

**FINAL**

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

**CONSERVATION COMMISSION MEMBER JP PONTBRIAND NIEBLING LAND ON NASON ROAD:** J. P. Pontbriand stated that he is before the Board of Selectmen to make a recommendation on behalf of the Conservation Commission that relates to the Niebling property. He explained that the Conservation Commission discussed this at a recent meeting and decided to bring forward the recommendation of putting this land into conservation easement. He asked the Board for approval of this recommendation so that the Conservation Commission can determine the best way in which to proceed in re-establishing a conservation easement on the property.

M. Kasprzak stated she thought the property was put into conservation easement before the Town accepted the land. M. J. Farinola stated that the land was under conservation easement and accepted as a donation of conservation land to the Town, however, an easement typically cannot be held without a third party. He added that it was the intent of the property owner to have the land dedicated to conservation use. M. J. Farinola stated that the Board has the option to pursue a conservation easement, allowing the Conservation Commission to research and recommend or the Board has the option to do nothing. There would be a cost to a conservation easement, possibly thousands of dollars that could be paid for with money from the Conservation Fund.

R. P. McDermott asked if the Niebling family would continue to manage the land if it were in conservation easement. J. P. Pontbriand stated that this suggestion could be a possibility; however, he was not sure Mr. Niebling would want to continue. He added that this could be considered with a plan if the Board approves the Conservation Commission proceeding with its recommendation.

K. Ayers reviewed the history of this matter with the Board stating that the matter of a backyard tree farm started when J. Deleire, Nason Road, wrote a letter regarding potential logging; something that was not to happen on this property. She added that she appeared before the Board of Selectmen to explain the history of the property and that the Conservation Commission was aware of the option to take the property. The Conservation Commission discussed the matter and felt it to be better managed under the Niebling's ownership, with a conservation easement, and under a licensed forester's (Niebling's) care as he had personal interest in the property. The Conservation Commission met with Mr. Niebling and invited abutters by letter; only a few abutters attended. K. Ayers then met with the Board of Selectmen and found two members in support of the idea. The meeting with the property owner and the Conservation Commission resulted in the unanimous decision to keep the land in family ownership with an easement, and to request documents stating when the property would be turned over to Hampton Falls.

K. Ayers reported that at that time, R. P. McDermott told the Conservation Commission he supported its position and would bring the matter to the Board of Selectmen. However, at the

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meeting this matter was addressed, M. J. Farinola brought forward a motion to take ownership of the land, with no discussion from the public or Conservation Chair K. Ayers who was in attendance. She added that an affidavit was then put on record at the Registry of Deeds. K. Ayers stated she then requested a revisit of the entire subject.

M. J. Farinola stated that the donation was arranged by Niebling's father, that all was in place and the only thing remaining was the conservation easement. This matter was never recorded. M. J. Farinola stated that he does not want to debate intentions and noted that the Board finalized the agreement and transferred ownership of the property to the Town. K. Ayers requested a rehearing on this matter.

All Selectmen concurred with the recommendation that the Conservation Commission determine the best way in which to proceed in re-establishing a conservation easement on the property and report its findings to the Board of Selectmen.

**MOTION:** To go into nonpublic session in accordance with RSA 91A:3 II. (a) at 6:43 p.m. to discuss personnel.

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

**MOTION:** To go out of nonpublic session at 6:48 p.m. and resume.

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

M. J. Farinola reported that the Board is considering the hiring of a part-time police officer.

• **OLD BUSINESS**

**FINANCIAL REPORTS-GENERAL FUND BALANCE \$1,579,000**

**ACTION ITEMS FROM THE LAST MEETING:**

**Survey Re: Town Office Hours:** M. Kasprzak distributed copies of a proposed survey for review. The survey includes current hours and proposed hours, estimated additional costs, and a question regarding experience with Town services. Proposed hours were reviewed. E. N. Small reported that he and other employees will need to come in to the office to work on some Fridays when the Town Hall is proposed to be closed. Discussion took place with regard to potential energy savings as the Town Hall is also used by private groups. It was agreed to add a double asterisk with a statement that reads "By being closed on Fridays, the additional costs may be offset by the building being closed six hours a week on Friday."

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M. J. Farinola and R. P. McDermott approved the survey as amended. Discussion took place with regard to the manner in which to get the survey to residents. M. Kasprzak recommended the survey be mailed with the tax bill in October. R. P. McDermott suggested using his email distribution. M. J. Farinola stated he would like to get this survey to residents as soon as possible and suggested a separate mailing. A poll of those in attendance was taken at this time. Comments heard included concern with the additional cost of a second mailing when the Board is requesting reduction in spending, surveys have been sent with tax bills in the past with good results, some people may end up responding twice (once by email and once by survey), email responses will only come from a certain segment of the public, provide surveys at the Primary election on September 14.

