote was taken on the Griffin amendment. Motion passed.

No further discussion. Article 26 will be on the ballot as amended.

Yes – 2970*

No – 406

The Article passed.

ARTICLE 27

Shall the Town of Hampton vote to raise and appropriate the sum of \$33,511 to fund the operations of the Police Department Mounted Patrol Unit: such funds to include (but not be limited to) the care and maintenance of the horses, training, wages, benefits and outfitting of the riders, the cost of transporting horses and riders, and other such costs necessary or desirable to the operation of the Mounted Patrol Unit, but if the operating budget article for 2012 passes then this article shall not be deemed to authorize a duplicate amount of expenditures? (Majority vote required)

Recommended by the Board of Selectmen 5-0
Not Recommended by the Budget Committee 8-6

Moved by Rick Griffin, Seconded by Mike Pierce to open Article 27 for discussion.

Rick Griffin gave an overview of Article 27.

Moved by Rick Griffin, Seconded by Jerry Znoj to amend Article 27 by capitalizing the word “article” in two places and add “11 in this warrant” after the word “Article” and strike “for 2012”. Add after second “Article” “27 is null and void” and strike “shall not be” and “deemed to.....

A vote was taken on the Griffin amendment. Motion passed.

No further discussion. Article 27 will be on the ballot as amended.

Yes – 1790*

No – 1558

The Article passed.

ARTICLE 28

Shall the Town of Hampton vote to raise and appropriate the sum of \$145,000 for continued improvements to the Town’s drainage management systems as planned for Cogger Street, Tuck Road, Belmont Circle, Fairfield Drive, Ruth Lane, Moulton Road, Kings Highway and updating drainage plans and mapping for all Town streets and roads? (Majority vote required)

Recommended by the Board of Selectmen 5-0
Not Recommended by the Budget Committee 11-2-1

Moved by Mike Pierce, Seconded by William Lally to open Article 28 for discussion.

Mike Pierce gave an overview of Article 28.

Keith Noyes spoke in favor of Article 28.

Rosemary Lamers, 155 Woodland Rd, spoke in favor of Article 28.

Keith Noyes addressed Ms. Lamers' comments.

Vic Lessard spoke in favor of Article 28.

Eileen Latimer spoke in opposition of Article 28.

Peter Traynor spoke in opposition of Article 28.

No further discussion. Article 28 will be on the ballot as written.

Moved by Dick Nichols to restrict reconsideration of Articles 26-28, Seconded by William Lally.
Motion passed.

Yes – 2534*

No – 759

The Article passed.

ARTICLE 29

Shall the Town of Hampton vote to confirm the acceptance of the following named streets, without any payment of damages, that had previously been accepted by the Board of Selectmen on the dates shown, have been maintained by the Town since the Selectmen's acceptance and by administrative oversight were not brought before a Town Meeting for an acceptance vote:

Johnson Avenue, August 13, 1971; Shirley Terrace, May 21, 1973; Bonair Avenue, May 21, 1973; Gentian Road, July 2, 1973; Sunset Lane now Page Lane, on July 2, 1973; Whitten Street, July 16, 1973; Dustin Avenue, July 16, 1973; Mill Pond Lane, March 4, 1974; Glen Road, March 4, 1974; Fox Road, March 4, 1974; Bittersweet Lane, March 18, 1974; Beach Plum Way from Tax Map 134, Lot 38 to Lot 97, April 29, 1974; Sanborn Road, May 27, 1974; Gill Street, August 23, 1976; Jones Avenue, April 26, 1977; Presidential Circle, August 14, 1978; Holly Lane, February 11, 1980; Ross Avenue, February 28, 1980; Stickney Terrace, June 2, 1981; Willow Lane, September 8, 1981; Francine Street, September 28, 1992; Bruce Street, September 28, 1992; Patricia Street, September 28, 1992; Falcone Circle, February 10, 1992? (Majority vote required)

Moved by William Lally, Seconded by Rick Griffin to open Article 29 for discussion.

William Lally gave an overview of Article 29.

Arthur Moody gave some suggestions regarding spelling of roads and wondering if Sunset/Page Lane are just east or west side.

Fred Welch advised the reason why this article is here is because the selectmen voted in various years to accept the above listed streets, but the acceptances were never presented to the voters at town meeting.

No further discussion. Article 29 will be on the ballot as written.

Yes – 2705*

No – 537

The Article passed.

