

**HAMPTON BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
FEBRUARY 26, 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

**PUBLIC HEARING**

**Warrant Article 44 (As Petitioned)**

*On petition of Charlie Preston and at least 25 registered voters, shall we adopt the provisions of RSA 31:95 c, to restrict 20% of the gross lease and rental income from the Town's parking areas located within the Hampton Beach Village District to the purpose of construction or reconstruction of recreation infrastructure within the Town of Hampton. Such revenues and expenditures shall be accounted for in a special revenue fund, separate from the general fund, to be known as the Hampton Recreation Infrastructure Fund, per RSA 31:95 d. Any surplus in said fund shall not be deemed part of the General Fund Accumulated Surplus. This will be a non-lapsing account per RSA 32:3 VI. The annual recreation infrastructure projects will be determined by the Board of Selectmen, Town Manager and Director of Public Works each year, and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or the source of the revenue. The first appropriation from this fund should be devoted to the reconstruction of the tennis/basketball courts at Tuck Field.*

Charlie Preston (47 Glade Path) sponsor of Warrant Article 44 explained that the Article was written in a similar fashion as the original article (Article 41) that was supported by the voters in 1996. The difference with this article would be that the Selectmen, Town Manager and Director of Public Works may expend the funds after the Town vote to appropriate a specific amount

Bonnie Searle (16 Penniman Lane) asked the Town Attorney for his opinion as to the repercussions that may result if Article 44 passes and Article 45 fails. Mr. Gearreald explained that if Article 45 fails then the Precinct will continue to receive 20% of the parking lot revenues within the Hampton Beach Village District for the purpose of expended the funds towards town owned infrastructure within the Village District boundaries. He went on to say that if Article 44 passes then another 20% of the gross lease and rental income from the Town's parking areas located within the Hampton Beach Village District would be expended towards the purpose of construction or reconstruction of recreation infrastructure within the Town of Hampton. Mrs. Searle said that she agrees with that interpretation and she appreciates all of the great things that Charlie Preston has done for Hampton and the opportunity to voice her concerns, but believes that Article 44 is premature and disastrous for taxpayers. Her concern is that, if Article 44 passes and 45 fails, then 40% rather than 20% of money generated

by the parking lots within Hampton Beach will be used toward infrastructure rather than going toward reducing the tax rate. Mrs. Searle believes that Article 45 needs to be passed before Article 44 should be considered.

Recreation and Parks Department Director Dyana Martin said that she does not believe Article 44 would be disastrous for taxpayers. If Article 44 passes and 45 fails it may be a good thing for Hampton because money would be designated for improving recreation facilities such as the tennis courts as well as infrastructure improvements within the Precinct.

Skip Webb (11 Windmill Lane) thanked Charlie Preston for thinking outside of the box when creating Article 44. He believes that having funds for a specific purpose is a positive step in achieving outcomes that will benefit the Town. He noted that with budget constraints, items that are perceived as frivolous such as tennis courts are always put on the backburner. Mr. Webb believes that this is a good way of dealing with recreational facilities improvements and maintenance without affecting the budget. He applauded Article 44 and is hopeful that it passes.

Fred Rice (15 Heather Lane) gave Charlie Preston a lot of credit because he works hard to make Hampton a better place. Mr. Rice believes that Article 44 is incomplete and contradictory. He said that if this Article passes and Article 45 fails then there will be 40% going out to various items needed rather than 20%. Mr. Rice noted that the original purpose of the 1996 Article 41 was to create a fund to support Beach area infrastructure. Hampton Beach is a resort that attracts tourists who stimulate the local economy. Though tourists support business and hence the tax base they are also a burden to public services. Considering this burden, the 1996 Article 41 originated, and voters today still support encumbering money from this fund for various projects in the Beach area. Mr. Rice said that the Board of Selectmen removed the tennis court warrant article off the 2007 warrant because voters have turned it down for the past four years and they wanted to present a bare bone budget. Mr. Rice believes that Article 44 is a way of sliding the tennis court repairs by means of the back door and is hopeful that voters do not support this article.

As a Town employee John Hangen Director of Public Works is reluctant to discuss petitioned Warrant Articles. But in this circumstance he believes that he needs to voice his opinion on Article 45. He hopes that voters will not support the Article as the current fund supports beach improvements such as the decorative street lights.