It was decided to include a statement in the next Selectmen's agenda email sent by R. P. McDermott requesting email recipients to watch for the survey document as part of the tax bill and ask that they fill out the blue survey form and return it with the tax bill or drop it off at the Town Hall.

**Employee Handbook:** R. P. McDermott inquired as to whether the employee handbook has been updated. L. A. Ruest explained that the Personnel Policy adopted by the Selectmen effective March 1, 2010, had been distributed to all employees back in March. Other portions of documentation relating to the personnel policy have been compiled such as a personnel policy handbook that includes additional policies, forms and guidelines, as well as employment forms, job descriptions and other documents created to assist with managing and implementing the Hampton Falls Personnel Policy. She reported that the project is approximately 90 percent complete and offered to review this with him. E. N. Small stated that plans are to finalize this project next week.

**ELECTION POLICY:** Moderator Alex Dittami was present to request that the Board consider his request to establish a parking and electioneering rules policy that relates to parking, electioneering and behavior during elections. M. J. Farinola noted that the Board of Selectmen has declined this request in the past and that he would like to have a policy addressing areas designated for electioneering that does not require police detail in order to provide the Moderator with direction.

Discussion of the areas used for electioneering over time took place as well as the current area set by the Moderator. M. J. Farinola stated that he would like the area outside the Town Clerk's office to be re-established as the electioneering area. A. Dittami agreed that a policy should be established and that he is looking for consistency of a format used for elections. He stated that a policy would need to be brought to town meeting for consideration of the voters, that the Board of Selectmen has the power to do so and that he will support it being put before the voters. A. Dittami stated he may not agree on the parameters but there should be a standard set for use of the Town.

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M. J. Farinola stated he felt that the uses of facilities owned by the town are regulated by the Town. A. Dittami disagreed and provided information from the Attorney General's office regarding the Moderator's ability to regulate election activities. A. Dittami reviewed information relating to an electioneering complaint made against him in the past stating that no error was found on the part of the Town.

M. J. Farinola stated he would like the electioneering to take place at the location outside the Town Clerk's office rather than the area at the back area of the garage. He noted that the area is no longer a handicap parking space and added that he feels that people no longer have a voice in the new location. He suggested that town counsel be asked to see if the Board can place this restriction on the Moderator.

M. Kasprzak inquired as to the problems associated with the location outside the Town Clerk's office. A. Dittami reported that the parking area, parking spaces, handicap parking area, and bottleneaking of vehicles caused safety issues. By keeping electioneers at the back of the garage, a free flow of people and vehicles was allowed. He added that no one was prohibited from speaking to or seeing electioneers. A. Dittami learned that there is also a problem with slates on the roof which could also be a potential safety issue. M. Kasprzak stated she was offended that the electioneering area was moved and feels that a safe corridor could be provided for traffic and pedestrian flow. She asked that reconsideration be given to eliminate the disconnection between voters and electioneers. R. P. McDermott concurred. The consensus of the Board was to check with counsel.

**MS-1 DEPT. OF REVENUE ADMINISTRATION REPORT:** E. N. Small prepared the MS-1 report and presented it to the Board for signature. He reported that approximately \$4 million of taxable property has been added this year. Board members signed the report for mailing.

**CABLE FRANCHISE – LETTER FROM ATTY. KATE MILLER:** Recommendation has been received to schedule a public hearing as part of a regular Selectmen's meeting. Two dates were provided as options and the Board of Selectmen decided to schedule a public hearing at its October 6 meeting. E. N. Small will let K. Miller know.

**LAND USE CHANGE TAX WARRANT \$54,140 was signed by the Board.**

**REPORT ON HOURS OF THE ADMINISTRATIVE ASSISTANT:** Two additional weeks of recording tasks are needed in order to have a month of activity to figure percentages.

**REPAIRS TO EAST SIDE OF TOWN HALL:** K. C. Kelley has obtained two prices and is awaiting a third price in order to make a recommendation to the Board.

**OPEN BIDS FOR PAINTING OF THE OLD LIBRARY:** E. N. Small reported that no bids have been received. He stated that he received calls inquiring as to the EPA requirement. E. N. Small will call painting contractors for more information.

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**LETTER TO SELECTMEN FROM CHRIS MERRILL, REGARDING SHOOTING AT THE END OF DEPOT ROAD – SHOULD THIS MATTER BE PLACED ON THE AGENDA FOR DISCUSSION?:** M. J. Farinola reported that a request dated August 26, 2010, has been received from C. Merrill with regard to news articles and an editorial relating to discharging of firearms. M. J. Farinola stated that Town ordinances address these issues and that he and R. P. McDermott have asked the Police Chief to check into regulations at the Depot.

