

Minutes of the Board of Selectmen
February 25, 2013

PRESENT: Rick Griffin, Chairman
Richard Nichols, Vice Chairman
Michael Pierce, Selectmen
Ben Moore, Selectmen
Philip Bean, Selectmen
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

7:00 PM SALUTE TO THE FLAG

I. Public Hearings

1. RSA 31:95-b,III(a)

- a. To apply for, accept, and expend unanticipated monies of approximately \$108,498.34 from the NH State Homeland Security Program; and (b) see below. Chief Silver provided the following additional information on this grant: made available through the Fire Academy, all associated cost involved with training firefighters in NH, department has taken advantage of these trainings, this will cover all cost of training with no cost to the Town and are now seeking reimbursement.

Discussion

Mr. Nichols asked the following questions which were addressed by Chief Silver: cost were incurred in 2012 and revenues will show up in 2013.

Mr. Moore asked if the money was coming in as revenue and if it can be spent on other expenses since expenses were incurred in 2012. Mr. Schwotzer explained it would come in as grant revenue.

Mr. Nichols MOTIONED to APPROVE the application, the acceptance and expenditure of unanticipated monies of approximately \$108,498.34 (FY 2012) from the NH State Homeland Security Program under RSA 31:95-b, III (a). Mr. Moore SECONDED.

VOTE: 5-0-0

- b. To apply for, accept, and expend unanticipated monies for the following grants in 2013: NH State Homeland Security Grants; Public Safety Communications Interoperability Grants; Law Enforcement Terrorism Prevention Program; Homeland Security Exercise and Evaluation Grants; Radiological Emergency Response Grants; Emergency Management Performance Grants; United States; Fire Administration Grants; Assistance to Firefighter Grants;

Staffing for Adequate Fire and Emergency Response Grants; Fire Prevention and Safety Grants; Hazard Mitigation Grants; Flood Mitigation Assistance; Repetitive Flood Claim; Severe Repetitive Loss; Pre-Disaster Mitigation Grants; NH Highway Safety Agency; US Department of Justice; and Office of Justice Programs.

Chief Silver added the following information in regards to this grant: as a result of a discussion he had with the Board in October and Atty. Gearreald in regards to the process of holding public hearings for grants, timing to apply for some of these grants and how there is not always enough time to hold these public hearings, he and the Police Chief have come up with this list of all the possible grants they might apply for in 2013, asking permission of the Board to apply for these grants, if they are going to be awarded any funds they will then come to the Board for approval to accept and expend any funds.

Discussion

Mr. Nichols commented that he was uncomfortable when he saw the words apply, accept and expend but if the motion is only to apply that makes a difference.

Discussion from Public

Art Moody made comments about the RSA and how it reads, questioned what papers this public hearing was placed in 7 days prior to tonight, asked what the Hazard Mitigation Grant would be, NH Highway Safety have to do with intersections and confirmed that they will only be approving the applying for these grants. Chief Silver addressed Mr. Moody's questions. There was an additional discussion on the Hazard Mitigation Grants. Chief Sullivan also addressed Mr. Moody's questions.

Mr. Nichols MOTIONED to apply for unanticipated monies for the following grants in 2013: NH State Homeland Security Grants; Public Safety Communications Interoperability Grants; Law Enforcement Terrorism Prevention Program; Homeland Security Exercise and Evaluation Grants; Radiological Emergency Response Grants; Emergency Management Performance Grants; United States Fire Administration Grants; Assistance to Firefighter Grants; Staffing for Adequate Fire and Emergency Response Grants; Fire Prevention and Safety Grants; Hazard Mitigation Grants; Flood Mitigation Assistance; Repetitive Flood Claim; Severe Repetitive Loss; Pre-Disaster Mitigation Grants; NH Highway Safety Agency; US Department of Justice; and Office of Justice Programs under RSA 31:95-b, III (a),. Mr. Pierce SECONDED.

VOTE: 5-0-0

2. RSA 31:95-d on each of the following:
 - a. Article 16 on the March 12, 2013 Town Meeting Ballot: The rescinding of the Special Revenue Fund "Hampton Cable TV Local Origination Fund" created by Article 21 of the March 14, 2000 Town Meeting, in favor of the establishment of a Revolving Fund under RSA 31:95-h for the Cable TV Franchise Agreement Franchise Fees; and (b) Article 18 listed below.