Michael Scanlan (4 J Street) commended Charlie Preston for his efforts in developing Article 44 and has a lot of respect for him. Mr. Scanlan noted that Hampton Beach is the second largest generator of revenue for the State. He noted that the Precinct Village contributes a significant portion to the Town budget. He is not overly worried about Article 44 being passed as he believes that many voters are disgruntled with the municipality.

#### **Warrant Article 45 (As Petitioned)**

*On petition of Charlie Preston and at least 25 registered voters, to see if the Town will vote as follows: shall we, the voters of Hampton, New Hampshire, rescind the provisions of RSA 31:95-c (which was adopted in 1996 – Article 41) to restrict 20% of revenues of gross lease and rental income from the town's parking areas located within the Hampton Village District to expenditures for the purpose of town owned infrastructure within the Village District boundaries. Such revenues and expenditures to be accounted for in a special revenue fund, separate from the general fund. Any surplus in said fund not to be deemed part of the General Fund Accumulated Surplus. This is a non-lapsing account per RSA 32:3, VI. The infrastructure items to be determined by the Precinct Commissioners, Public Works Director and Town Manager at budget time. The purpose of the first years fund to be for proposed Playground improvements. This rescission is in accordance with RSA 31:95-d IV (4).*

As the petitioner of Article 45, Charlie Preston presented the notion behind the article.

Mr. Preston discussed the various articles that have been supported by the voters since 1996 requesting appropriation for various beach infrastructure projects. Mr. Preston would like to see the 20% of the revenue spent across Town and not just at the Beach.

Mr. Preston mentioned that he would like to see the Precinct meetings broadcast on Channel 22. He believes that if the meeting was on television it would improve Precinct communications with all Townspeople.

Mr. Griffin believes that it would be a good idea to broadcast Precinct meetings on Channel 22.

Gary Kubik (22 C Street) came before the Board to speak on behalf of the Precinct Commission. The Precinct is against Article 45 and hopes that the article is voted down. Mr. Kubick discussed the decorative street lighting infrastructure project and believes that the improvements such as this attracts visitors to the Beach and benefits the entire Town of Hampton. He and the Commissioners are hopeful that the Precinct will continue to have access to 20% of the revenues generated by the parking lots within the Village District.

Skip Windamiller (365 Ocean Boulevard) said that there are a lot of misconceptions being discussed around Town. He clarified to the public that the Precinct Commissioners do not handle any of the money allocated to various infrastructure projects by Town voters. He believes that it is important for Hampton to have a healthy business district to reduce residential property taxes. Mr. Windamiller would like to see the current 20% generated by parking lot revenues allocated towards Hampton Beach improvements and hopes that Hampton residents vote "no" on Article 45.

Brian Warburton (24 Sandborn Road) asked the Town Attorney/Interim Town Manger why the Selectmen or Budget Committee did not specify a recommendation on this article. Mr. Gearreald explained that the Selectmen and Budget Committee only provide recommendations on appropriation articles. Mr. Warburton is proud of what he accomplished while on the Board of Selectmen and is happy that he was able to work with the Precinct to improve relations between the two Boards. He would like to see the current Board of Selectmen continue working with the Precinct to strengthen relations. Mr. Warburton also talked about the various state agencies involved in maintaining and providing services to Hampton Beach. State services such as regular trash pickup ensure favorable impressions for visitors coming to Hampton Beach. Mr. Warburton hopes that the Selectmen will speak against Warrant Article 45.

Geannina Guzman-Scanlan is pleased that the Town has arranged for a public hearing on Article 44 and 45. This year the Precinct will be celebrating their 100 Year Anniversary and Mrs. Guzman-Scanlan would like to see the funds available to the Precinct for the purpose of investing in Beach improvements. She is also in favor of having the Precinct Commission meeting broadcast on Channel 22. Guzman-Scanlan believes that it is in everyone's best interest to leave the fund in place and urged voters to vote "no" on Article 45

Bonnie Searle came before the Board to urge residents to vote "yes" on Article 45.

