

FINAL

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

PUBLIC HEARING – CABLE FRANCHISE: M. J. Farinola opened the public hearing reading the legal notice wording. He stated the purpose of the hearing is to ascertain future cable related needs and interests of the community of Hampton Falls. He noted that the Board is aware that rates and programming are not items the Board has control over and that the Board is looking for a shorter term contract.

Attorney Kate Miller of Donahue, Tucker, Ciandella, provided an explanation of the cable franchise renewal process to include public hearing and provided a graphic outlining the steps of the process. She noted that the area of jurisdiction is limited, however, stated that there is jurisdiction over areas such as the management of public right of ways and placement of Comcast equipment on utility poles within the right of way. Free internet service to schools and public libraries and free cable outlets to municipal and school buildings is available. She added that the Town may consider requesting a local access channel; however, this requires capital, staffing and volunteers.

Discussion was opened to members of the Board. R. P. McDermott asked for an explanation of why there is no competition in the area. K. Miller stated that the reason is primarily economic as other providers such as Verizon are finding that bringing their service into New Hampshire is not cost effective. R. P. McDermott asked if Comcast is planning a FIOS equivalent product. K. Miller stated they have a similar product.

Discussion was opened to members of the public. L. Stan, Meadow Lane, confirmed that Verizon does have FIOS internet and telephone but not television due to cost ineffectiveness. She stated she works for Verizon and that she has Verizon internet and phone service at her residence with Fairpoint Direct TV. She offered to obtain more information on Fairpoint services. D. French, Heritage Commission and Historical Society Member asked if internet connection would be available to the Old Library now being used as the Historical Society Museum. K. Miller noted that the Town only has jurisdiction over television cable. Ellen Christo, Lincoln Akerman School Board Chair, asked that any prior commitments made in the expiring contract be reviewed to ensure the commitments made have been met and that also any future technology that might be identified be considered such as modern hook-ups. E. N. Small inquired as to access to the community channel for regional school events. K. Miller explained ways in which this is occurring, however, noted that Winnacunnet does not have an educational channel at present.

Hearing no further comments, M. J. Farinola closed the public hearing. He noted that the record will remain open for 30 days and that written submissions are welcome.

TOWN MODERATOR – REPORT ON THE SEPTEMBER ELECTION / ELECTIONEERING POLICY: M. J. Farinola acknowledged receipt of an After Action report dated September 27, 2010, from Moderator A. Dittami relating to the Primary Election held in September. The report outlines the concerns of the Moderator with respect to election days as well as appreciation for assistance from those involved in the process. M. J. Farinola noted that last meeting E. N. Small was asked to condense the electioneering rules previously presented by the Moderator. The Board reviewed a copy of the

FINAL

condensed version as prepared by E. N. Small. M. J. Farinola recommended additional condensing and reviewed proposed changes with the Board. The Board agreed to the changes.

MOTION: To accept the Town of Hampton Falls Election Parking & Electioneering Rules prepared by E. N. Small as amended.

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

• **OLD BUSINESS**

FINANCIAL REPORTS-GENERAL FUND BALANCE (\$900,000 +/-)

ACTION ITEMS FROM THE LAST MEETING: M. J. Farinola provided a follow-up review of the meeting held with Stan Buxton and other abutters at the Class VI portion of Frying Pan Lane. He noted that minutes of this meeting are filed with the Town Clerk. Mr. Buxton's request to clear a portion of the Class VI road to access a portion of his property was denied as it was found that there appears to be an alternative access.

BIDDING OF LAWN MOWER SERVICES: M. J. Farinola noted that this subject was discussed earlier this year and that he is bringing the matter back for further discussion. He stated that it would not hurt to send out bids for quotes for next year's mowing services. R. P. McDermott agreed and noted that it would keep L. Marelli honest and the bidding process consistent with other projects. M. Kasprzak stated that based on the number of people who've expressed support for the exemplary services L. Marelli provides that she feels the Board is disrespecting the work done for Hampton Falls over the years and that the matter should not be sent out just because others have been sent out.

MOTION: To send lawn mower services out for bid in deference to departments and ask that the bid be broken down by Town, Cemetery and Parks & Recreation categories.

MOTION: M. J. FARINOLA

M. J. Farinola allowed comment from the public at this time. L. Walker, Cemetery Trustee Chair, stated that the Trustees would opt out of this process and restated that the services provided by L. Marelli have been dedicated, fair, honest and reliable. P. Fitzgerald, Recreation Commission Member, stated that she felt bidding is wrong in this instance as the bids will be lower than the current price utilizing part-time workers rather than the contractor himself. She expressed discontent of trying to fix something because of a campaign promise. F. J. Ferreira, Jr., Recreation Commission Chair asked that if it is decided to put this matter to bid that it be clear so as to not end up in court. L. Stan, Recreation Commission Member, stated that historically L. Marelli has done a great job and that it is important to listen to all departments of the Town. P. G. Robart restated that L. Marelli has been incredibly cooperative and responsive and that he hopes the Board will not choose a lower bid because it's a few hundred dollars less than what's paid now. F. Fitzgerald, Toppan Lane, asked how the law works with regard to justifying why a decision is made not to use a contractor.