Comments from the Public

Mary Louise Woolsey asked why there is no statutory attribution in article 18. She also made the following comments in regards to Article 16: comments related to special revenue fund and revolving fund, effective date in accordance with RSA, conversations she has had

with DRA and legal department at the Municipal Association, transferring money from the special revenue fund, this really should be two articles, money from special revenue fund will go to surplus according to RSA, response she received from legal department of NHMA, suggested that they talk this over and possibly not letting this article be voted on this year since the article is not legal in her opinion. Atty. Gearreald addressed some of Ms. Woolsey's comments.

Mr. Moore made comments as follows: article is on the ballot, can't change the language, if it passes and it is not perfect they can go to the Legislature and ask them to put in a piece of legislation, changing a fund and how it has been done in the past and voters probably understand what they are trying to do.

Mr. Nichols made comments as follows: clarified with Atty. Gearreald and Ms. Woolsey that legality question is in regards to the transfer of funds from the special revenue fund directly, from a financial perspective even if the article passes and money cannot be transferred he believes there is enough money to run Channel 22 for 2013, explained why he believes this to be true and if Atty. Gearreald finds out that the transfer cannot occur then we should be ok.

The Legislation that allowed the monies to be transfer a Revolving Fund instead of the General Fund was approved in August of 2012.

Mr. Welch made comments as follows: if this is true then all the other articles that have passed like this one with the same language all the money from special revenue funds needs to go back to the general fund also, this article was approved by DRA, if not proper then will need to go to the general court and fix this for all the other revolving funds.

Ms. Woolsey commented on the articles in the past and they were illegal also in her opinion. They need to keep the faith with the voters.

Mr. Welch reminded everyone that this article was approved by DRA and it is up to the voters as to whether or not they want to vote on these articles. The only remedy he can see is that they can go to the legislature and ask them to ratify the Town Meeting if it that needs to be done. There was a discussion on the new contract with Comcast.

Arthur Moody made comments as follows: asked about Article 18 taking care of the 25%, \$41,000 coming in this year, arrogant what the Selectmen have done in writing this article setting the termination date of the old fund, how can Town Meeting pass a retroactive law and this office and DRA both did not check the law when they approved this article.

Discussion with the Board

Mr. Pierce made comments as follows: this article has annoyed him from the beginning and at this point just need to proceed and hope for the best.

Atty. Gearreald made comments as follows: these opinions of course were sought after the Deliberative Session and that is why they are being presented now.

- b. Article 18 on the March 12, 2013 Town Meeting Ballot: To change the purpose of the "Hampton Cable TV Local Origination Fund", so as to clarify the percentages of the Cable TV Franchise Fee Revenues that go into the Fund, if Article 16 does not pass.

II. Public Comment Period

Charlie Preston made comments as follows: cruel joke that DRED is starting running meters on April 1st, wonders if this is full or half rate, curious on when the baths are going to open, cost to keep meters open, tickets that are given out, try and negotiate for Hampton residents, how Hampton residents have stepped up to the plate on things such as the Police Station, Fire Station and Pump Station, need to step up and get some things for the residents such as parking for free on week days with parking stickers and asks the Board to have Mr. Welch negotiate some perks for Hampton residents.

Julie O'Brien, 16 Johnson Ave, confused on how a pub can change to a concert venue without some sort of vote from residents, parking that Wally's is doing on Johnson Ave, safety issues that this causes, parking ordinance states cannot park on the southerly side of Johnson Ave yet this is where they are parking, recommendations made by Police Chief that are not being followed, how Police Officers are not enforcing these recommendations, details before and after concerts, restrict side street parking to residents only and entertainment types that are allowed.

III. Announcements and Community Calendar

Mr. Bean commented on the recent basketball game at Winnacunnet and how the students are really amazing.

IV. Appointments

1. Chief Silver

a. Fire Department

Chief Silver explained that there is no real activity for this year yet so he will recap 2012. He discussed the following items in his report: incidents and events, number of fires and types of fires, breakdown by district remains fairly equal, fire incidents down, decrease in total dollar loss from fire, mutual aid received remains equal, mutual aid given went down by about 10%, simultaneous calls, purchase of replacement ambulance went back out to bid and explained why, no major issues with any vehicles, all positions have been filled, significant EMS training, staffing levels, snow removal from around hydrants and provided an update on the Fire Stations. He went into a detailed discussion on the guaranteed maximum price and provided the Board with information for them to review on this GMP.