ARTICLE 30

Shall the Town of Hampton vote to adopt the following Ordinance for the Disposal of Town Property? (Majority vote required)

DISPOSAL OF SURPLUS TOWN EQUIPMENT AND MATERIALS ORDINANCE

Authority

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 31, Section 3 and Chapter 31, Section 39, I, (l) authorizing the Town of Hampton to enact by-laws, the following Ordinance for the disposal of non-real estate and financial assets property is adopted for the Town of Hampton by its Annual Town Meeting assembled.

Purpose

It is the declared purpose of the Town of Hampton, through the adoption of this Ordinance, to regulate the disposition of its non-real estate property by establishing a uniform method of disposal that will protect the public interest, secure its assets, and insure accountability.

Section 1. Exclusions. Excluded from this Ordinance is the disposal of Town owned real estate that shall be disposed of in accordance with existing laws; the disposal of any financial assets; assets retained by insurance carriers the result of an insurance settlement; and the disposal of materials that have no resale value as defined herein.

Section 2. Property of No Resale Value. Materials that have no value by virtue of its destruction, its inability to be used for the purpose for which it was designed or materials that have no or extremely low value are excluded from this Ordinance. Such property shall be designated in writing that it has no value and verified by at least two Town Officials before its disposal.

Section 3. All property not otherwise excluded from this Ordinance shall be sold only by sealed bid or by public auction at such times and under such conditions as the Selectmen shall direct.

Section 4. Effective. This Ordinance shall take effect at the time of its passage.

Moved by Gerald Znoj, Seconded by Mike Pierce to open Article 30 for discussion.

Jerry Znoj gave an overview of Article 30.

No further discussion. Article 30 will be on the ballot as written.

Yes – 2639*

No – 439

The Article passed.

ARTICLE 31

Should the Board of Selectmen enter into a Memorandum of Understanding or any other agreement that will obligate the Town of Hampton to maintain, repair, construct and reconstruct

the sidewalks on State Department of Transportation property along Route 1A (Ocean Boulevard) at the Town's expense?

Moved by Rick Griffin, Seconded by William Lally to open Article 31 for discussion.

Rick Griffin made a motion, Seconded by Jerry Znoj to amend Article 31 to strike add "or " between "maintain" & "repair" "construct and reconstruct" and add after Route 1A (Ocean Blvd "between Haverhill Street and Ashworth Ave") and after at the Town's expense add "as long as the State Department of Transportation newly constructs and/or reconstructs those same sidewalks at their expense or is paid by non town capital funds which NHDOT would partner with the community in obtaining through different Federal/State funding sources."

John Nyhan spoke in favor of the Griffin amendment.

Vic Lessard spoke in opposition of this amendment.

Keith Noyes spoke to the amendment.

Richard Reniere asked a question and Mr. Nichols advised this is simply advisory.

Timothy Jones, 16 Duston Ave asked if we are speaking on just the amendment and asked for the opportunity to speak on the Article once the amendment is voted upon.

Arthur Moody spoke in opposition of the amendment.

A vote was taken on the Griffin amendment. Motion passed.

Timothy Jones, 16 Duston Ave, spoke in opposition of Article 31.

John Nyhan asked for the privilege of clarifying the Article and that the Town of Hampton does have the legal right to maintain the sidewalks.

Fred Rice made a motion Seconded by Mike Pierce to amend Article 31 to read "Shall the Board of Selectmen attempt to negotiate a memo of understanding with NHDOT regarding construction and maintenance of roads and sidewalks at Hampton Beach"

A vote was taken on the Rice Amendment. The Rice amendment failed.

Mary-Louise Woolsey made a motion to move the question, Seconded by Matt Newton. Motion passed.

No further discussion. Article 31 will be on the ballot as amended.

Motion by William Lally Seconded by Mike Pierce to restrict reconsideration of Article 31. Motion passed.

Moved by Dick Nichols, Seconded by Jerry Znoj to Restrict Reconsideration of Articles 29 & 30. Motion passed.

Yes – 1182

No – 1984*

The Article failed.

ARTICLE 32

By petition of Paula J. and John J. White, Jr., and more than 25 other legal voters of the Town.

