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PRESENT: R. P. McDermott; M. Kasprzak, C. P. Graham, Selectmen;
E. N. Small, Town Administrator; L. A. Ruest, Administrative Assistant

SELECT A CHAIRMAN AND VICE CHAIRMAN - BOARD OF SELECTMEN:

MOTION: To nominate R. P. McDermott as Chairman of the Board of Selectmen.

MOTION: M. KASPRZAK
SECOND: C. P. GRAHAM
UNANIMOUS

MOTION: To nominate M. Kasprzak as Vice Chairman of the Board of Selectmen.

MOTION: C. P. GRAHAM
SECOND: R. P. MCDERMOTT
UNANIMOUS

R. P. McDermott requested a “can do” attitude from Department Heads and employees going forward. He stated he felt all can do better between Department Heads and employees and that he feels this will be better for the town and its services.

R. P. McDermott requested changing the meeting schedule for Department Head reports for the first Selectmen’s meeting of each month in order to provide a more timely report to residents. Discussion took place with regard to the issues and concerns relating to this request to include completeness and accuracy of information, ability to attend meetings and adjustment of schedules. R. P. McDermott asked Department Heads to consider this request and meet with Town Administrator E. N. Small to determine if the idea is conceivable.

ROAD AGENT - MONTHLY REPORT: February activities included snow removal, pothole patching and catch basin clearing.

R. P. McDermott noted that the cost to push back corners at intersections was over and above the cost of the winter road maintenance contract. He also noted the numerous calls from Police and Fire to the Road Agent with regard to the need for winter road maintenance services. D. Robinson stated he contacted the contractor to address issues. J. M. Lord confirmed that the Fire Department is responsible for clearing snow from hydrants which is done after the contractor plows. Discussion also took place with regard to continuing with the snow measuring service of WeatherWorks or whether another service should be considered. R. P. McDermott indicated that he has learned that WeatherWorks reported totals differ from another by 14 inches. E. N. Small noted that the agreement with the contractor indicates using WeatherWorks. R. P. McDermott suggested that Board consider looking at the cost of another company or possibly utilize the information from Pease AFB.

C. P. Graham inquired as to the policy for repairing mailboxes. It was reported that damages to mailboxes falls under contract terms and that damages to mailboxes on State roads is not the responsibility of the Town or Town contractor. D. Robinson reported that he repaired one

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mailbox for a resident receiving hospice services but that damages determined to be the responsibility of the contractor are addressed by him. M. Kasprzak noted that snow this winter resulted in mailboxes getting buried by plowed snow. Discussion took place with regard to the Town's right of way, the items permitted within this area and the guidelines for placement of mailboxes. C. P. Graham also stated that there have been complaints with regard to the speed of plow trucks. The Board requested E. N. Small provide a listing of reported damaged mailboxes.

Discussion took place with regard to the amount of cardboard and refuse in front of the second gate at the Brush Dump that was covered by snow. E. N. Small will call to determine the best way to dispose it.

PROPOSED COST FOR A NEW DOOR AT THE TOWN SHED: The Board reviewed a quote of \$1,895 to replace the garage door with a new insulated door.

MOTION: To approve the purchase of a garage door for the Town Shed at a cost of \$1,895.

MOTION: M. KASPRZAK
SECOND: C. P. GRAHAM
UNANIMOUS

BUILDING INSPECTOR, CODE ENFORCEMENT, HEALTH - MONTHLY REPORT:

K. C. Kelley referred the Board to his report for February noting statistics and building, code enforcement and town building matters. He reported two roof collapses due to the weight of snow, a landlord/tenant dispute and inspections of Town Buildings on behalf of the Joint Loss Management Committee. Discussion took place with regard to a complaint of work being done without permits and the manner in which to proceed or not.

Referring to the Building Inspector's log, R. P. McDermott asked that the Building Inspector prepare log entries in a more legible and organized format similar to the Police and Fire monthly reports. C. P. Graham inquired as to whether there is a need for the Building Inspector to justify his time.

FIRE CHIEF, EMERGENCY MANAGEMENT, AMBULANCE - MONTHLY REPORT:

J. M. Lord referred the Board to the Fire Department report for the month of February reviewing incidents and statistics. He noted that there has been a recent change in cell phone provider from Nextel/Sprint to Verizon. This change will allow for better coverage and services. J. M. Lord reported that the potentially contaminated discs released from a water treatment plant have affected area town waterways but not Hampton Falls.

J. M. Lord informed the Board of upcoming training on May 12 and August 11 with regard to the Radiological Emergency Response Plan and encouraged them to attend. He also obtained permission from the Board to store junk cars at the Brush Dump for use in training.