SECOND: R. P. MCDERMOTT

FINAL

2 IN FAVOR, 1 OPPOSED, PASSES

THANK YOU - PHIL CHURA FOR HIS GIFT OF A FRAMED PHOTO OF MEMORIAL DAY AT THE TOWN COMMON: Board members signed a letter of thanks for this gift.

ELDERLY EXEMPTION NOTIFICATION was signed by the Board.

SETTING OF TAX RATE - AFTER OCT 18 – DEPT. OF REVENUE ADMINISTRATION: E. N. Small explained the reasons for a potential delay in scheduling a date to set the tax rate in Hampton Falls. (A date of Tuesday, October 19, was confirmed the following day.)

SETTING OF OVERLAY AMOUNT – MEMO FROM THE TOWN ASSESSOR: The Board reviewed an email from Assessor Diana Calder requesting additional overlay funds be set aside as more abatement appeals are anticipated than in the past. The Board concurred with this recommendation.

REPAIRS TO EAST SIDE OF TOWN HALL – BUILDING INSPECTOR: K. C. Kelley referred the Board to information obtained with regard to three bids received for repairs to the front gable end of the Town Hall. He recommended the price submitted by LCI of \$3,801 and asked that the Board allow for up to \$4,000 for additional painting.

K. C. Kelley informed the Board of the need to address deferred maintenance and energy conservation matters noting that the Environmental Protection Agency requirements are getting more and more expensive. He reviewed an opportunity to obtain a good price on Hardy Plank siding. The Board reviewed available budget funds and the manner in which painting of the building has been handled by warrant article in the past. M. J. Farinola stated he felt the matter of Hardy Plank siding should go to the voters by way of a warrant article. The Board agreed to obtain a quote to Hardy Plank the entire Town Hall (by side/section) in order to identify a price to include in a warrant article.

MOTION: To accept the price of \$3,801 from LCI as recommended by the Building Inspector.

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

PERSONNEL: M. J. Farinola stated that the Board is aware of a potential personnel issue and informed K. C. Kelley that a half hour timeframe in non-public session will be scheduled before the next Selectmen’s meeting on October 20 to meet with him.

PUBLIC HEARING - ORDINANCE FOR THE REGULATION OF THE DEPOT: M. Kasprzak stated that she asked that this matter be brought to public hearing as it had been left unresolved and hunting season is fast approaching. E. N. Small explained that should the Board choose to amend the 1991 ordinance as proposed by the Police Chief that a public hearing will need to be held. Chief Dirsra referred the Board to the addition of number five “Discharge of Firearms.”

MOTION: To hold a public hearing to amend the Ordinance for the Regulation of The Depot as presented by the Police Chief.

FINAL

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

M. J. Farinola stated that although the amendment appears reasonable, he sees no point to amending the existing ordinance. He added that there was a one-time occurrence of an issue and that it is no longer an issue and it is best to let the matter die with the current ordinance in place. R. P. McDermott questioned what jurisdiction the Police Department has if the ordinance is not amended. R. Dirsra stated he is looking for Selectmen approval to say that Hampton Falls does not want people target shooting at the Depot. The amendment would make target shooting a violation of the ordinance. Discussion took place with regard to prohibiting persons from bringing a gun into Town Hall, trying to stop someone from shooting in a safe manner and the difference of shooting when hunting.

VOTE: 2 IN FAVOR, 1 OPPOSED, PASSES

AGREEMENT WITH VALLEY TREE - EMERGENCY TREE REMOVAL: E. N. Small reported that a meeting was held with a representative of Valley Tree Service and the Road Agent and Fire Chief which resulted in a proposal for time and equipment. J. M. Lord stated that he would work out downed trees and limbs with the Road Agent before calling for tree service, but in the cases where a tree service is needed he will have this arrangement available. The Board agreed to this proposal for one year with the understanding that it could be considered for a multi-year agreement in the future.

MOTION: To accept the September 28, 2010 proposal from Valley Tree Service as presented.

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

2010 ROAD PROJECTS TO REVIEW COSTS AND AVAILABLE FUNDS: E. N. Small referred the Board to a listing of available funds as well as a listing of proposed road work prepared by Road Agent D. Robinson. The Board approved proceeding with the items on the listing that have costs associated with them. D. Robinson will work on getting additional figures for the remaining road projects to the Board.

MOTION: To authorize up to \$16,000 to complete items 2, 3, 12, 13 and 14 on the listing dated 10/1/10.

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

APPOINTMENT OF A SOLID WASTE COMMITTEE: Three appointment forms were signed by the Board.

MOTION: To appoint K. Nydam, M. Hastings and B. Fleming to the Recycling and Solid Waste Committee as presented.

