

*Draft 7/26/10*

**PRESENT:** M. J. Farinola, Chairman; Maryann Kasprzak, R. P. McDermott, Selectmen;  
E. N. Small, Town Administrator; L. A. Ruest, Administrative Assistant

**ROAD AGENT - MONTHLY REPORT:** D. Robinson reported on the attempt to correct the gutter lines along the Cock Hill area of Drinkwater Road. He stated that he plans to add heavy stone to the crushed gravel and then compact. He noted that the recent heavy downpours have washed out areas before compaction was done. Discussion took place with regard to other gutter line areas that need attention. The Board requested that D. Robinson identify the four or five areas in mind, prioritize the top three needing attention and provide prices to fix them.

D. Robinson reported that he is also working on disposing of rubbish left from White Goods Day. R. P. McDermott inquired as to why the brush is being disposed at the gate and D. Robinson explained that it is due to leftover rubbish from White Goods Day.

**ROADSIDE BRUSH CUTTING:** E. N. Small reported that he and D. Robinson reviewed the bids received and recommends putting the matter back out to bid in order to get prices down to a reasonable amount. M. J. Farinola inquired as to whether the Board asked the right questions in their RFP. D. Robinson noted that the height of brush to be cut was raised to 10 feet which is double the height of last year's RFP which calls for different equipment. M. J. Farinola noted that those who bid already are put at a disadvantage, however, have the chance to re-bid again. A review of the proposers and the amounts submitted took place at this time.

R. P. McDermott asked Chris Merrill why his bid amount (\$13,750) is so much higher than the other two (\$3,500 and \$8,945). He stated that he submitted a price based on doing the work by hand with chipper blowing chips into a truck. He added that the bid indicates that the debris is the responsibility of the proposer. If he were allowed to blow the chips into the woods, his price would be different. The Board discussed the machinery used by the State's contractor. D. Robinson stated that the requirement is to address so many feet from the pavement for a specific height, no matter by hand or machine, to the Town's satisfaction.

M. J. Farinola suggested that this matter be re-bid with specification that major brush will be removed and the small brush can be blown into the woods; anything over one inch is to be cut. R. P. McDermott agreed. It was also requested that the bid document indicate "Specifications have changed. Please re-bid if you have bid before." C. Merrill expressed his discontent with the bidding process conducted by the Town of Hampton Falls now and in the past.

M. Kasprzak inquired as to how the Board plans to pay for brush cutting given the prices received and only \$2,000 available in that budget category. E. N. Small will provide budget information in conjunction with D. Robinson's prices.

D. Robinson reported that patch paving is ongoing. Discussion of available budget funds was held and the Board asked D. Robinson to identify up to five areas needing attention, prioritizing three, and provide costs to the Board for consideration. The Board agreed to review available budget funds once costs are provided. D. Robinson will obtain a price to pave gutter lines as discussed earlier.

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**ROADS SOFTWARE PROJECT:** E. N. Small informed the Board that this project may be more than expected and recommended having a University student set up the data and then have him responsible for maintaining from that point. He added that he may need additional training and questions when time will allow for this task.

**RESERVE ON THE STATE SALT BID - \$55.92 PER TON:** E. N. Small reported that he has submitted a request to reserve 600 tons.

**ROAD SIGNS – “SLOW CHILDREN” – HIGHWAY SAFETY COMMITTEE:** E. N. Small reported that R. P. McDermott forwarded an email to him from a resident requesting signage on Depot Road. A copy of a road sign inventory was provided to the Board. This matter has been referred to the Highway Safety Committee.

**BUILDING INSPECTOR, CODE ENFORCEMENT, HEALTH - MONTHLY REPORT:** K. C. Kelley reported on statistics and projects for the month of June. He reported that he has forwarded a complaint for possible revocation of a special use permit to the ZBA. He stated it needs to go to the ZBA before bringing the matter to the Board of Selectmen.

**TRAINING – EXCEL:** This matter was not discussed this meeting.

**REPORT ON SLATE ROOFS – TOWN HALL AND OLD LIBRARY/ REPORT ON STRUCTURAL IMPROVEMENTS TO THE EAST SIDE OF THE TOWN HALL:** K. C. Kelley reported that the repairs to the Public Safety Building roof are complete and that work on the Town Hall roof is to be verified. Work on the Old Library roof has yet to begin. Discussion took place with repairs needed to the front of Town Hall and the price of \$17,685 obtained from Thomas Hagan. K. C. Kelley reported that he has also been assisting the Library Director with problems with heating issues.

