

FINAL

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

PUBLIC HEARING TO AMEND THE DEPOT ROAD LANDING ORDINANCE – PROHIBIT PRACTICE SHOOTING: M. J. Farinola reviewed the email response from Attorney B. Mayer which indicates the Board has the authority to adopt the amendment being offered by the Police Chief. M. J. Farinola stated he disagreed with this legal opinion indicating that he felt the Town is opening itself to a lawsuit. M. Kasprzak disagreed and R. P. McDermott stated that the second amendment gives the right to bear arms but not the right to fire arms where one chooses.

M. J. Farinola opened the public hearing noting that the proposed amendment is outlined in #5 Discharge of Firearms. C. Merrill, East Road, stated he felt the amendment did not identify the area of Town property being regulated and stated his knowledge of the area as a long-time resident. C. Merrill inquired as to the number of violations in the last two years. Chief Dirsa stated that he did not have an exact number, however, indicated that a recent incident brought this matter forward. M. J. Farinola inquired as to whether the incident occurred on Town property and R. Dirsa stated he believes it did. T. Samway, Old Stage Road, noted that situations not in violation of the ordinance are not violations and asked that the Board support the recommendation. M. J. Farinola reviewed a Local Government Center (LGC) publication indicating who has the right to restrict firearms. T. Samway added that the ordinance is not looking to restrict firearms, but discharging of firearms in a particular area. D. Robinson, Brown Road, agreed that the issue is not regulation of firearms but where they can be fired. L. Stan, Meadow Lane, expressed support of the Police Chief's recommendation to amend the ordinance. She stated that more and more people use this area for recreational purposes and questioned how someone protects themselves from a stray bullet. She added that more and more shooting is taking place which she finds dangerous and requested that the Depot be made more of a park and walking area or other future recreational uses for the public. C. Merrill disagreed and stated that people blow things out of proportion and more rights are taken away from people. M. J. Farinola spoke as a member of the public indicating that state statutes address who has authority and jurisdiction over use, etc. of firearms and stated he felt the Town does not have legal authority to do as proposed. Hearing no further comments, M. J. Farinola closed the public hearing.

The Board discussed the next step to be taken. M. Kasprzak stated that laws are not usually considered in isolation and that there may be other laws pertinent to full understanding of the issue. She supported this amendment as a way to reduce violation and save someone's life. A proposed amendment was offered as follows:

5. Discharge of firearms in the Depot is prohibited, ~~including the boat landing, parking areas and all rail beds and roads~~ **on town owned land** east of 51 Depot Road. This section is not intended to prohibit discharge of firearms while hunting during seasons designated by NH Fish & Game, and in accordance with NH State laws and regulations for hunting.

The Board agreed to table this matter and obtain further consultation. M. J. Farinola suggested that Board members contact the LGC to review this recommendation and also look at the state constitution.

MOTION: To table the recommendation to amend the Ordinance for the Regulation of the Depot.

MOTION: R. P. MCDERMOTT

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

• OLD BUSINESS

FINANCIAL REPORTS-GENERAL FUND BALANCE \$243,800

ACTION ITEMS FROM THE LAST MEETING: An updated action item listing was reviewed at this time. R. P. McDermott inquired as to cleaning of culverts on Coach Lane. Discussion took place as to whether the culverts in question are town property or the homeowner's responsibility. M. J. Farinola and R. P. McDermott asked E. N. Small to send a letter to the homeowner(s) informing them of a timeframe to correct the problem. R. P. McDermott will get the names of the property owners to E. N. Small.

RFP- LAWN CARE SERVICES: E. N. Small inquired as to whether the draft RFP distributed last meeting is okay to send out. M. J. Farinola stated he had not had a chance to review it, however, asked that indication be made that anyone bidding is aware there is a preference to utilize the current contractor. E. N. Small reviewed the section of the RFP indicating this. R. P. McDermott and M. Kasprzak approved of the draft RFP.

MOTION: To authorize the Town Administrator to send out the RFP for lawn services.

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

MEETING WITH DEPARTMENT HEADS RE 2011 BUDGET PROPOSALS NOV 23 & 30?: The Board approved of the meeting dates as presented. M. J. Farinola asked that the larger departments such as Police and Fire be held on separate nights.

REVISED TIME LINE FOR THE 2011 BUDGET: E. N. Small provided the Board with an updated timeline (rev. 10/28/10).

BOARD OF TAX & LAND APPEALS – RUEST V. TOWN – SETTLEMENT BEFORE HEARING: R. P. McDermott recused himself from this discussion. M. J. Farinola stated that the Board of Tax and Land Appeals has ordered the parties to meet to attempt to settle this matter. He asked whether an appraisal has been submitted. E. N. Small stated that he would check with Assessor D. Calder and report back to the Board. R. P. McDermott returned from recusal.

RE-ROOFING THE FRONT PORCH ROOF: E. N. Small reported that the Board has approved \$3,801 for the work at the front of Town Hall. Additional repairs have been identified now that work has begun. E. N. Small recommended exploring the condition and needed repairs to determine if available funds can cover the cost of repairs. The Board agreed to E. N. Small obtaining a quote even if exploratory work is needed. E. N. Small added that there are problems with the columns as well.