Discussion

The following members of the Board asked questions and made comments which were addressed by Chief Silver.

Mr. Pierce asked to help him understand the maximum cost compared to the warrant article amount.

Mr. Moore asked questions and made comments as follows: the amount of the warrant article was \$5,756,740, delta of \$720,000 between GMP and article, construction management fee and told them to keep up the good work.

Chief Silver explained why they did not hire a Clerk of the Works and it was basically related to cost. He went through all the reviewing of the project that he does daily.

Mr. Bean thanked him for his good work, runs one of the finest departments in the State, keep up the good work and the additional stress of having a construction project going on.

Mr. Nichols asked where they stand in relation to the State reverse 911 capabilities. Chief Silver invited a member from the State to attend the departments March 5th staff meeting to get a briefing on the program. There was an additional discussion on the use of this system.

Chairman Griffin thanked him for the great job.

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

Mr. Schwotzer present tonight with the January financials. The budget column will use the 2012 budget until Town Meeting makes the final choice between the 2013 proposed or default budgets. Under income he commented on: motor vehicle \$214.3k, Interest on Taxes \$12k, Building Inspection Permits \$18k, State Highway Subsidy \$53k, Departmental/Other \$36k and Franchise Fees \$124k. Under expenses he commented on: operating departments were 9.5% of the budget, target for month was 8.33%, noted that this over target condition is easily explained by the semi-annual Hydrants and annual Bank Buy-Back Program payments combining for \$306 of the overage, majority of departments below target, smaller line items are over the year-to-date target because of the annual contracts or quarterly bills, Finance OT wages are 44% of budget but this is a perennial issue because the majority of the department's OT occurs in preparation for audit, Assessing \$6k in contracted Services relates to abatement cases, Municipal Insurance the \$138k in Workman's Comp covers the 1st quarter and membership dues for the whole year, Police and Fire Department are within budget, OT Wages Winter account shows the storm related OT (\$8k) for January and Library Appropriation is paid quarterly.

Discussion

The following members of the Board asked questions and made comments as follows which were addressed by Mr. Schwotzer.

Mr. Nichols asked questions and made comments as follows: amount incurred in DPW OT so far in 2013, compared this OT to OT in 2012 for DPW, appear to have a problem with DPW OT being over budget, requested at some point in late March or whenever they reach the point that storm related OT is behind us there is some sort of a formal plan presented to the Board outlining where they intend to reduce cost to cover these OT costs, commented on OT in Town Report for 2012 increased by 14% compared to 2011 and 19% from 2010 and requested some sort of report that these amounts are accurate and explanation as to why OT has gone up so much. Mr. Schwotzer will provide the Board with the information related to DPW OT in early April as requested by Mr. Nichols. Mr. Schwotzer will also provide the information in regards to OT increase from 2011 to 2012 Town Report for the Board sometime in late March early April.

Mr. Moore asked questions and made comments as follows: questioned if the OT in the Hampton Union reflects OT for Details, first time he can recall in his many years as a Selectman that he received a report for January alone it usually reflects January/February and suggested that Mr. Schwotzer not present any further financials until sometime in April once the budget has been decided and inputted.

Chairman Griffin asked for the Boards thoughts on not having Mr. Schwotzer present financials until sometime in April. Mr. Nichols does not have a problem with him not presenting them at a meeting but would like to see the February report. Mr. Bean would concur with Mr. Moore.

Mr. Pierce asked what did the Budget Committee spend money on.

Mr. Schwotzer asked if he could comment on item under New Business having to do with the Understanding of Services Statement from the Auditors "Plodzik & Sanderson." He explained what the auditors sent which is basically that they will audit the books, provide statements, look/review all information he provided, looking for fraud and if things slip through they are not liable for it.

Mr. Schwotzer confirmed there was a mistake in that Statement and that there will be a management discussion prepared by him and signed by the Town Manager included in it.