**FIRE CHIEF, EMERGENCY MANAGEMENT - MONTHLY REPORT:** J. M. Lord reported on statistics, mutual aid calls and incidents for the month of June. He attended Fire Crew in Canada and the Department is conducting summer training. J. M. Lord reported that the problem culvert on Mill Lane is blocked with tree roots from willow trees. It was noted that this pipe is rotted and needs to be replaced.

**TANKER 4 – PROGRESS REPORT:** J. M. Lord reported that the repair facility has offered two options for repairing the pump. First, is to repair the impeller shaft assembly at a cost of \$10,310.02 or second, to install a new impeller shaft assembly at a cost of \$14,861. He reported that the second option allows for new parts and an upgrade to the pump of an additional 250 gallons to 1,250 gallons per minute. He added that there is nothing else wrong with the 18 year old truck and that it is planned to keep Tanker 4 for another 15 years. Discussion took place with regard to options. J. M. Lord also noted that with the second option, the truck will be back in service within five days; if to repair, it could be two weeks.

**MOTION:** To allocate up to \$15,500 for the repair in order to get Tanker 4 back in service within a week's time.

**MOTION:** R. P. MCDERMOTT

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**SECOND: M. KASPRZAK  
UNANIMOUS**

**UNITIL AND TREE TRIMMING:** J. M. Lord reported that he attended a meeting with Unitil representatives and obtained an explanation of their plan for tree work. He stated that Scott Wade is willing to meet with representatives from the Town to set up a schedule for tree work in 2011. The Board asked that the Planning Board Chair be asked to meet with the Board of Selectmen to review the process in advance of meeting with Unitil representative S. Wade.

**WHITTIER POND AND LEVEL OF THE WATER:** J. M. Lord referred the Board to documentation received from the Department of Environmental Services outlining deficiencies identified and needing correction. J. M. Lord stated that he is not in favor of the proposed corrections as the water level of the pond would be lowered significantly and this pond is a water source for fire protection. J. M. Lord stated he has sent a letter in this regard. He stated that the water level of the pond is down due to boards removed from the dam during the March 2010 rainstorm. M. J. Farinola inquired as to what can be done about the pond scum.

**LIST OF CELL PHONES USED BY TOWN OFFICIALS AND EMPLOYEES:** A listing of cell phones and the departments they are assigned to was provided to the Board. M. J. Farinola asked if one phone could be reassigned so that the Building Inspector can have one so that Town staff can contact him if needed. K. C. Kelley stated that he uses his personal cell phone and added that contacting him to ask a question or inform him of someone waiting to see him only slows down an inspection. He added that he offers a notepad for contact information as well as email and voice mail options. It was determined that the cell phone used by town administration could be reassigned thus eliminating one phone from the listing. R. Dirsa stated that a review of the cell phone plan will need to be done before eliminating a phone.

**POLICE CHIEF - MONTHLY REPORT:** R. Dirsa referred the Board to the Police Department report for June and reviewed statistics and incidents. He noted that the new cruiser is now in service.

R. P. McDermott asked if noise complaint calls are forwarded to the Building Inspector. R. Dirsa stated that the Police Department handles these calls in accordance with town ordinances. He noted that the Town's noise ordinance does not regulate neighbor complaints. K. C. Kelley asked the Board if they prefer he deny requests for door to door solicitations. M. J. Farinola stated that applications should be submitted for consideration. K. C. Kelley acknowledged that religious activity is not prohibited by law.

R. Dirsa provided the Board with a proposed amendment to the Town's Ordinance for the Regulation of the Depot. The proposal is to restrict discharge of fire arms. He noted that this area is a multi-use area and there is no good facility for target shooting. The ordinance is specific to the area for parking and the boat landing. He reported that the Police Department has received inquiries with regard to shooting at the Depot. He added that he contacted the Department of Transportation and learned that the DOT prohibits shooting on rights of ways and that they will post the rail bed accordingly.