OUTSTANDING PROJECTS AND FINANCIAL REPORT: Discussion took place with regard to problems with certain road areas of Victoria Drive. E. N. Small reported that residents have been inquiring on road repairs for years and informed the Board that approximately \$25,000 is available to

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address road projects. D. Robinson stated this has been scheduled with the paver and that the work can be addressed within the 2010 budget (\$3,000) if it is decided to proceed. M. J. Farinola stated he would prefer to wait until spring. Concern was expressed that the work needed in the spring after a season of plowing versus now will be greater. It was determined that Board members would view Victoria Drive and report their findings to M. J. Farinola as to whether work should be done now or in the spring. D. Robinson stated he will wait for direction.

MILL LANE DRAINAGE: D. Robinson reported that this work has been completed with the exception of the paving. He added that more work than anticipated was found as tree roots filled the entire catch basin.

ROADSIDE BRUSH REMOVAL: Discussion took place with regard to the pick-up of debris from brush cutting along roadsides possibly not being completed until spring. D. Robinson stated that some debris is being picked up and that he will address calls reported to the Town Administrator in this regard.

REFLECTORS AT INTERSECTIONS: Discussion took place with regard to installing posts with reflectors at certain intersections. The Board approved of spending up to \$500 for this project.

SALT SHED DIVIDER: This repair has yet to be done.

BEAVER DAM INSIDE THE CURTIS ROAD CULVERT: D. Robinson reported that the beaver dam on Curtis Road is a Town matter and that he will work to clear the culvert.

LETTER OF APPRECIATION RE DONATIONS OF FOOD FOR WORKERS AT WHITE GOODS DAY were signed by the Board.

PUBLIC COMMENT

B. Mutrie, Brown Road, inquired as to whether the Old Library is included in the mowing RFP. She was told it is.

Forrest Brown, Exeter Road, stated he was before the Board as Trustee of the Historical Society to request approval of funds to address a problem with freezing pipes. He explained that pipes are wrapped with electric tape which is affecting the electric costs and nobody uses the building in the winter. F. Brown recommended hiring a plumber to find a way to drain the pipes for the winter. He has obtained an estimate of \$100.

MOTION: That the Town of Hampton Falls pays the cost of installing drains so that water lines can be drained in the winter and heat tapes removed.

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

• **NEW BUSINESS**

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BATES CONSERVATION EASEMENT – CURRENT CONDITIONS REPORT: M. J. Farinola acknowledged receipt of this report from the Southeast Land Trust dated September 28, 2010 and signed the acknowledgement.

SELECTMEN REPRESENTATIVE REPORTS

SELECTMAN FARINOLA – ZONING BOARD OF ADJUSTMENT, SCHOOL BOARD: M. J. Farinola reported that there was no meeting of the ZBA in October and that the School Board is discussing special education.

SELECTMAN MCDERMOTT – CONSERVATION COMMISSION, FIRE DEPT., ENERGY COMMITTEE: R. P. McDermott reported that the Conservation Commission is looking for a temporary assistant to fill in while A. Tonry is absent. He stated he did not attend the Energy Committee meeting and that the Fire Department members are elated with the new fire truck and talking of fundraising efforts and the upcoming sale of Christmas trees on the Town Common.

SELECTWOMAN – PLANNING BOARD, LIBRARY, HERITAGE COMMISSION: M. Kasprzak reported that she was unable to attend the Library meeting due a conflict with a Selectmen's meeting. She stated that the Planning Board addressed a site plan for an amendment to the conditional approval for a seafood marketplace at 115 Lafayette Road, more discussion and conditional approvals relating to the function hall site plan at 1 Lafayette Road as well as a number of proposed amendments to the zoning ordinance and building code. M. Kasprzak reported that the Heritage Commission is looking for people to help with the 2022 300th anniversary of the Town. Some interest has been received and the Commission is now looking to identify organizations in Town that might take a role in the celebration. The Heritage Commission also reported on the status of signs for the Old Stage Road Bridge and provided an update on an auction of the Merrill property on Kensington Road; an interest is being made in using the property for tennis courts.

OTHER

M. J. Farinola informed C. Brown that Julie Hurrie, Batchelder Lane, expressed an interest in serving on the Planning Board to him on Election Day. R. P. McDermott stated that someone else expressed in interest in the Heritage Commission or Historical Society. He added that J. P. Pontbriand has offered assistance with the flag pole and flag at Town Hall.

E. N. Small reported that he will be attending the Municipal Conference on November 17 and 18.

E. N. Small informed the Board that one of the three appointed Recycling and Solid Waste Committee members has declined membership. M. J. Farinola suggested that Dump Attendant P. Michael be asked if he is interested.

REVIEW AND APPROVAL OF PREVIOUS MINUTES:

MOTION: To approve the minutes of the October 20 meeting as written.

MOTION: R. P. MCDERMOTT

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**SECOND: M. KASPRZAK
UNANIMOUS**

MOTION: To approve the minutes of the October 6 meeting as written.

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

MOTION: To approve the minutes of the September 15 and June 2 meeting as written.

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

PUBLIC COMMENT:

T. Samway, Old Stage Road, requested that election signs on Town property be removed. The Board asked D. Robinson to remove signs from Town property and bring them to the Town Hall. T. Samway added that he felt the electioneering area worked well, however, suggested moving the area by one or two parking spaces. M. J. Farinola stated that the electioneering area was approved by the Board of Selectmen based on safety.

NEXT SELECTMEN'S MEETING – WEDNESDAY, NOVEMBER 17, 2010, 6:30 P.M., TOWN HALL

MOTION: To go into nonpublic session in accordance with RSA 91-A:3 II. (a) Personnel at 8:00 p.m.

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