C. Merrill stated that this matter has gotten out of control, that he didn't feel the Police Chief's statements are true and feels the matter has been blown out of proportion. He also expressed discontent with the Building Inspector's intention to get the town designated as a compact area. He added that the Chief needs to become aware of the limits of the Depot and stated that the Chief has no jurisdiction if someone steps off the tracks.

R. P. McDermott stated he misunderstood which ordinance was being addressed by the Police Chief. He stated that the reason he did not support the Chief's request was because he thought the ordinance in question was a planning/zoning matter and that it should be brought to the Planning Board. He has since received clarification that it is a town ordinance and added that he does not want to prohibit hunting.

**BRUSH CUTTING – ROAD AGENT:** D. Robinson reported that a price has been negotiated with Ken Carpenter for \$5,500 for brush cutting to a height of 10 feet. He reported that oversized debris will need to be picked up and brought to the brush dump and that this is not part of the negotiated price. D. Robinson reported that there should be a minimum amount to be picked up resulting in little of his time. Additional roads of Evergreen, Mill and Orchard have been added to the list. The Board reviewed budget information through August end.

**MOTION:** To approve the recommendation of D. Robinson with regard to the negotiated price of \$5,500 from K. Carpenter.

**MOTION: R. P. MCDERMOTT**

**SECOND: M. KASPRZAK**

**UNANIMOUS**

**HIGHWAY DEPARTMENT FINANCIAL SPREADSHEET – REVISED 8-26-10 was provided to the Board.**

**BOYNTON'S HILL / DRINKWATER ROAD DRAINAGE PROJECT – ROAD AGENT:** D. Robinson reported that one side of Boynton's Hill has been paved. He plans to watch to see how it works with the upcoming hurricane. Other work yet to be done includes some road patching, shoulders and ditches. E. N. Small reviewed available funds with the Board. D. Robinson will list areas needing repair for consideration of the Board.

**APPOINTMENTS TO THE SOLID WASTE COMMITTEE:** E. N. Small has been unable to contact potential members.

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**EDUCATION FUNDING STATEMENT FROM THE COALITION:** The Board reviewed a notice received from Pat Remick, Coordinator of the Coalition Communities entitled “Why Hampton Falls Residents Should Be Concerned About Education Funding.” E. N. Small reported that the Town has \$1,000 remaining to assist with this effort and recommended it be released at this time.

**MOTION:** To release \$1,000 to the Coalition Communities.

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

**OTHER**

**Tree and Limb Cutting – Scenic Roads:** M. J. Farinola asked Planning Board C. Brown what needs to be done to allow utility companies to cut around wires. C. Brown explained that should there be a hazardous situation, the Board of Selectmen can allow work to be done by vote. Otherwise, an application to the Planning Board with a list of areas can be brought forward for consideration. C. Brown stated that this has been done in the past and that the Planning Board generally does not deny requests, especially those that deal with safety concerns. The Board asked that L. A. Ruest provide examples of scenic road applications for review of the Fire Chief for his use to work with Unitil and its application to the Planning Board.

**Town Office Software:** R. P. McDermott inquired as to Two-Way Communications’ concern with the update to Microsoft Home and Student Office, the status of software and the recommendation to change to Open Office. E. N. Small and L. A. Ruest explained that since that discussion, Two-Way Communications has resolved its conflict and that employees have maintained Microsoft Home and Student Office software. Both Two-Way Communications and S. C. Hanson indicated that employees would not like Open Office. Employees are still learning the new software and would prefer to continue with it. The Board agreed.

**PUBLIC COMMENT**

**Computer Purchase – Deputy Town Clerk:** Town Clerk H. Knowles presented the Board with three prices to replace the Deputy Town Clerk’s computer. Prices include warranty. The Board approved the proposal for a Lenovo 7522 at \$704.37.

**Cemetery Trustees:** Chair L. Walker thanked the Board for appointing new members to the Cemetery Trustees. The Board signed appointment forms at this time. L. Walker supported the matter of a three-member Cemetery Trustee group and asked that the proposed warrant article for five members be withdrawn. The Board concurred.

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• **NEW BUSINESS**

**2011-2012 LEGISLATIVE POLICY CONFERENCE – ADDITIONAL PROPOSALS:** E. N. Small reported that he emailed these additional questions to the Board and is awaiting responses in order to tally them. Board members asked him to resend the email.