To release and remove deed restriction # 3 (Bk 2555, Pg. 2413) as to the premises located at 159 Ashworth Avenue (Tax Map 293, Lot 129) owned by John J. & Paula J. White, in order to allow the installation of a higher fence, no more than six-foot high. Deed restriction # 3 reads as follows, “No fence may be erected upon said premises other than ornamental fences of no more than a three-foot height. The grantee shall not erect any fencing 15-foot distance from the point of intersecting streets.”; and further, to authorize and direct the Town Clerk to execute and, deliver to the lot owners for recording a notice of this vote at the Rockingham Registry of Deeds, at no cost to the Town? (Majority vote required)

Moved by William Lally, Seconded by Jerry Znoj to open Article 32 for discussion.

June White spoke in favor of and gave an explanation of Article 32.

William Lally spoke in favor of Article 32.

No further discussion. Article 32 will be on the ballot as written.

Yes – 2154*

No – 898

The Article passed.

ARTICLE 33

On the petition of John Nyhan and at least 25 Hampton registered voters, shall the Town of Hampton vote to raise and appropriate \$3,000 to pay to Experience Hampton Inc, the organizer of the 2010 & 2011 Hampton Christmas Parades, to help defray the expenses of the 2012 Christmas Parade and related activities? (Majority vote required)

Recommended by the Board of Selectmen 5-0

Recommended by the Budget Committee 14-0

Moved by William Lally, Seconded by Jerry Znoj to open Article 33 for discussion.

John Nyhan spoke in favor of Article 33.

No further discussion. Article 33 will be on the ballot as written.

Yes – 2701*

No – 562

The Article passed.

ARTICLE 34

We, the undersigned registered voters of the Town of Hampton, New Hampshire petition the Board of Selectmen to include the Warrant for the 2012 Annual Meeting the following Article in accordance with the provisions of RSA 39:3.

Shall the Town of Hampton vote to raise and appropriate the sum of \$34,260 for the following purposes: (1) reconstruct the stone foundation of the Deacon Tuck Gristmill; (2) replacement of the roof, including installation of ice and water shielding; fire retardant red cedar wood roof shingles; replace pine fascia, and install rake and shadow boards; (3) strip and replace existing sidewalls sheathing; installation of Tyvek house wrap; and re-shingle with White Cedar Wood Sidewall Shakes; and (4) install new interior floor boards. Said work to be overseen by the Department of Public Works. This shall be a non-lapsing account per RSA 32:7, VI and shall not lapse until the work is completed or until two (2) years after passage of the article, whichever occurs first? (Majority vote required)

Recommended by the Board of Selectmen 5-0

Recommended by the Budget Committee 12-2

Moved by Jerry Znoj Seconded by Rick Griffin to open Article 34 for discussion.

Candace Stellmach, 488 High Street, member of Deacon/Tuck Grist Mill committee, spoke in favor of Article 34.

Ben Moore spoke in favor of Article 34.

Diandra Sanphy asked if any grant money was searched for this project. Rick Griffin advised we are always looking for grant money on this.

No further discussion. Article 34 will be on the ballot as written.

Yes - 1881*

No – 1343

The Article passed.

ARTICLE 35

On Petition of Bryan Provencal, and more than 25 registered voters:

To see if the Town will vote to amend the Entertainment Activities Ordinance Section 148-15. A. Noise Ordinance Applied. To replace paragraph A with the following:

The operation of an entertainment activity within an establishment or place between the hours of 12:00 PM and 1:00 AM in a such a manner as to be audible at a distance of 50 feet from the property boundary, at levels of 80 decibels at a weight of C or greater, shall be prima facie evidence of a violations of this section? (Majority vote required)

Moved by Jerry Znoj, Seconded by Rick Griffin to open Article 35 for discussion.

Steve Light, 180 Riverview Terrace, asked about the decibel level and spoke to Article 35.

Diandra Sanphy suggested lowering the decibels to 40. Moved by Diandra Sanphy, Seconded by Steve Light to amend the decibel level from 80 to 40 and to change the Ordinance Section from 148 to 149. Mrs. Sanphy advised her husband has a background in audio engineering and that the 40 decibels is at an acceptable level.

Maureen Buckley, 6 Harris Ave, asked if this would also apply to the stage and all the music on it. Rick Griffin stated that this would affect the stage at Hampton Beach. Mrs. Buckley expressed her opposition to the Sanphy amendment.

A vote was taken on the Sanphy Amendment. The amendment failed.

Vic Lessard spoke to Article 35.

Pat Morgenstern, spoke in opposition of Article 35.