3. EcoMaine

a. Recycling Services Presentation

Mr. Noyes introduced Kevin Roche of Ecomaine Recycling Facility who has a presentation for the Board. Mr. Roche made comments as follows: also present is Lisa Bittermann Development Manager, provided the Board with a handout, non-profit organization, number/types of facilities, communities they serve including Greenland, NH, wide range of communities, how much material they process, shifted waste stream over to recycling stream, growing region and adding more communities to their facilities, read mission statement, believe in waste hierarchy, reduce reuse recycle, composting, storing of waste in a landfill, all facilities are certified, proof of environmental safety as well as personal safety, location of recycling and waste facility in Portland, ME, amount they process in regards to single sort recycling, waste to energy facility and how this works, waste to energy reduces the amount of waste, comparing disposal sites, membership options for recycling, two different types one is revenue sharing and the other is revenue neutral, discussed revenue sharing amounts for January, went through what stands them apart, show what they are making of the recycled materials, food waste feasibility study they are conducting, people do participate in recycling programs and lastly asked the Town to come on board and believe they will be happy with them.

Discussion

The following members of the Board asked questions and made comments as follows which were addressed.

Chairman Griffin likes Mr. Roche's attitude about people liking recycling.

Mr. Pierce made comments and asked questions as follows: curbside food waste and how it works and problem with food waste getting stuck in trucks. Mr. Roche explained once again the feasibility study they are doing in regards to food waste collection and making it a 3 part process. Chairman Griffin shared his experience with the food waste collection.

Mr. Moore made comments and asked questions as follows: thinks going after food waste is great, is there a future for Styrofoam, down side for the Town being non-Maine, questioned transportation cost and current cost to dispose of a ton of trash. Mr. Noyes commented on

the transportation cost and ease of getting to the facility in Maine compared to facility in Massachusetts.

Mr. Nichols asked questions and made comments as follows: is cost locked in, current amount they are recycling, amount of recycling Hampton has, amount of waste processed, current revenue share of \$10 and transportation expense is Town's responsibility and revenue Ecomaine is getting from recycling. Mr. Roche stated that they use the CPI but it is capped at 7% increase.

Mr. Bean asked for comments from the Director.

Mr. Noyes made comments as follows: professional friendship he has with the Director of DPW for Portland, how this Director speaks very highly of this company, tour he took of the facility, state of art facility, very high tech, extremely clean and great option to look at the waste to energy facility for the future.

Chairman Griffin has also heard great things about this facility from several people.

Atty. Gearreald asked questions as follows: how did Greenland and Newington go about joining the facility and were there warrant articles. Ms. Bittermann shared how the other NH communities went about joining the facility which was basically done through the communities' hauler. Mr. Noyes has talked to the Administrative Assistant in Greenland and they are very pleased with Ecomaine. There was a discussion on the length of the contract and what terms are available for the Town.

4. Cindy Willis – Requested to reschedule to unknown future date and discussed under Old Business.

V. Old Business

1. Wally's Pub
 - a. Entertainment License

Chief Sullivan, Deputy Chief Sawyer and Building Inspector Kevin Schultz all present tonight. Chief Sullivan made comments as follows: asked to come before the Board, answer some questions, give some data in relation to the Wally's entertainment permit, has submitted a report to Mr. Welch and the Board and would be happy to answer any questions the Board has tonight. Mr. Schultz made comments as follows: was asked to go back the last couple of years and check for activity with the Building Department, Wally's Pub has transpired and he provided that list to Mr. Welch and as of right now he has no outstanding or current issues with the Pub.

Discussion

The following members of the Board made comments and asked questions as follows.

Mr. Nichols made comments and asked questions as follows: reviewed the reports, seems that the statistics support his perception that things have improved, number of calls in prior years compared to now, received a letter and several emails in regards to residents feeling defeated and not making the calls to Police anymore, questioned the types of entertainment listed in the application for the entertainment license, asked for clarification on what qualifies as entertainment and what is allowed under the license, asked if items such as bikini contest would not be covered since it is not listed in the application, application list live band, DJ and

acoustic performances, if Mr. Fleury would like to have other types of entertainment then need to come before the Board and he is ready to make a motion. Chief Sullivan made the following comments in regards to Mr. Nichols comments: the raw stats that he provided may be inflated and he explained why, the folks down there do have problems but many of them deal with proximity and would add as an additional recommendation that Mr. Fleury keep an accurate count of his occupancy at any given event.

Al Fleury, owner of Wally's Pub also present to answer any questions. Mr. Fleury agrees that he has had other types of entertainment then listed on the application and can provide a more extensive list of activities if that is needed. He will come back to the Board if he is going to have different types of entertainment.

Atty. Gearreald explained what types of activities are covered by an entertainment license. There was a discussion on Pig Roast and this does not qualify under an entertainment license.

