

**HAMPTON BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
JANUARY 29, 2007 – 7:00 PM**

**PRESENT:** Virginia Russell-Russell, Chairman  
Ben Moore, Vice-Chairman  
Rick Griffin  
Bill Lally  
Mark Gearreald, Interim Town Manager  
Maureen Duffy, Administrative Assistant

**REGRETS:** James Workman

**SALUTE TO THE FLAG**

*Recreation and Parks Director, Dyana Martin presented the awards for the 3<sup>rd</sup> Annual Holiday Lights Spectacular Contest to the following:*

Best Business – The Ships Inn  
Best Animated Display – Steve & Charlene MacDonald  
Best Traditional Display – Tom & Rosemary McNamara  
Best Christmas Theme – Richard & Marilyn Reniere

**Chairman Virginia Bridle-Russell called the meeting to order at 7:00PM.**

**I. ANNOUNCEMENTS AND COMMUNITY CALENDAR**

Mr. Lally reminded Hampton voters of the Deliberative Session this Saturday, February 3<sup>rd</sup> at the Winnacunnet High School Auditorium.

Mr. Moore announced that this Friday, February 2<sup>nd</sup> is "Wear Red Day" to raise awareness about women and heart disease.

Mrs. Bridle-Russell urges Hampton residents to come to the Deliberative Session this Saturday starting at 8:30AM. The meeting will continue until the last Warrant Article is discussed.

## II. APPOINTMENTS

### Unscheduled Appointment

Police Captain Rich Sawyer presented the traffic pattern to maneuver vehicles in the beach area in conjunction with the Penguin Plunge this Sunday, February 4<sup>th</sup>. Captain Sawyer came before the Board to request approval of the traffic pattern from the Selectmen. The traffic pattern will be in effect from 9AM to 3PM.

**Mr. Lally MOTIONED** to approve the traffic pattern as presented for the Penguin Plunge. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS FOR**

### 1. MIKE SCHWOTZER – 2006 AUDIT FINANCIALS

Finance Director Mike Schwotzer and his finance team worked diligently with the auditors last week to complete the financial overview. He provided the Board with the General Fund income and expenditure report for their review. Total revenues for 2006 were approximately \$605,000, higher than anticipated. The majority, according to the auditors, was \$360,000 in unanticipated state and federal grants. There is a \$150,000 item under "interfund operating transfers" from the Conservation Commission to match the \$100,000 that was appropriated for the purchase of the Ice Pond. As a result, the actual income for 2006 is \$450,000 above the budgeted amount.

Mr. Moore noted that the Trust Fund revenues are up \$61,000 above the budgeted amount.

Mr. Schwotzer went on to discuss the expenditure report. When the \$360,000 in unanticipated grants is added to the budget it increases the total available money to \$700,000. Mr. Schwotzer had originally predicted approximately \$500,000; however, there was a pickup of \$140,000 due to the 2005 end of year payroll accrual not being reversed at the start of the year.

The Reserved Fund and Unreserved Fund Balance increased from \$522,229 in 2005 to \$1,469,951 for 2006.

Mr. Moore commented on the Fire Department budget. He noted that the Department was approximately \$190,000 over its budget yet was awarded about \$165,000 in grant revenue. He also commented on the \$500,000 increase in the Reserve Balance Fund. Mr. Schwotzer noted that the increase is intended to cover possible legal judgments. Mr. Moore asked if this allocation can be classified in that manner without Board approval. Mr. Schwotzer noted that the auditors did not indicate otherwise.

Mr. Lally asked why the municipal debt service, under long-term interest has been zeroed out, when only 91% was used in 2006. Mr. Schwotzer explained that there is \$109,000 in principal and \$91,000 in interest (totaling close to \$200,000) which is a result of the 2005/2006 budgeted figures for the Kings Highway / Church Street construction which was delayed and the final completion date moved into 2006. The State Revolving Fund (SRF) loan for the project does not start until one year after the completion date and for that reason Mr. Schwotzer was required to budget for it in 2007.

Mr. Lally then asked about refinancing the loan for the police station at a lower rate. Mr. Schwotzer is under the impression that the bond cannot be called until 2008, so toward the end of 2007 refinancing options can be reviewed. Mr. Griffin is also interested in refinancing options for the police station bond.

Mr. Moore asked about the Town's current positions in regard to GASB 34. Mr. Schwotzer reported that the Town is not compliant and that the major hurdle is inventory. For the Town to become compliant all inventory including infrastructure (i.e. roads, bridges, etc.) must be included. Currently there is money allocated to get assistance from the auditing firm to implement GASB 34 but it depends on the results of the 2007 vote in March. Once we have a budget, Mr. Schwotzer intends to start working on GASB 34 with his staff in the Finance Department.