M. J. Farinola stated he is not in favor of this proposal and felt there were other avenues the Police Department could use to address this problem. R. Dirsa stated he is looking to notify people that they

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shouldn't be shooting in this location rather than arresting someone on a felony for shooting at or around people. R. P. McDermott stated he heard the firing of guns from his deck and drove down to the Depot to find kids shooting guns. He stated he is not averse to having something in place relative to firearms. R. Dirsa reviewed another situation in Town where a new resident is inviting others to the house to shoot on evenings and weekends. M. Kasprzak stated that the Board needs to key in on the fact that this is a recreational area populated by various activities. Shooting makes the area unsafe. R. P. McDermott asked Chris Merrill about specified times for hunting and whether these times could be posted. C. Merrill stated he felt the Police Chief doesn't know how big the Depot is and that the Police Department has no rights over the marsh as it is private property.

R. Dirsa asked the Board for support of this proposal and noted the matter would need to go to public hearing. No further discussion was held.

**DISPOSAL OF OLD POLICE CRUISER:** R. Dirsa reported that the old cruiser has been stripped of equipment and decals and requested approval to put it out to bid. The Board agreed with a sealed bid process as well as putting information on Craig's List and the Town web site. R. Dirsa will work with E. N. Small to get this properly posted.

**OPEN RFPS FOR EMERGENCY ROADSIDE TREE AND LIMB REMOVAL:** E. N. Small reported that three bids have been received. M. Kasprzak identified the results as follows:

Chris Merrill, Inc.	No other information other than name was provided.
Valley Tree Service	Bucket Truck with Chipper, 2 man crew \$130/hr Log Truck with 60 yd Debris Box, 1 man \$120/hr Extra laborers if needed \$55/man hour
Urban Tree Service	Tree Pruning 7 Removals as directed 2 man crew bucket truck chipper/truck \$110 per hr 3 man crew 60' bucket chip truck 20" DBH chipper & log loader \$190 per hr

E. N. Small recommended the Board take this matter under advisement to allow him time to make copies for review. C. Merrill inquired as to why the specifications require an arborist when he feels he could get there quicker. E. N. Small explained that Bartlett Tree Service assisted with the bid specifications approved by the Board.

Discussion took place and it was determined to re-bid this matter. R. P. McDermott asked that the sentence "Specifications have changed. Please re-bid if you have bid before." be added to the new document. D. Robinson asked that the specs should include the question of whether an arborist is available. C. Merrill asked whether the Road Agent will get the work if the Board doesn't accept a bid. M. J. Farinola stated that the Board is working out the bidding process and that it is not expected to get it right every time and stated that if C. Merrill is aware of upcoming bids and would like to provide input he should let the Board know.

• **OLD BUSINESS**

**FINANCIAL REPORTS—JUNE 2010: GENERAL FUND BALANCE \$2,446,032**

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**TOWN CLERK – RECEIPTS \$36,917                      MISCELLANEOUS RECEIPTS \$5,226  
TAX COLLECTOR – RECEIPTS \$2,687,015**

**SELECTMEN’S ACTION ITEMS FROM PREVIOUS MEETING:** An updated listing of action items was reviewed by the Board. R. P. McDermott inquired as to the status of the Employee Handbook and why it was taking so long. E. N. Small reported that other responsibilities have taken precedent over this, that he has scheduled a time of Monday, July 26, to review documentation and again asked for the Board to set priorities to the listing of projects they prepared for him. R. P. McDermott also inquired as to the status of the suggestion to expand the Town Clerk’s office hours. E. N. Small is working with the Town Clerk in this regard.

**NEWSLETTER AGREEMENT:** M. J. Farinola signed an amended newsletter agreement as approved last meeting.

**2011-2016 CAPITAL IMPROVEMENT PROGRAM:** E. N. Small reported that he is preparing requests for projects for review of the CIP Committee.

**CASH FLOW:** E. N. Small provided the Board with an updated cash flow spreadsheet and reported that the Treasurer has transferred \$300,000 to the Institution for Savings; the remaining money held by Ocean Bank.