Mr. Nichols MOTIONED to APPROVE the Entertainment License for Wally's Pub with the following additional conditions: established consistent with Chief Sullivan's July 2, 2012 memo with 6 conditions and add a 7th condition as suggested by Chief Sullivan which is to keep an accurate count of occupancy at any given time and share this information with Law Enforcement and the Fire Department upon request. Mr. Moore SECONDED.

Discussion on motion

Mr. Moore asked questions and made comments as follows: addressing comment made in Public Comment cannot enforce resident only parking, based on the Chiefs report they are getting a bad rap in regards to calls/enforcement, aiming of lights in the parking lot and still concern with lights shining in bedrooms. Deputy Chief Sawyer shared some ideas that can be used in regards to resident only parking. Chief Sullivan commented on the amount of time they spend on enforcement down there.

Mr. Fleury asked for clarification is the entertainment license for the noise or anything that brings people to his establishment. He just wants to make sure he is covered. Atty. Gearreald thinks that the safe thing to do is to apply for anything he thinks he will be doing. Mr. Welch stated that they are restricted to what's on the application but they can come in for a temporary license for additional events. Mr. Welch stated that he can withdraw his application and add all the additional events so that he is covered. Chief Sullivan expressed concerns with adding these items to the entertainment license since they have always enforced the entertainment license in regards to noise.

Mr. Bean asked Atty. Gearreald to read the ordinance for the Board. Mr. Bean asked if Atty. Gearreald could go over what would not be covered that was discussed tonight and there was a discussion on this with Mr. Fleury.

Mr. Bean asked additional questions as follows: what will be the procedures for regulating other venues to the same standard with addendums or additional licenses, which activities are covered by the law so it is fair to all, there is a law and it needs to be determined what is prohibited or not so it is clear to everyone, wants to know what the Boards position is going forward or else we will continue to be here on a interminably basis discussing this over and over again.

Mr. Schultz thinks that comments made by Mr. Bean are good and the Board needs to decide what is allowed and what is not allowed under the entertainment license, the Board needs to

be consistent with all the licenses. Mr. Moore thinks that we are cutting this too fine and he is prepared to vote on this now. The community has been warned that the entertainment license is being discussed and is to be voted on.

Chief Sullivan stated that the applicants license should state “all lawful purposes” that are allowed under the entertainment license. The license should cover what Mr. Fleury has normally done and if something drastically different comes up he can get that approved. It was discussed that the Board would need to come up with all lawful purposes; what is not covered or allowed by the license. The issues for the Police are noise and occupancy limits.

Mr. Nichols thinks that we do not have a practical problem at this point and what might be ok in one location may not be ok in another. He thinks that Mr. Fleury is a smart guy and if he thinks something needs to be approved he can come back.

Mr. Pierce asked questions and made comments as follows: were all the Zoning/Planning Board requirements met by the owner, are any of these issues to do with this entertainment license. Mr. Schultz addressed Mr. Pierce’s concerns with the lots where there will be a new parking lot, and the Zoning and Planning Board requirements do not apply to the entertainment license.

Discussion on the diagonal parking and that will be investigated.

VOTE: 3(Griffin, Nichols, Moore)-0-2(Beau, Pierce)

2. Sea Spray Condominium Development Tax Relief Application RSA 79-E

Mr. Welch explained that the Board has held the public hearings, within the 45 day time period and the Board needs to decide whether or not they wish to grant this application. Atty. Gearreald stated that he has provided the Board with briefings on the law in regards to granting or not, briefing on covenant that will be entered and if processed the Board will need to make finding of at least one of the criteria that has been met.

Discussion

Mr. Moore made comments as follows: ready to vote, believes they have meet at least 2 criteria one being enhancing the vitality of the downtown area and increased residential housing requirements, public hearings have been held and the only question he has is how long the relief should be granted.

Mr. Nichols made comments as follows: commented on the requirements that Mr. Moore stated in regards to enhancing the vitality of the downtown area and increased residential housing, wonders if number 3 also applies and should be identified, benefit if number 3 is identified or should it be left at numbers 1 and 4 and he is in favor of 5 years.

Mr. Pierce asked questions and made comments as follows: request from the public to explain what the covenant means and asked Atty. Gearreald to explain this which he did, also taxpayers want to know is the tax benefit to Green & Company and condo owners or just one of the two. The initial benefit will be to Green & Company and once condos sell it will go to the owner of the condo, explained what he understands the covenant to be and how will the commercial trash be handled. Mr. Tinker explained in detail to the Board how the tax benefit would work and who the relief would go to.