Fred Rice (15 Heather Lane) talked about the necessity of having a warrant article requesting voters support to spend and appropriate the money. Mr. Rice suggested that perhaps the 20% of the revenues would be put into a revolving fund rather than the current special revenue fund. He hopes that the voters do not support this article.

Michael Scanlan talked about the reduction in staff as a result of default budgets and the impact that it has had on public safety in the Beach area. He also discussed the sewer tie-ins and is concerned that many people will not have enough money to tie-into the new system.

Mr. Lally noted that every year since 1996 Town voters have overwhelmingly supported warrant articles, (except for one year where it only passed by 86 votes) to appropriate the 20% of revenues of gross lease and rental income from the Town's parking areas located within the Hampton Village District, to expenditures for the purpose of town owned infrastructure within the Village District boundaries. He would like to see the fund stay the same and encouraged voters not to vote for Article 45.

Mr. Moore and Mr. Griffin believe that it is now up to the voters to decide.

Mrs. Bridle-Russell was a member of the Budget Committee in 1995 when Article 41 regarding the 20% of gross lease and rental income from the Town's parking in the Village District was developed. The Committee felt that it was a great way for the Beach to be guaranteed funds to support infrastructure projects. She encouraged voters to come out to express their opinions.

**Chairman Virginia Bridle-Russell called the meeting to order at 8:30PM and introduced those in attendance.**

## **SALUTE TO THE FLAG**

### **I. ANNOUNCEMENTS AND COMMUNITY CALENDAR**

Mr. Moore announced that next Tuesday the Historical Society will be holding a special event with guest speaker Peter Randal, author of "*New Hampshire Then and Now*". The event will be held in the Lane room at the Library and is free to those interested in attending. Mr. Moore also discussed the scheduled date, June 2<sup>nd</sup> for raising the barn. The project cost is estimated at \$60,000 and \$16,000 remains to be raised. Recently an anonymous person donated \$8,000 as a challenge grant to others interested in preserving Hampton's history. Mr. Moore encouraged people to donate towards the restoration of the barn.

Chairman Bridle-Russell reminded residents that the Town vote will be held on March 13<sup>th</sup> at the Marston School. She urged all Hampton residents to vote and mentioned that absentee ballots are also available from the Town Clerks office. Mrs. Bridle-Russell also mentioned that Selectmen will be providing an overview of the warrant at the March 5 meeting.

### **II. APPOINTMENTS**

#### **1. FINANCE DIRECTOR SCHWOTZER – 2006 AUDIT**

Mr. Schwotzer provided that Board with a copy of the internal financial statements with all changes from the audit incorporated into it. To ease interpretation of the audit and financial statements he has prepared a summary for the Board.

The Board thanked Mr. Schwotzer for providing the summary as they appreciate the user friendly document.

Mr. Lally suggested that the financial summary be posted on the website.

Mr. Moore had gone over the audit with the Finance Director earlier in the day. He noted the Mr. Schwotzer had provided a Comstar report to him and asked if these reports could be made available on a quarterly basis.

## **2. JOSEPH CORONATI – 56 DRAKESIDE ROAD**

Joseph Coronati, representative for Jones & Beach Engineers came before the Board to request a trench permit for 56 Drakeside Road. The road has recently been paved within the last five years and as indicated by Town ordinance and the Public Works Director the Selectmen need to approve the excavation. The Engineer explained that a small 10 square foot boring would be required yet would not disturb the pavement integrity.

Mr. Gearreald also noted that before a sewer permit is issued the developer shall record a “hold harmless” agreement acceptable to the Legal Department.

Mr. Hangen also noted that there is a lot of pressure in the Town sewer pipe and the contractor will need proper piping that will be able to handle the pressure will need to be installed. Mr. Gearreald expressed his concern about the road caving in similar to the project area that was affected by the Mother’s Day storm/flood. Mr. Hangen noted that the boring would not be in the same location and it is unlikely to cave in.

It was asked who would be responsible if something goes wrong with the boring. The Engineer explained that it would be the owner of the project, Jack Murray.