**VOTE TO HAVE THE TOWN ADMINISTRATOR REPRESENT THE BOARD OF SELECTMEN:**

**MOTION:** To authorize Town Administrator E. N. Small to represent the Board of Selectmen at the conference.

**MOTION:** M. J. FARINOLA  
**SECOND:** R. P. MCDERMOTT  
**UNANIMOUS**

M. J. Farinola signed the reply card on behalf of the Board.

**INTENT TO CUT MAP 6, LOT 16 application was signed by the Board.**

**VETERAN’S EXEMPTION FOR 2011 application was signed by the Board.**

**ELDERLY EXEMPTION application was signed by the Board.**

**BRENTWOOD HOUSEHOLD HAZARDOUS WASTE DAY – SATURDAY, SEPT 25,  
9 AM – NOON, HIGHWAY GARAGE, ROUTE 111A**

**TIMBERLAND SERVAPOLOZA DAY – SEPTEMBER 16 – GOV. WEARE PARK & SCHOOL:** E. N. Small reported that volunteers will be working on two dugouts for the baseball field and will also be working on the Lincoln Akerman School playing fields. P. Robart is coordinating projects with Timberland.

**MONTHLY SELECTMEN REPRESENTATIVE REPORTS**

**SELECTMAN FARINOLA – ZONING BOARD OF ADJUSTMENT, SCHOOL BOARD:** M. J. Farinola reported that the new Superintendent and new Principal attended the School Board meeting. The new Principal is presenting a technology plan to the Board with regard to computers. M. J. Farinola reported that the ZBA granted relief to the Building Code for a septic system for the function hall conditionally approved by the Planning Board at 1 Lafayette Road, the former Dexter Shoe store.

**SELECTMAN MCDERMOTT – CONSERVATION COMMISSION, FIRE DEPT., ENERGY COMMITTEE:** R. P. McDermott reported that the Conservation Commission discussed the Niebling matter discussed earlier this meeting. The Fire Department is holding

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meetings with regard to updates on Hurricane Earl which is expected to arrive on Friday. R. P. McDermott stated he did not attend the last Energy Committee meeting.

**SELECTWOMAN KASPRZAK – PLANNING BOARD, LIBRARY, HERITAGE**

**COMMISSION:** M. Kasprzak reported that the Planning Board conditionally approved an application for site plan for a function hall at 1 Lafayette Road and also heard a preliminary consultation application for a daycare use at the Casket Royale, Lafayette Road, property. She reported that the lawyer has finalized research with regard to the Library's cy pres petition and will be moving to the next step of the process. The Library Trustees are working on the 2011 budget. A ceremony is planned for Calvin Lord's Boy Scout project which has been approved by Eagle Counsel. M. Kasprzak reported that the Fire Chief is utilizing the shelving from the Old Library. M. Kasprzak attended the funeral of Library volunteer Joan Topp and noted that positive sentiments were heard with regard to Joan's volunteerism, the Hampton Falls Library and the Town of Hampton Falls. There was no meeting of the Heritage Commission.

**OTHER**

**Binette Wetland Crossing:** E. N. Small reported that engineer review funds have been posted but that the property owner plans to wait to post a bond until after the winter.

**Emergency Tree and Limb Removal:** E. N. Small reported that D. Robinson and J. M. Lord will meet with Valley Tree to discuss a proposal.

**Bulletin Board – Town Hall Entrance:** E. N. Small reported that K. C. Kelley installed the new bulletin board.

**Niebling Land:** E. N. Small reported that Charlie Niebling would like to meet with the Board. The Board approved adding this matter to the next agenda and also send Mr. Niebling an email with a copy of the minutes.

**PUBLIC COMMENT:** No public comment was heard at this time. M. J. Farinola asked Board members for direction as to allowing persons addressing the Board to speak beyond the agenda item or whether they prefer the discussion be kept to the subject. He asked that when discussion goes off topic whether the Board wants to allow it to continue or whether the speaker should be stopped. R. P. McDermott stated that he felt that once the point has been made that the discussion can be ended. M. Kasprzak acknowledged K. Ayers frustration with M. J. Farinola's and R. P. McDermott's actions, however, indicated that the Selectmen's meeting is not the proper forum.

**REVIEW AND APPROVAL OF PREVIOUS MINUTES - AUGUST 18:**

**MOTION:** To approve the minutes of the August 18 meeting as written.

**MOTION: R. P. MCDERMOTT**



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**SECOND: M. KASPRZAK  
UNANIMOUS**

**NEXT SELECTMEN'S MEETING – WEDNESDAY, SEPTEMBER 15, 2010, 6:30 P.M.,  
TOWN HALL**

**MOTION:** To adjourn the meeting at 8:30 p.m.

**MOTION: M. J. FARINOLA  
SECOND: M. KASPRZAK  
UNANIMOUS**