ECO-POWER SYSTEM AT PUBLIC SAFETY BUILDING – LATEST PAYMENT AND LIEN WAIVER:

J. M. Lord reported that S. C. Hanson is working with the contractor with regard to final payment and assurance that payment has been made for materials in accordance

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with the contract. S. C. Hanson and J. M. Lord will meet with the contractor one more time to learn how to operate the equipment and obtain a reference binder. Final adjustments to air flow will also be made at that time. Board members inquired as to any identified savings as a result of the new system. It was suggested to wait for S. C. Hanson's report.

POLICE CHIEF - MONTHLY REPORT: R. Dirsa reported that Freedom Energy was not able to install an air handler as approved months ago as the employee qualified for this type of work is no longer working for the contractor.

R. Dirsa referred the Board to the Department's report for February and reviewed incidents and statistics. In response to R. P. McDermott, R. Dirsa reviewed the status of an incident involving noise relating to gunfire. The Board discussed matters of ordinances and disorderly conduct charges. Suggestion was made to review options with town counsel. C. P. Graham suggested that local ordinances be reviewed and that should there still be question that a written question be provided to counsel for advice. R. Dirsa stated he feels that the Code Enforcement Officer should be part of the discussion with counsel.

- **OLD BUSINESS**

FINANCIAL REPORTS - GENERAL FUND BALANCE - \$324,661.07

TOWN CLERK – RECEIPTS - \$44,547

SELECTMEN'S ACTION ITEMS FROM PREVIOUS MEETING: The Board reviewed an updated listing of action items. R. P. McDermott asked that employees be reminded to change messages on both voice mail and email should they be out of the office. E. N. Small noted that this was discussed at a recent staff meeting. R. P. McDermott also requested that advance notice be given with regard to vacation time and asked whether employees have the capability of checking other employee's email and whether employees can check email from home. E. N. Small stated that the Personnel Policy addresses these questions and added that computers save files to a server. R. P. McDermott inquired as to why the plastic lettering is not being used for the bulletin board outside the entrance to the Town Hall rather than posting of paper documents. He stated that once the Board of Selectmen decides on hours for the Town Hall, a sign will be prepared and posted on the exterior of the building outside the Town Clerk's office. The policy of keeping the Town Hall open when two employees are present was reconfirmed.

LETTER RE COMMEMORATIVE STAMP FOR ARCHITECT RALPH ADAMS

CRAM: The Board signed a letter of support for this commemorative stamp.

APPOINTMENTS OF EMPLOYEES AND TO COMMITTEES –NEXT MEETING – APRIL 6: E. N. Small provided the Board with a listing of expiring positions prepared by the Town Clerk. The Board was asked to review this list for consideration at the next meeting. J. M. Lord will check the listing of Fire Department personnel.

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TOWN REPORT AND ELECTION RESULTS HAVE BEEN POSTED TO THE HF WEBSITE

TOWN REPORT DELIVERY AND U.S. POST OFFICE RESPONSE: E. N. Small reported that he received a call from the Hampton Falls Postmaster indicating that town reports improperly hung on mailboxes have been collected by postal carriers. These town reports have been returned to the Town.

BOARD OF TAX AND LAND APPEALS – RUEST ABATEMENT REQUEST: R. P. McDermott stated that this matter has already been discussed and that the Assessor is to bring the matter to the State.

POLICY RE TOWN ADMINISTRATOR AND HIS CONSULTING WITH TOWN COUNSEL (BOS minutes of 7/21/10): R. P. McDermott reported that the previous Board of Selectmen decided that the Town Administrator has the authority to contact counsel if the matter involved the Town, or if the Chairman agreed, but not on behalf of the Board. It was also agreed that counsel services from the Local Government Center would be utilized first as there is no charge to the Town. C. P. Graham stated it would be beneficial to all to have any question to town counsel submitted in writing as this would address any issue that a Selectman would have with regard to the question asked and answered. C. P. Graham added that there should be a mechanism for checking with counsel on day-to-day administration. R. P. McDermott stated that he felt the Town Administrator should contact an attorney that provides assistance at no cost first. He added that the prior Board had issue with how the Town Administrator asked a question versus how the Board of Selectmen asked a question. E. N. Small stated he was never told of the specifics relating to the change in contacting counsel. R. P. McDermott stated that another concern is that one Board member does not call arbitrarily call counsel. C. P. Graham restated that contact to counsel should be done in writing and not by phone. E. N. Small reported that there are times when clarification is obtained from town counsel and that sometimes Local Government Center attorneys don't have the experience of Attorney B. Mayer. All agreed that general legal questions could be presented to a Local Government Center attorney; otherwise, quick calls for advice or a question put in writing are to be presented to Town Counsel B. Mayer. R. P. McDermott asked for authorization from the Board to require a courtesy call or email from the Town Administrator when town counsel is to be contacted. M. Kasprzak and C. P. Graham agreed and if all three Selectmen agree there is a need for town counsel, the question or matter should be presented in writing.