**POLICY RE TOWN ADMINISTRATOR SEEKING ADVICE FROM TOWN COUNSEL:** M. J. Farinola stated that in the past the Town Administrator was the sole link between the Board of Selectmen and town counsel and added that two years ago, S. C. Hanson and M. J. Farinola had a problem with and wanted to have more interaction with counsel. He stated that discussion took place as to when counsel would be contacted, whether contact would be with Local Government Center counsel or whether Board members would contact counsel directly. M. J. Farinola stated he felt the following year this was restricted more; the Town Administrator was to contact counsel when the Board of Selectmen wanted him to not at his discretion.

E. N. Small reported that there are number of instances where the Town Administrator would need to talk with Town Counsel such as matters of personnel where the Board of Selectmen should remain uninvolved. This allows for potential resolution before a personnel matter would be brought to the Board of Selectmen for appeal. Other matters such as court cases or clarification of state statutes are reasons to speak with counsel. E. N. Small stated he does utilize the legal services of the Local Government Center, however, sometimes needs assistance of town counsel. He expressed concern with restrictions being placed on his doing his job and stated that he does not abuse the option, that he was hired to use discretion to know when to call the Local Government Center or town counsel.

M. J. Farinola stated he understood the matter of personnel issues, however, is not willing to accept the manner in which E. N. Small asks questions of town counsel as he would ask the question differently. He added that he does not want to be in a position where he can’t discuss something because the Town already got an answer from counsel. M. Kasprzak asked what M. J. Farinola is worried about. M. J. Farinola stated that the Board of Selectmen has relied on legal counsel and obtained different answers

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when asked the same question. E. N. Small asked if the Chairman was insinuating that he cannot represent the Board correctly and M. J. Farinola stated he felt E. N. Small states questions differently than he would.

M. Kasprzak stated she felt that Boards of Selectmen have made decisions over time and that it is unfair and unprofessional to lay decisions made that way at the Town Administrator's door. She added that as new member to the Board she is sometimes left out and not brought up to date on matters that have been backlogged and to say that the Town Administrator cannot contact counsel causes mistrust. She added that she read the previous two years meeting minutes and does not recall reading about this matter. M. J. Farinola stated he could discuss incidents that have occurred where he didn't feel the situation was ideal. E. N. Small asked why concern was not brought forward at the time and noted that there is no indication of this decision in the minutes. M. J. Farinola stated the decision was made in non-public session. E. N. Small requested direction of the Board. R. P. McDermott stated he would like to review meeting minutes. M. J. Farinola acknowledged that the Town Administrator did have direct communication with counsel prior to that point; rules were changed to allow S. C. Hanson and M. J. Farinola to check with counsel as well.

It was agreed that communication between the Board of Selectmen and Town Administrator, and more the Chairman and Town Administrator, is important and that better communication is needed. E. N. Small requested clarification as to the policy.

The Board determined that the Town Administrator has authority to contact counsel, as determined appropriate between Local Government Center counsel or town counsel, on matters of Town Hall and personnel matters; anything relating to the Town is to be reviewed with the Chairman or the entire Board of Selectmen. M. J. Farinola stated he preferred that the Local Government Center be contacted over town counsel and that the Board is to determine when to go to town counsel.

**MOTION:** That the Town Administrator has authority to contact counsel, as determined appropriate between Local Government Center counsel or town counsel, on matters of Town Hall and personnel matters; anything relating to the Town is to be reviewed with the Chairman or the entire Board of Selectmen.

**MOTION:** R. P. MCDERMOTT  
**SECOND:** M. KASPRZAK  
**UNANIMOUS**

**JOINT LOSS MANAGEMENT COMMITTEE – MEETING WITH PRIMEX**

**REPRESENTATIVE:** E. N. Small reported that Department Heads will meet on Tuesday, July 27, at 8:30 a.m., reactivating this committee.

**TWO VACANCIES ON THE BOARD OF CEMETERY TRUSTEES:** A number of volunteer applications have been received and provided to Board members for their review. This matter will be added to the Board's next agenda.

**SOLID WASTE COMMITTEE:** This matter was not discussed this meeting.

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**ROUTE 88- PAVING AND DEAD TREES – REPORT FROM THE DEPT. OF**

**TRANSPORTATION:** E. N. Small reported that he had received an email from District 6 Douglas DePorter who stated that the DOT has no plans to pave Route 88 this year. There are two trees in the state right of way on R88 near Applecrest Farm Orchard that Mr. Deporter is researching the option of removing the trees.