Ben Moore, Ocean Blvd, made a motion, Seconded by Rick Griffin, to amend Section 148 to 149 and to add the “d” to make “an” “and” and to change the time from 12:00 AM to 1:00 AM.

Steve Light made a point about the decibel meters, the police department can’t control the motorcycle noise with the decibel meter and they don’t have the manpower to keep up with the noise complaints.

A vote was taken on the Moore amendment. Motion passed.

No further discussion. Article 35 will be on the ballot as amended.

Motion by Dick Nichols, Seconded by Mike Pierce, to restrict reconsideration of Articles 32-35. Motion passed.

Yes – 1788*

No – 1283

The Article passed.

ARTICLE 36

On petition of Mary-Louise Woolsey, Brian Warburton and 25 or more registered voters: to see if the town will reduce line item, 4153, in the legal department budget by \$200,000. The remaining \$80,656 in the legal department budget will be available for outside counsel fees and expenses. The town shall return to its previous practice of outside counsel only, on an as needed basis? (Majority vote required)

Not Recommended by the Board of Selectmen 4-1
Not Recommended by the Budget Committee 10-0-2

Moved by Mary-Louise Woolsey, Seconded by Jay Diener, to open Article 36 for discussion.

Mary-Louise Woolsey moved to amend Article 36, seconded by Brian Warburton by substituting Article 36 to read:

On petition of Mary-Louise Woolsey, Brian Warburton and 25 or more registered voters, to see if the town will confirm the Budget Committee the Budget Committee's reduction of \$146,656 in salaries in the legal department budget. The balance of \$134,000 remaining in the legal budget will be available for outside counsel fees and expenses. The intent of the petitioners is that the town shall return to its previous practice of hiring outside counsel only, on an "as needed" basis.

Dick Nichols gave a written opinion from outside counsel regarding the language of deleting the legal department.

Mike Schwotzer spoke to the amendment and offered the opinion of DRA.

Timothy Jones spoke in opposition of the amendment.

Leslie Lafond, 53 Moulton Road, stated the recommendations seem convoluted.

Mary-Louise Woolsey advised that it should not have recommendations in this case.

A vote was taken on the Woolsey amendment. The amendment failed.

James Workman, 126 Landing Road, spoke in opposition of Article 36.

Ellen Goethel spoke in opposition of Article 36.

Jay Diener spoke in opposition of Article 36.

Brian Warburton spoke in favor of Article 36.

Timothy Jones spoke in favor of Article 36.

James Workman spoke in opposition of Article 36.

Ben Moore offered an amendment to insert the wording “this article is advisory only”. The Moderator advised he would not allow the amendment.

Motion by Ben Moore, Seconded by Nathan Page, to amend Article 36 by deleting \$200,000 and insert \$0 and to strike the two sentences that follow. Ben Moore advised he does not like to do this.

Article to read at that point: *To see if the town will reduce line item 4153, in the legal department budget by \$0.*

Fred Rice spoke in opposition of the Moore amendment.

David Goethel spoke in favor of the Moore amendment.

Matt Shaw, Emery Lane, spoke in opposition of the Moore amendment.

Timothy Jones spoke in opposition of the Moore amendment.

A vote was taken on the Moore amendment. The amendment failed.

A vote was taken to close discussion of Article 36. Motion passed.

No further discussion. Article 36 will be on the ballot as written.

Moved by Mary-Louise Woolsey, Seconded by Peter Traynor, to restrict reconsideration of Article 36. Motion passed.

Nancy Stiles took over for The Moderator for Article 37.

Yes – 1185

No – 2018*

The Article failed.

ARTICLE 37

By petition of Sue Erwin and at least 25 registered voters, shall the Town of Hampton vote to raise and appropriate the sum of \$4,950 to be used for the repair and restoration of historic cemetery markers and monuments within the Ring Swamp Cemetery? (Majority vote required)

Recommended by the Board of Selectmen 5-0

Recommended by the Budget Committee 13-1

Moved by Rick Griffin, Seconded by Dick Nichols, to open Article 37 for discussion.

Sue Erwin, Winnacunnet Road, gave an overview and spoke in favor of Article 37.

Rick Griffin thanked Mrs. Erwin for getting up to speak.

No further discussion. Article 37 will be on the ballot as written.

Yes – 2352*

No – 903

The Article passed.

ARTICLE 38

We, the undersigned registered voters of the Town of Hampton, New Hampshire petition the Board of Selectmen to include the Warrant for the 2012 Annual Town Meeting the following Article in accordance with the provisions of RSA 39:3.