The 2006 Ad Hoc Appropriations Oversight Committee recommended that the Finance Director consider modifying the monthly financial statements to compare actual expenditures to seasonal flow. Mr. Moore asked for Mr. Schwotzer's thoughts on the idea. Mr. Schwotzer explained that there is a problem with the accounts payable software program. It is date sensitive and it posts according to the date on the invoice rather than when the bill was paid. Mr. Schwotzer has looked at the problem and is considering using a year to date figure for each month and subtracting to get the month's activities.

## **2. JOHN NICKERSON –CHANNEL 22 UPDATE & PURCHASE REQUEST**

Chairman of the Cable Committee, John Nickerson addressed the Board. Mr. Nickerson requested that the Board consider the Committee spending up to \$3,000 on equipment for the Deliberative Session (this coming Saturday). The purchase would include two DVD recorders, some microphones and some new wires. The Committee has received a request by a Hampton business owner, wanting to purchase a DVD copy of each Selectmen, Planning and Zoning Board meeting(s) of each month.

Mr. Lally asked if the hearing impaired apparatus will be available at the Deliberative Session for those who need them. Mr. Nickerson said that there would be eight hearing impaired apparatuses available this Saturday as well as at the monthly Budget Committee meetings.

**Mr. Moore MOTIONED** to approve the request of up to \$3,000 from the Comcast Cable Balance Fund for the purpose of purchasing equipment for Channel 22. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS FOR**

Mr. Nickerson went on to talk about the 15 year contract between the Town and Comcast that will be expiring in two years. He asked if the Town Attorney Gearreald could review the agreement at his earliest convenience.

The police station has a modulator, monitor, i-net connection and tripod in the training room. Mr. Nickerson will be purchasing and installing a camera and monitor so that the police training room can be used as an incident command center in the event of a storm or emergency. He is proposing to use funding from the Channel 22 Balance Fund to pay for this equipment.

Mr. Nickerson reported that the i-net connection has been hooked up to the Marston School, Hampton Academy, Town Hall and Winnacunnet High School Auditorium. The High School is planning on setting up a control room for Channel 22 as they would like to broadcast the School Board meetings. The High School is also considering building a control room for students to tape daily meetings.

The Committee was asked by the Board of Selectmen to look into a wireless system for their meeting room. At this point Mr. Nickerson has two quotes and will present the results to the Selectmen once he receives the third.

The members of the Channel 22 Committee have a strenuous schedule, ensuring that town meetings, Beach Precinct meetings, football games and wrestling matches are broadcast. It can be quite a feat to make all of this

happen with a limited number of volunteers. Mr. Nickerson said that the Cable Committee is always looking for volunteers and that the Committee has enough money to offer them a stipend for their time at \$10/hour.

### **3. JANE ANSALDO-CHURCH – RECYCLING/TAKE IT OR LEAVE IT SHED**

Jane Ansaldo-Church is a Hampton resident of 13 years and teaches elementary students in Portsmouth. Her focus has been teaching children about caring for the earth, specifically by recycling. Ms. Ansaldo-Church is familiar with the Rochester landfill where the majority of Hampton trash goes. The Town pays the landfill according to the amount of waste being disposed in Rochester. Ultimately she is interested in creating a committee to work at developing various recycling methods, resulting in a cost savings for the Town. She is also interested in a Still Good Shed, where people could bring items that are still usable for others who may be interested in (e.g. furniture) them. Ms. Ansaldo-Church notes that many communities have similar sheds that are very successful. She encouraged Hampton residents to contact the Town Manager's office if they are interested in being proactive in reducing garbage and creating a place to reuse items that are still in good condition.

John Hangen, Director of Public Works joined Ms. Ansaldo-Church to discuss his perspective on the subject. He congratulated Ms. Ansaldo-Church for being proactive in the movement to reduce waste. Mr. Hangen believes that the philosophy is good but discussed the logistics of a recycling shed. He questioned who would be responsible for maintaining the shed and who would be held liable.

Currently transfer station staff pulls items out that they perceive as valuable. Once it starts to accumulate and no one is interested in taking the items staff throw it away. He also noted that some people are upset when others take these items and sell them at garage sales.

Mr. Hangen said that there is room in the front yard at the transfer station but does not have the resources to maintain the shed. However, if there are volunteers managing the shed he would endorse the project and donate a building for this purpose.

#### **Board of Selectmen's Response**

The Board supported Ms. Ansaldo-Church's idea as a good one but agreed with Mr. Hangen that the Town cannot afford to pay staff to manage the shed. At the very least they would like to see if people are interested in joining Ms. Ansaldo-Church in her quest on a voluntary basis.