**Mr. Lally MOTIONED** to authorize a trench permit for 56 Drakeside Road with the stipulation that a “hold harmless” agreement that is acceptable to the legal department and meets Town specifications as well as indicates who is responsible if there are any problems will be recorded. **Mr. Moore SECONDED.**

**VOTE: UNANIMOUS FOR**

## **III. MINUTES – FEBRUARY 19, 2007**

The February 19, 2007 minutes stand as read.

## **IV. OLD BUSINESS**

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

Tom Gillick has continued his long tradition of public service to Hampton by agreeing to serve as the fair hearing officer in response to a fair hearing request made under our Welfare Guidelines. The fair hearing was scheduled for Friday, February 23, 2007, but was postponed at the applicant’s request to Friday, March 2, 2007.

The Planning Board has appointed a subcommittee to assist the Town Planner in his efforts pertaining to our Government Center facilities planning, as part of the update of the Community Facilities section in the Master Plan.

Maureen Duffy has continued to address issues pertaining to the Annual Report and its printing. The price for the printing will be greater than bid due to two factors. First, the report is somewhat larger in terms of page numbers than was originally projected in our bid package. The price therefore increases proportionately. Second, like other communities this year, our audit report was not released to us in time for our report to be given to the printer by the deadline we put in our bid package. In order to meet the statutory March 6 deadline the printer will have to put in overtime hours. Of course, every bid would have been affected by these same factors. The exact new cost figure is not yet known, but we estimate that the new figure will put us in the range of the original next lowest bids.

Regarding the February 14, 2007 fire at Hampton Beach, Building Inspector Schultz is preparing a letter to go out to each property owner outlining restrictions that will apply to rebuilding efforts. If restrictions come from the Zoning Ordinance variances can be sought from the Zoning Board of Adjustment. However, if the source of applicable restrictions is in deed restrictions, relief can only be granted by the Town meeting. Kevin is also attempting to find out how much longer fire investigators need to have the site remain as is, so that a deadline can be established for clean up.

Regarding the property at 426 Winnacunnet Road, where changes to dwelling styles have occurred over what was presented to the Board of Adjustment when it previously granted variances for this project, the ZBA has indicated that any style of structure other than the buildings that were submitted and approved at its hearing of March 17, 2006 will be required to be resubmitted as part of a new petition before the Board. The project owner has submitted such a new petition to the Board, which will be heard in March.

Mr. Gearreald requested that the Board meet in a nonpublic meeting regarding a personnel matter and in a non-meeting meeting thereafter to discuss some litigation matters. .

**Mr. Moore MOTIONED** to have a nonpublic session regarding personnel under RSA 91-A:3,II(a)&(c) immediately following tonight's Selectmen's meeting. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS FOR**

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

Chairman Bridle-Russell mentioned that John Holman is searching for the Town Clock plaque. If anyone has any information on its whereabouts to contact Town Hall.

### **OTHER OLD BUSINESS**

Mr. Lally discussed Mr. Nichols comments made at last week's meeting regarding police detail for the Beach Infrastructure project. He too questioned who was managing the money for the police details.

**V. NEW BUSINESS**

**1. ROCKINGHAM PLANNING COMMISSION NOMINATION OF TOWN REPRESENTATIVES**

**Mr. Lally MOTIONED** to re-nominate Warren Bambury, Peter Olney, Fran McMahon to the Rockingham Planning Commission. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS FOR**

**OTHER NEW BUSINESS**

Mr. Lally asked if Mr. Griffin could bring the idea of the Precinct meetings being broadcast on Channel 22 to the Cable Committee. Mr. Griffin will find out if the Committee has enough manpower and if it is feasible.

Mr. Moore noted that the Ad Hoc Committee to create an accurate comparison of Hampton's spending in comparison to other NH towns/cities of relevant size will be meeting on Monday, March 5 to begin strategizing.

**VI. CONSENT AGENDA**

**1. LAND RENT WARRANT**

**Mr. Moore MOTIONED** to sign the Land Rent Warrant as presented. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS FOR**

**VII PUBLIC COMMENTS**

None

**VIII. CLOSING COMMENTS:**

None

**IX. ADJOURNMENT**

**Mr. Lally MOTIONED** to adjourn at 9:22 PM to a nonpublic session. **Mr. Moore SECONDED.**

**VOTE: UNANIMOUS FOR**

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**Chairman**