CABLE FRANCHISE –FACT FINDING RE COMPLIANCE TO CURRENT AGREEMENT: The Board reviewed a listing of audit questions needing answering at Attorney K. Miller's request. It was noted that the Town has no say with regard to channel selection or rates. The Board asked E. N. Small to make arrangements to answer these audit questions.

JOINT LOSS MANAGEMENT COMMITTEE–SAFETY IMPROVEMENTS TO TOWN BUILDINGS: Referring to inspection reports from K. C. Kelley, R. P. McDermott asked when the work outlined is planned to begin and whether there is a deadline requirement from the Department of Labor. C. P. Graham suggested that the Municipal Records Retention Committee

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be asked to attend to the disposition of records in accordance with the statute separate from the safety and fire hazard items that have been identified; those items identified for the short term can be addressed first. M. Kasprzak agreed. R. P. McDermott reported that he has asked L. A. Ruest to assist with overseeing the cleanup project with the hopes of clearing out items that don't belong in certain areas. He suggested that the inspection letters be used as a guide and that volunteers be used to assist with removing items. K. C. Kelley was asked to prioritize the items and once a list is identified, efforts will be made for removal. The Board of Selectmen asked to be kept apprised of the status.

WHITE GOODS DAY ON JUNE 11 – CONFIRMED WITH NORTHSIDE CARTING: E. N. Small reported that June 11 is okay with Northside Carting for the spring white goods day. R. P. McDermott stated that the Lincoln Akerman School PTO has asked to know the date set (June 11). He also asked whether J. Fournier can assist and whether there is someone to fill in for Dump Attendant P. Michael. R. P. McDermott noted that five additional volunteers would be helpful. J. M. Lord stated he would check to see if fire volunteers are available.

ARRANGEMENTS ARE BEING MADE TO HAVE PROBARK TO REMOVE ALL BRUSH FROM BRUSH DUMP: E. N. Small added that he will be talking with ProBark with regard to removing brush in advance of June 11 as well as whether there is a cost to remove the brush.

SIGNING OF ANNUAL AGREEMENT WITH SUE BENOIT – HF WELFARE OFFICER: E. N. Small reported that there have been seven welfare cases so far this year. He referred the Board to a Memorandum of Agreement for the years 2011-2012.

MOTION: To enter into a two year agreement with Welfare Agent S. Benoit for the years 2011-2012.

MOTION: C. P. GRAHAM
SECOND: M. KASPRZAK
UNANIMOUS

OTHER

ROAD SOFTWARE: R. P. McDermott inquired as to the status of this software. E. N. Small reported that past discussion included the idea of hiring an intern or someone who knows the software and can spend time to enter data. History of S. C. Hanson's obtaining this software for the Town was provided for the benefit of the Board. Following discussion, the Board asked E. N. Small to call the University of NH to see if someone is available to assist the Town. G. Parish, Towle Farm Road, stated he would take a look at the software to see if he can assist.

PUBLIC COMMENT

B. Mutrie, Brown Road, explained that the granite curbing at the Library is being damaged. She expressed concern with the snow plows hitting the curbing. Suggestion was made to stake the parking lot or not use machines to clear the snow from the sidewalks. R. P. McDermott asked

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that this matter be added to the list of items to review in anticipation of the winter road maintenance contract for 2011/2012.

T. Samway, Old Stage Road, informed the Board that rural delivery to Hampton Falls will soon be conducted by Hampton with the anticipated closure of post offices throughout the country.

K. C. Kelley, Building Inspector, reminded the Board that there are three full-time employees at the Town Hall. With the Board's talking of more work/projects without the increase of help, he stated that other work/projects suffer on the other end. R. P. McDermott and M. Kasprzak acknowledged this concern and C. P. Graham acknowledged that all three Selectmen are obliged to discipline themselves to ensure information and direction comes from all three Selectmen.

- **NEW BUSINESS**

PERMIT TO USE THE TOWN COMMON – CASTLEBERRY FAIR – MAY 7-8 AND SEPT. 17-18: R. P. McDermott asked whether there is any conflict with other events in town on these dates. E. N. Small stated that there are other events; however, Police and Fire Chiefs have indicated no concern as the other events are on the other end of Town. R. P. McDermott asked that the Recreation Commission consider potential conflicts with other events when working with groups. The Board agreed to hold off on approval until it is determined that the fairs will not interfere with other events.