Mr. Hangen also commented on mandatory recycling as it would reduce the cost of disposing waste at the Rochester landfill.

Mrs. Bridle-Russell suggested contacting the WHS to see if Senior Seminar students are interested in taking on the project and locating it on private property.

Mr. Gearreald noted that Ms. Ansaldo-Church's idea is a worthwhile one and thought that perhaps a private organization may be interested in taking on the project.

Mr. Hangen reported that the scale for the transfer station has been installed and calibrated but still needs some work.

Mr. Lally asked Mr. Hangen if Public Works would remove a sign located on High Street (west bound) that has been left behind from the construction crews working on the Exeter Road Bridge this past summer. Mr. Hangen agreed to do so.

Mr. Hangen said that the puddle problem along P Street has been fixed.

Mr. Lally asked if there was a way for the drainage project to proceed. Mr. Hangen believes the legal and engineering work could begin and is more than willing to work with the Selectmen to start the process. He noted that proceeding with the project depends on the outcome of the budget that the voters support at the Town meeting.

Mr. Gearreald, Mr. Schwotzer, Mr. Hangen and other Public Works employees, met last Thursday with two engineers from Fay, Spofford and Thorndike (FST) to review the proposed bid document for the West Side Streets phase of the Beach Infrastructure Project. Several changes will be made to that document before it is issued with permission from DES. The deadline date for substantial completion as proposed in the bid documents will be Memorial Day of 2007. Mr. Gearreald suggested that the Selectmen meet with FST to review the proposed project before it goes out for bid.

Mr. Hangen is concerned about the immense amount of utilities at the Beach and the amount of precautionary work to be done, to coordinate utility work. Mr. Hangen pointed out that this will need to be coordinated prior to the project proceeding so that there are no change orders. He would like FST to explain to the Board what they will provide for a specific amount of money.

The Board will meet at 6:30PM Monday, February 5 to discuss items arising from the Deliberative Session and will meet with FST the following week February 12.

Mr. Hangen mentioned that DES has requested FST to modify their the project by adding insulation to the pipes that are about six feet deep and to change 40% of the regular pipe to the "blue group pipe" which is substantially more money.

Mr. Hangen alerted the Board to warn FST that they are not willing to accept delays or change orders resulting from peat or clay ground conditions, so there is no additional cost.

### **III. MINUTES – JANUARY 22, 2007**

The January 22, 2007 minutes stand as read.

### **IV. OLD BUSINESS**

#### **1. INTERIM TOWN MANAGER'S REPORT**

Mr. Gearreald met this week with Town Moderator Bob Casassa to prepare for the Deliberative Session, scheduled for Saturday, February 3, 2007 at 8:30 a.m. at the Winnacunnet High School auditorium. With the exception of the zoning articles and the article concerning candidates for Town Officers, the remaining articles may be amended during this session so long as the amendment deals with the same subject matter as the

article being amended. Maureen Duffy has communicated to the American Red Cross the need to amend its petitioned article to include the standard “raise and appropriate” language.

Budget Committee Chairman Mary Louise Woolsey has posted a meeting of the Budget Committee immediately following the conclusion of the Deliberative Session to address any charges in the Budget Committee recommendations in response to such amendments as may occur at the Deliberative Session to appropriations articles.

The period for filing for openings in Town offices began on January 24, 2007 and closes on Friday, February 2, 2007 at 5:00 p.m. Mr. Gearreald, Moderator Casassa and Town Clerk Arlene Andreozzi have discussed the impact of the New Hampshire Supreme Court’s decision in Akins v. Secretary of State that was released on August 17, 2006. In that case, the Supreme Court held that the ballot used in the 2004 New Hampshire general election violated the New Hampshire Constitution’s provision (pt. I, art. 11) that “Every inhabitant of the state, having the proper qualifications, has an equal right to be elected into office.” The Court declared this right to be a fundamental right requiring review under a strict scrutiny standard, and went on to find that this right was violated by a ballot that positioned candidates alphabetically, as well as by party with the party getting the most votes in the prior election having its candidates listed first.

Consistent with the Akins decision, Moderator Casassa and Mr. Gearreald both feel that the order of candidates listed on our Town Ballot should no longer be determined by their alphabetical order. The Akins decision did not prescribe a specific method to use to avoid that problem; however, one of the alternatives cited by the Court from other states was that of randomly selecting the order of candidates for a particular office. Accordingly, in conjunction with Town Clerk Andreozzi, we are planning at the beginning of the deliberative session on Saturday to take up Article 1 and to conduct a random drawing among the names of those who have filed for each position to determine the order in which those names will appear on the ballot. This will also serve to notify the voters as to who signed up for the various positions by the 5:00 p.m. deadline on the previous day.