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

FINAL

UNANIMOUS

PUBLIC COMMENT

B. Mutrie inquired as to whether the Request for Proposal for mowing could be restricted to Hampton Falls companies. L. Smith reported that the brick walkway will be installed, weather permitting, now that the bricks have been delivered. B. Mutrie inquired as to the hunting policy for the Raspberry Farm conservation land. M. J. Farinola stated that hunting is allowed under the easement signed by the Selectmen; target shooting was not addressed and is not likely. L. Smith stated he felt that the Board not supporting the recommendation to amend the ordinance for The Depot is ill advised. D. Robinson asked the Board to take into consideration when bidding mowing services that they may lose the current contractor and not get him back.

• **NEW BUSINESS**

TIMELINE FOR 2011 BUDGET, WARRANT ARTICLES AND TOWN MEETING: A listing of dates and tasks was prepared by E. N. Small and provided to the Board for its use through the budget process.

J. MCINNIS WETLANDS CROSSING – DRIVEWAY CONST. INSPECTION / APPROVE INSPECTION FEE:

MOTION: To authorize the payment of Jones and Beach Engineers Invoice 21737.

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

APPLICATION FOR A BLIND EXEMPTION was signed by the board.

WELLNESS DAY FOR TOWN EMPLOYEES- OCTOBER 26, 1-4 P.M. LGC HEALTH TRUST

USE OF TOWN HALL ON OCT 14 & 19 – 7TH & 8TH GRADE – “UNITED NATIONS DAY”

MONTHLY SELECTMEN REPRESENTATIVE REPORTS:

SELECTMAN FARINOLA – ZONING BOARD OF ADJUSTMENT, SCHOOL BOARD: M. J. Farinola reported there was no ZBA meeting in September and that he missed the last School Board meeting.

SELECTMAN MCDERMOTT – CONSERVATION COMMISSION, FIRE DEPT., ENERGY COMMITTEE: M. J. Farinola inquired as to a proposed zoning amendment from the Conservation Commission to the Planning Board and whether it was voted on at the Conservation Commission. R. P. McDermott stated that discussion was held in this regard by the Conservation Commission at its meeting and that he subsequently forwarded an email to the Planning Board Chair to get the matter on the agenda. He added that timing and deadlines affected the Conservation Commission’s decision to bring an amendment forward.

FINAL

R. P. McDermott reported that the Fire Department discussed the new fire engine, emergency tree removal, new ambulance from Seabrook and having a haunted house event at the Station. M. J. Farinola requested that the new fire truck be brought to the school for the kids to see. J. M. Lord stated that an open house is planned at the Station as well once the new fire truck is received. J. M. Lord added that the Town of Seabrook has agreed, in theory, to Hampton Falls purchasing its ambulance that is being replaced. Once Seabrook receives its new ambulance in the spring, the older ambulance can be sold to Hampton Falls. A warrant article is planned for this. R. P. McDermott reported that 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 a site plan for a daycare use and that the matter of the conditionally approved site plan for T. P. Realty (function hall, 1 Lafayette Road) was requested by the applicant’s attorney to be moved to the October meeting. Public comment was received in regard to this project. She reported that the Library Trustees received a report on the status of the cy pres, voted on a Trustee Code of Ethics and discussed ways to improve the reading garden and lawn. M. Kasprzak reported that a volunteer application has been received from Paul Stone, Drinkwater Road, with regard to membership on the Heritage Commission and that the Commission is looking to make its web site more active.

OTHER

LINCOLN AKERMAN SCHOOL – EIGHTH GRADE: M. J. Farinola requested that should anyone know of war time veterans that may be interested in speaking to students that they request they contact him.

WARRANT FOR GENERAL ELECTION NOVEMBER 2 was signed by the Board.

2005 SERIES B BOND has been refinanced at a lesser rate representing a savings of approximately \$8,000.

WHITE GOODS DAY: E. N. Small reported that ProBark is unable to remove brush before October 23 and asked D. Robinson to move brush so that containers can be placed. He also reported that Town Clerk Assistant J. Fournier is not available to assist on October 23. The Board requested that Deputy Town Clerk K. Sabatini be asked to assist. M. J. Farinola reported that he received a request from the eighth grade parents sponsoring a yard sale on October 23 to be able to pick through the reusable items for their sale. They will dispose of any leftovers without bringing it back to the dump. The Board approved. R. P. McDermott prepared a handout for use at white goods days.

TIME MANAGEMENT SEMINAR, OCTOBER 21, 4-5 PM, TOWN HALL: E. N. Small reminded the Board of this seminar and noted that all are welcome to attend.

PUBLIC COMMENT

B. Mutrie, Brown Road, asked if the Fire Chief had any concerns with the Library using the well shared with the Fire Department for a proposed irrigation system. J. M. Lord stated the well should be tested to

FINAL

determine if it's adequate for all proposed uses. M. J. Farinola suggested that the two groups work this out and report back to the Board.

REVIEW AND APPROVAL OF PREVIOUS MINUTES - SEPTEMBER 15 & 21: Minutes were not reviewed this meeting.

NEXT SELECTMEN'S MEETING – WEDNESDAY, OCTOBER 20, 2010, 6:30 P.M., TOWN HALL

MOTION: To adjourn the meeting at 8:04 p.m.

MOTION: M. J. FARINOLA

SECOND: M. KASPRZAK

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