Shall we adopt the provisions of RSA 287-E relative to the conduct of games of Bingo and the sale of Lucky 7 tickets? (Majority vote required)

Moved by Rick Griffin, Seconded by Jerry Znoj, to open Article 38 for discussion.

Rick Griffin spoke in favor of Article 38.

Matt Shaw spoke in favor of Article 38.

Skip Webb, 11 Windmill Lane, spoke in favor of Article 38.

Eileen Latimer spoke in favor of Article 38.

Pat Morgenstern, 45 Hampton Meadows, spoke in favor of Article 38.

No further discussion. Article 38 will be on the ballot as written.

Yes – 1500

No – 1532*

The Article failed.

ARTICLE 39

Matthew Shaw, Susan Erwin, and Thomas Harrington along with twenty five registered voters of the town of Hampton ask to raise and appropriate the sum of \$65,000 to be used for improvements at the High Street Cemetery. Improvements shall include permanent year round water, permanent heating system with hot water, remodeling of the cemetery building to create a separate office and bathroom, tree removal and fence and gate repairs? (Majority vote required)

Recommended by the Board of Selectmen 5-0

Recommended by the Budget Committee 14-0

Moved by Matt Shaw, Seconded by Rusty Bridle, to open Article 39 for discussion.

Matt Shaw gave an overview and spoke in favor of Article 39.

Sandy Nickerson, 10 Cogger St, spoke in favor of Article 39.

Leslie Lafond, 53 Moulton Rd, spoke in favor of Article 39.

Rusty Bridle spoke in favor of Article 39.

No further discussion. Article 39 will be on the ballot as written.

Moved by Dick Nichols, Seconded by Jerry Znoj to restrict reconsideration of Articles 37-39.
Motion passed.

Yes – 1741*

No – 1539

The Article passed.

ARTICLE 40

On Petition of Pearly G. Deneault and 25 or more registered voters. Shall the Town of Hampton vote:

To remove and release a portion of deed restrictions under #4 as to the following premises located at 5 13th Street and 125 Kings Highway (Tax Map 183, Lot 45 and Tax Map 183, Lot 52 and owned by Pearly G. Deneault and Jane P. Deneault, in order to allow for a minor lot line adjustment between the properties at 5 13th Street and 125 Kings Highway to provide 125 Kings Highway with adequate on-site parking.

The portion of the deed restriction #4 to be released and removed reads as follows: “nor shall the premises be subdivided”; and further, to authorize and direct the Town Clerk to execute and deliver to the owner of said lots for recording a notice of this vote at the Rockingham County Registry of Deeds, at no cost to the Town? (Majority vote required)

Moved by Jerry Znoj, Seconded by Rick Griffin, to open Article 40 for discussion.

Jerry Znoj advises the article speaks for itself.

No further discussion. Article 40 will be on the ballot as written.

Yes – 1610*

No – 1432

The Article passed.

Article 41

The undersigned residents of Hampton, Petition the Town of Hampton to place on the Warrant the request to see if the Town of Hampton will vote to raise and appropriate the amount of \$35,000.00 for improvements to the Town of Hampton Skateboard Park, specifically, said requested funds would be used for the renovation of existing “street plaza” portion of the skateboard park as well as improvements to “sitting areas” for parents and spectators, conditioned on any balance owed for the renovation project shall be paid for from privately raised funds? (Majority vote required)

Not Recommended by the Board of Selectmen 3-2
Recommended by the Budget Committee 14-0

Moved by William Lally, Seconded by Rick Griffin, to open Article 41 for discussion.

William Lally gave an overview and spoke in favor of Article 41.

Rick Griffin spoke in favor of Article 41.

Dyana Martin gave an overview and spoke in favor of Article 41.

Chris Valhouli, 20 Vanderpool Drive, spoke in favor of Article 41.

Dustin Marzinzik, 308 Mill Road, spoke in support of Article 41.

No further discussion. Article 41 will be on the ballot as written.

Yes – 1786*

No – 1596

The Article passed.

The Moderator reminded voters to vote on March 13, 2012 from 7 am – 8 pm at Winnacunnet Dining Hall.

Moved by Arthur Moody, Seconded by William Lally to adjourn. The meeting was adjourned at 6:04 pm.

Respectfully submitted,

Jane M. Marzinzik
Town Clerk