Later in the meeting, J. M. Lord confirmed that the Blossom Run and Jumper Classic events both conflict with the Castleberry Fair dates. R. P. McDermott asked E.N. Small to contact the Recreation Commission to come up with alternative dates. E. N. Small explained that these dates were worked out by the Recreation Commission and suggested that the Board of Selectmen meet with the Recreation Commission.

2011 ANNUAL CONFERENCE – PRIMEX - MAY 11-12: Information on this conference was provided to Board members. E. N. Small stated he plans to attend.

GOAL SETTING FOR 2011 – COMPILE A LIST FOR NEXT MEETING, SET PRIORITIES: The Board requested that E. N. Small provide them with a listing of proposed goals by email. Board members will then each send E. N. Small a prioritized listing by email for compiling and review at a (6:00 p.m.) workshop at a future Selectmen's meeting. E. N. Small reported that he has been conducting employee evaluations and goals.

SELECTMEN COMMITTEE/BOARD ASSIGNMENTS 2011-2012:

ZBA: C. P. Graham stated that although there is provision for an ex officio member of the Planning Board, there is no provision for the Board of Selectmen to appoint a Selectmen's member to the Zoning Board of Adjustment. E. N. Small reported that after speaking with a LGC attorney, he learned that towns who do appoint a Selectmen member are in a very small minority of towns. C. P. Graham stated that he sees a great potential for conflict in having decisions of the ZBA overturned due to a Board of Selectmen representative who acted on an

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appeal to the ZBA. He added that the Board of Selectmen is the enforcement authority of the Town where an appeal would be brought and expressed concern with continuing a tradition that most towns have dispensed. Planning Board Chair C. Brown agreed with C. P. Graham's position noting that she has felt this to be improper for years. She added that should someone not be satisfied with a ZBA ruling, by statute, that person can go to the Board of Selectmen for relief; with the same member hearing and deciding again. R. P. McDermott suggested that a Selectmen member attend ZBA meetings but not act. C. P. Graham stated this results in the fact that the appointing authority is making itself present and results in appearance of influence whether intended or not. It was noted that by having a Selectmen's representative present, that Selectman already has information on an appeal resulting in a matter of unfair opportunity.

MOTION: That the Hampton Falls Board of Selectmen refrain from appointing a Selectmen's representative to the Hampton Falls Zoning Board of Adjustment.

MOTION: C. P. GRAHAM
SECOND: M. KASPRZAK
UNANIMOUS

SCHOOL BOARD – C. P. Graham
CONSERVATION COMMISSION – R. P. McDermott
FIRE DEPARTMENT – R. P. McDermott
ENERGY COMMITTEE – C. P. Graham
PLANNING BOARD – M. Kasprzak
LIBRARY – R. P. McDermott
HERITAGE COMMISSION – M. Kasprzak

**EARTH DAY - APRIL 16, ROLL OFF IS SCHEDULED FOR DELIVERY FROM
NORTHSIDE CARTING:** Information relating to Litter Free NH and an annual compost bin sale has been sent to the Conservation Commission.

PUBLIC COMMENT

T. Samway, Old Stage Road, inquired as to whether the Board would consider obtaining a price to allow for weekly recycling. Following discussion, E. N. Small was asked to put together information on current costs, potential costs and the terms and dates of the contract. It was identified that there are no funds available in the 2011 budget for this proposal. C. P. Graham noted that the potential decrease in tipping fees may offset this cost.

T. Samway also asked the Board to consider sending a letter of congratulations to Ed Beattie and the Winnacunnet Girls Basketball team in recognition of their State Championship win. T. Samway, Old Stage Road, also inquired as to whether there is a procedure to send a letter of thanks to M. Farinola.

C. Brown, Exeter Road, requested that the Town provide education and opportunity to get residents in the recycling mode; recycling every other week does not encourage residents to recycle.

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REVIEW AND APPROVAL OF PREVIOUS MINUTES - MARCH 2:

MOTION: To approve the minutes of the March 2 meeting as written.

MOTION: R. P. MCDERMOTT
SECOND: M. KASPRZAK
1 ABSTENTION, PASSES

**NEXT SELECTMEN'S MEETING – WEDNESDAY, APRIL 6, 2011, 6:30 P.M., TOWN
HALL**

MOTION: To adjourn the meeting at 9:17 p.m.

MOTION: M. KASPRZAK
SECOND: C. P. GRAHAM
UNANIMOUS