Last Saturday, Mr. Gearreald and Building Inspector Kevin Schultz attended the Heritage Commission, Heritage Marker Program inauguration on the old District Court building on Winnacunnet Road, across the street from the Lane Memorial Library,

Last week the pipes froze in the Town hall because the door leading to the hallway was closed. Mr. Gearreald has consulted with Mr. Schultz to remedy the heating system in the basement to prevent the pipes from freezing.

In order to answer a question from the Rockingham Planning Commission, Town Planner Steffen has asked to ascertain whether the Board is still interested in reserving funding for the Exeter-Hampton-North Hampton Bicycle Loop, conceived by representatives from the three towns on the Coastal Corridor Transportation Committee in 1997. An article to fund the 20% local share of the \$752,000.00 project was defeated by a vote of 2686 “no” to 945 “yes” on the March 8, 2005 Ballot (article 11). A somewhat scaled down article on the same subject was zeroed out at the 2006 Deliberative Session, and was then defeated by a vote of 2173 “no” to 1056 “yes.” The general consensus of the Board was to focus on other projects that are more of a priority to Hampton residents.

The Board will consult with Attorney Gearreald on five litigation matters following the conclusion of this meeting. Consultations with legal counsel are specifically exempt from the public meetings requirements of the Right to Know Law, under RSA 91-A:2, I(c).

**BOARD'S RESPONSE TO THE MANAGER'S REPORT**

**Mr. Moore MOTIONED** to schedule a meeting directly after the Deliberative Session to address any changes in recommendations. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS FOR**

Mr. Moore thanked Mr. Gearreald for sending a letter to the Planning Board suggesting that they consider increasing their fee schedule. The Planning Board will inform the Selectmen once they have made any changes.

**Mr. Moore MOTIONED** to follow the recommendation of the Town Attorney to establish a random drawing of candidate names to determine the order on the ballot. **Mr. Lally SECONDED.**

**VOTE: UNANIMOUS FOR**

**OTHER OLD BUSINESS**

Mr. Lally inquired about the report that the Town Planner Jamie Steffen is working on, to address the usage of the government buildings located along Winnacunnet Road. Mr. Gearreald reported that Mr. Steffen is moving forward with the public facility section master plan and that he is working at seeking some assistance from NH Planning.

Mr. Griffin discussed a letter from a citizen that still has questions about ambulance billing. Mr. Gearreald will pass it to Deputy Silver to generate a direct response.

**V. NEW BUSINESS**

**1. REAPPOINT SEACOAST MPO TECHNICAL ADVISORY COMMITTEE**

**Mr. Lally MOTIONED** to reappoint Jamie Steppen to the Seacoast MPO Technical Advisory Committee and Warran Bambury as an Alternate member. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS FOR**

## 2. DELIBERATIVE SESSION

In order for an Article to be discussed at the Deliberative Session a motion must be made to move it to the floor for discussion.

Board of Selectmen sponsored Articles:

Article #	Motion	Second	Subject of Article
9	Bud. Com	Bud. Com	Budget
10	Ben	Rick	X-mas parade
11	Bill	Ben	Police Forfeiture Fund
12	Rick	Jim	Ch22 Special Revenue Fund
13	Rick	Ben	Cemetery - Burial Trust Fund
14	Bill	Rick	Retired Senior Volunteer Program
15	Bill	Ginny	A Safe Place
16	Ginny	Bill	Cross Roads
17	Rick	Ben	Area Home Care & Family Services, Inc.
18	Bill	Ginny	Richie McFarland Children's Center
19	Bill	Jim	Sexual Assault Support Services
20	Rick	Ben	Seacoast Hospice
21	Bill	Ben	Seacoast Youth Services
22	Ben	Bill	Child & Family Services
23	Jim	Ginny	Seacare Health Services
24	Rick	Bill	AIDS Response-Seacoast
25	Ben	Bill	Sewage Use & Construction Ordinance

## 3 - SIGN RETURN OF WARRANT

**Mr. Moore MOTIONED** to sign the return of the Warrant. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS FOR**

### VI. CONSENT AGENDA

None

### VII. PUBLIC COMMENTS

None

### VIII. CLOSING COMMENTS:

None

### IX. ADJOURNMENT

**Mr. Griffin MOTIONED** to adjourn at 8:45 PM. **Mr. Moore SECONDED.**

**VOTE: UNANIMOUS FOR**

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Chairman