Mr. Bean made comments as follows: nothing but the most enthusiastic endorsement for this project, cannot say enough about the Green & Company, how the Town Staff has provided the utmost professionalism in holding these hearings, not much precedent set and would like to talk to the taxpayers on some of these metrics, would like to do a little orientation on the real estate market, remarkable community, covenant that have to be provided for such a remarkable Town and community, discussed an article from the Wall Street Journal talking about real estate, opportunities in investing in real estate, discussed Seacoast real estate market, increase in sales including condo sales up 30%, 5 star beach and requires a lot of capital investment by taxpayers in this Town, referenced the Mayberry report of 2009; went back to 1999 to discuss the fire on the property, \$56M in infrastructure improvements for the Beach since 1999 that the taxpayers have stepped up and approved, increase in public safety services and what they include, in 2009 report beach represented about 60% of the calls for service and during the summer it's share is about 73% of the calls, impact fees must be proportional to the demand for development, discussed fire department services provided, discussed incidents reported by the Police Chief in October, this geo area is a concentric area of service expenditures, discussed an email 04/06/12 from Mr. Nichols about an analysis of tourist related revenues completed by Finance Director detailing a cost of 1.1mil to the Town for the services to this geo area, commented on the undesignated fund balance, discussed metrics on sale prices of these condos, the cost per square foot of a luxury 599-square foot unit is \$383 per square foot, an ocean front condo 599-square foot unit is \$417 per square foot and for a 1166-square foot unit is \$342 per square foot, in New Castle a small home of 500-square feet on a 3500 square foot lot with a seasonal view of the Ocean at 1.095mil, the cost per of square foot is \$312; 60 % of the units already sold, Atty. Gearreald and Mr. Tinker did a great job of answering questions, answers he received in regards to tax relief in totality received per year over 5 years is \$176,000 and change, whoever owns the luxury ocean front condo of 599-square foot unit as of April 1st of any given year gets a tax relief from Hampton, , no local guidelines established at this time, response from Town Planner in regards to 79E, discussed other projects that could seek relief under 79_E, these project are enhanced and enabled by the tax payers of this Town, discussed the 4 litmus test items in 79E, feels this development does not reach or fulfill those tests, disagrees with the Heritages assessment of the development there was cultural significance to the buildings; number of employees at this location prior to fire, not sure the new project surpasses this number of employees, majority of units have already been sold, building line right up to the Ocean Blvd line, spoke to 79E 1, compares prior structure and cultural significance, need to compare the new structure to the old structures prior to fire not compare to the parking lot, duration of the tax relief, went through the public benefits; the project must have to be to a greater degree than previous structure those public benefits, read article 31 from the 2011 Town Meeting, the substantial amount of people who do not get tax relief, the warrant article specifically talks about affordable housing and these condos are luxurious properties and certainly do not qualify as affordable housing, many taxpayers in Hampton do not receive this tax relief, and in his opinion there is no relief to be granted for this wonderful project.

Mr. Nichols asked Mr. Tinker and Atty. Gearreald for clarification on the following: 80% built by 2013 and 100% by 2014, would they get 16% tax relief for 2014, the property will only get relief upon completion of project, and does the 16% figure need to be part of the motion. The Board will need to agree on a methodology on the assessment of the units.

Mr. Moore MOTIONED to grant a Community Revitalization Tax Credit under RSA 79-E to the development named Sea Spray Condominiums at 83-91 Ocean Blvd. and 5 J Street for a period of 5-years from completion and consistent with the methodology used by the Assessor in his letter dated January 31, 2013 to the Town Attorney, and further that the Town have a covenant that would specify that this project provides public benefits; number 1 it enhances the vitality of the downtown by containing 8 ground level commercial units with certain named uses not allowed per its condominium declaration and number two it increases residential housing in urban or Town centers by containing 36 residential units. Mr. Pierce SECONDED.

Motion modified Mr. Moore by deleting the words “certain named uses not allowed” and adding the following:

From Atty. Ells presentation to the Board on January 14, 2013“For such named uses not allowed to include tattoo or related businesses, martial arts gear or weaponry, sale of smoking or drug paraphernalia, sale of fireworks, entertainment uses, pet related businesses, pet daycare, child or adult daycare, nightclub and night time entertainment businesses” SECONDED by Mr. Pierce.