**OTHER**

**Rockingham Planning Commission Meeting at Town Hall:** R. P. McDermott inquired as to whether there are budget funds available for food and beverages for this meeting. E. N. Small stated there is money available in the Planning Board budget for this purpose and that he would include the suggestion of funding for 2011 for the budget review process. R. P. McDermott stated he would talk with the Planning Board Chair regarding this expenditure.

**PUBLIC COMMENT**

Chris Merrill, East Road, restated his position with regard to bidding of the past and present noting that it is aggravating to watch the Board of Selectmen repeat the same mistakes. R. P. McDermott stated the Board is doing its best in conjunction with the assistance of the Road Agent. C. Merrill stated that it is his opinion that the Board is slipping back to the old system which is the easy way out and that he will never get a fair shake. M. Kasprzak stated that the Board asked bidders to propose the best economical way they could. She stated discontent with the manner in which the Road Agent was being criticized. M. J. Farinola stated he approves of what is being done by the Board in this regard and that C. Merrill is entitled to his opinion.

• **NEW BUSINESS**

**2011-2012 LEGISLATIVE POLICY PROCESS – MEETING ON FRIDAY, SEPTEMBER 17:**

Each Selectmen was provided with a document outlining upcoming floor proposals and was asked to mark up the document with their position on each matter for compilation by the Town Administrator and review at the next meeting.

**TWO NOTICES OF INTENT OF CUT – GREAT HILL RD / KENSINGTON RD** were signed by the Board.

**TAX REFUNDS:** The Board signed refunds as recommended by the Tax Collector for overpayment of property taxes.

**CIRCUIT RIDER PLANNER ASSISTANCE:** The Board requested that the Planning Board Chair meet with them before signing this continuance of assistance.

**WHAT TO DO WITH THE BOOK CASE AND SHELVING AT THE OLD LIBRARY? :** This matter will be added to the Board's next agenda.

**OTHER**

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**Seabrook Station License Renewal:** Skip Medford, Woodlawn Avenue, was present to ask the Board to keep the Town's interest in the forefront of this license renewal process. He stated that the Board has an opportunity to address needs such as a shooting range for the Police Department, property tax assessment, environmental education, a rail trail, compensation for worker traffic and availability of the education center to residents. The Board thanked S. Medford for his interest and noted that the Town enjoys a good working relationship with Seabrook Station and the Fire Chief.

**Weatherworks:** E. N. Small reported that he has renewed this subscription for snow totals for another year.

**Niebling:** E. N. Small reported that this document as recorded has been received from the Registry of Deeds. M. J. Farinola asked E. N. Small to inform the Conservation Commission.

**Town Hall Letter Board:** R. P. McDermott distributed copies of a proposed sign board for outside the Town Hall door.

**MOTION:** To purchase the sign letter board as presented from Hertz Furniture Systems for \$207.

**MOTION:** R. P. MCDERMOTT  
**SECOND:** M. KASPRZAK  
UNANIMOUS

**PUBLIC COMMENT:** No public comment was heard at this time.

**REVIEW AND APPROVAL OF PREVIOUS MINUTES -- JUNE 16 AND JULY 7:** M. Kasprzak requested another copy of the June 16 minutes for review.

**MOTION:** To approve the minutes of the July 7 meeting as written.

**MOTION:** M. KASPRZAK  
**SECOND:** R. P. MCDERMOTT  
UNANIMOUS

**Civil Rights Claim:** M. J. Farinola stated that this matter is not to be discussed other than with the property-liability insurance company attorney at a meeting scheduled for August 4, 5:30 p.m. M. J. Farinola asked Board members to read the documentation and be prepared to meet with counsel.

**Welfare:** E. N. Small reported that there are two active welfare cases.

**VFW Donation of Safety Program Brochures:** R. P. McDermott provided copies of pamphlets donated by the VFW. He will provide the pamphlets to the Fire and Police Departments for inclusion in their next mailing to residents.

**NEXT SELECTMEN'S MEETING – WEDNESDAY, AUGUST 4, 2010, 6:30 P.M., TOWN HALL**



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**MOTION:** To adjourn the meeting at 9:34 p.m.

**MOTION:** **R. P. MCDERMOTT**

**SECOND:** **M. KASPRZAK**

**UNANIMOUS**