VOTE: 4-1(Bea)-0

3. Beach Sidewalks

Mr. Welch commented as follows: We need to review and investigate what we have there, need to be able to see what is there before doing this, discussed Whites Island area, before start discussion on plowing beach sidewalks need to look at costs are going to be and what equipment needs are to plow these sidewalks. Thinks the Board needs the background information from Mr. Noyes before deciding on this.

a. Building of sidewalks on Atlantic Ave

Discussion

Mr. Pierce made comments as follows: problem with a gap in the sidewalk which was corrected, portion of sidewalks made out of asphalt, how long does an asphalt sidewalk last and need to look at this very closely before making any decisions on this.

Mr. Moore thinks that they need to wait as suggested by the Town Manager before making a decision on this.

b. Plowing of the Beach sidewalks – Ashworth Avenue

Discussion

Mr. Pierce asked if we have to plow sidewalks and Mr. Welch stated it depends and provided some more detailed information. There was an additional discussion on plowing sidewalks throughout the Town.

VI. Approval of Minutes – postponed to next meeting

1. February 04, 2013
2. February 11, 2013

VII. Town Manager’s Report

1. The 2012 Annual Town Report is at the printer's and is expected in around March 1st. A THANK YOU to Kristina for all of the hard work involved in completing this important and outstanding document.
2. Please note that the State has cleared the snow from the Beach parking areas. I have been informed that the pay meters will be activated on April 1st.
3. The Household Hazardous Waste Collection Day will be May 18th in Hampton and September 28th in Brentwood.
4. The outstanding sums on State Aid Grants (SAG) funding of the State's 20% portion for Sewer grants amount to \$837,743.27.
5. Permission is requested to engage the Engineering Firm of Fay, Spofford and Thorndike (FST) to prepare the SAG application for the Beach Infrastructure work in excess of \$6M. FST were the Engineers who had supervised the Beach Infrastructure work. No previous SAG has been completed or filed according to what I have been able to determine.
6. The amount of Impact Fees remaining for the Schools is as follows: \$20,204.22 for the Hampton School District and \$3,415.25 for Winnacunnet Cooperative District.
Items added to Town Manager's Report

Mr. Welch added the following items: a request from the Planning Board to show a land development CD as part of their program on Channel 22, currently in the Legislature a bill that allows only a summary topic for warrant articles for ordinances and have the signed renewal contract from Comcast.

Discussion

Mr. Nichols requested that in regards to the State starting the meters on April 1st that there needs to be some very visible signage out to inform people of this change. Mr. Welch will ask the State to put out some electronic boards and if they don't can we put on the Town's boards. Mr. Nichols asked about the previewing of the video for the Planning Board and he does not have a problem with playing this video.

Mr. Pierce asked about the \$6M for the infrastructure and it was confirmed by Mr. Welch that this only represents a piece of the project for the Sewer work, 12mil was bonded. Church Street Parking will be addressed at the next meeting.

Mr. Moore made comments as follows: a portion of the State parking at the beach has been cleared, the cost for FST to prepare this application, it is unknown and requested a vote on the letter they received regarding an interest abatement request.

Mr. Moore MOTIONED that the handwritten request for tax map 223-24 be denied. Mr. Pierce SECONDED.

VOTE: 5-0-0

VIII. New Business

1. Understanding of Services Statement from the Auditors "Plodzik & Sanderson"

The Board directed Mr. Welch to sign this document. This item was discussed above under the Finance Director's report.

Other New Business

There was a discussion on the Board not meeting on February 26th as previously planned and will reschedule it to March 11th at 6:00 PM to discuss the employee reviews. They discussed how the meeting will be handled.

Chairman Griffin would like to know when we will have an answer for Mrs. Woolsey in regards to legality of warrant article and Atty. Gearreald suggests that he meet with the Board after this meeting.

IX. Consent Agenda

1. Sam Catalano Owner DBA S & S Corner Store – Combination Off-Premise Bev/Wine/Tobacco Liquor License – 109 Ocean Blvd

Mr. Pierce MOTIONED to MOVE the Consent Agenda. Mr. Moore SECONDED.

VOTE: 5-0-0

X. Closing Comments - None

XI. Adjournment

Chairman Griffin stated that the Board will have a meeting with legal counsel.

Mr. Moore MOTIONED to adjourn the public meeting. Mr. Pierce SECONDED.

VOTE: 5-0-0

Chairman