

**BOARD OF SELECTMEN
TOWN OF HAMPTON FALLS**

**MAY 18, 2011
TOWN HALL**

FINAL

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

6:00 PM - YEARLY MEETING WITH THE TOWN'S ASSESSING AGENT DIANA CALDER:

D. Calder reported that the verification of residential data is complete; this process is done once every ten years. Approximately 40 commercial condos will be viewed this summer which will complete the process for the ten year cycle. She informed the Board that the Town of Hampton Falls has 1,198 parcels (same as last year) and provide statistics on the number of improved, commercial, exempt and marsh parcels. An amount of \$1,400,000 was added in value in 2011, about half of the value added in 2010. She noted that the growth overall is from new construction and items identified as not previously assessed.

D. Calder explained the Department of Revenue Administration (DRA) ratio; a study of the comparison of assessed values to selling price. For 2010, the DRA ratio was 105% of market value. She outlined the qualified sales used during a specific time period and noted that this rating is excellent. A handout was provided to the Board showing that a ratio study done recently shows the median ratio still at 105%.

D. Calder reviewed certain situations in Town noting only one qualified sale and a number of foreclosures and bankruptcies. She reported she will continue to monitor the market and interview buyers, sellers and realtors to keep up to date with information.

D. Calder reminded the Board of a past Selectmen's suggestion to give data to a company called Real Data for their use to post to their web site. One reason for this suggestion was to reduce foot traffic in the Town Hall. D. Calder provided statistics of actual activity logged by the Tax Collector and asked the Board if they would like to reconsider the suggestion. Following discussion, the Board determined that there is no pressing need and that the consensus is not to give data to any company to resell.

RUEST 2010 ABATEMENT APPEAL: R. P. McDermott recused himself. D. Calder referred the Board to two reports of recommendation in this regard. She reviewed the status of the 2009 abatement appeal and outlined her recommendation for the 2010 abatement appeal. C. P. Graham asked and was informed that D. Calder visited the area and confirmed that, as long as the condition persists, an abatement would be in order. In response to C. P. Graham, D. Calder explained that a former Selectmen interpreted this matter differently from her experience and that the fact remains that the items have not been removed and have been in place for several years. She added that someone coming into a neighborhood looking to purchase would hesitate or consider paying less for a property. Support of this is on file with the Town. She noted that if this situation were on a through street, the matter would be considered differently; this area is a subdivision.

MOTION: To accept the recommendation of the Assessor as presented with regard to the 2010 tax levy for the abatement appeal for Map 8, Lot 83-3.

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

Further discussion resulted in an acknowledgement of an issue that has been in Town for some time that is of some significance. C. P. Graham stated that moving for acceptance of the Assessor's recommendation has nothing to do with that issue and has to do with the fact that D. Calder is the person

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looked to for in excess of 25 years for this kind of reasoning to support decisions and that recommendations in this regard have been consistent by Boards of Selectmen.

MOTION Passes

D. Calder requested reconsideration of the abatement appeal for 2009. She stated that there is no point in going to court to defend a tied decision and that the court strongly urges settlement of matters in house. M. Kasprzak stated that she is willing to reconsider with the same reasoning for the 2010 abatement appeal.

MOTION: To settle the pending abatement appeal for the 2009 tax year for Map 8, Lot 83-3.

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

No further discussion took place.

MOTION Passes

R. P. McDermott resumed his seat on the Board and reported that the matter of a Farmers' Market is to be addressed at this time. He explained the members of the Recreation Commission approved the matter before them; however, a request was made to hear views of the Board of Selectmen.

C. P. Graham reviewed the history of the matter with regard to the steps taken so far in that Sue Veilleux of Hampton Falls approached the Recreation Commission with the idea of holding a Farmers' Market on the Town Common.

Recreation Commission Member P. Robart explained that he has no objection to the Farmers' Market, however, is looking to make this a positive development of the Town to include assurance of proper permits and insurance. He acknowledged receipt of a copy of bylaws and stated he is looking for someone to review documents to ensure all aspects important to the Town are addressed.

R. P. McDermott noted that those members of the Recreation Commission that took action of approval were not present this meeting. Recreation Commission Member L. Smith reported that he was present at the meeting where the idea was presented and understood that additional information was to be provided. He noted that he researched the subject on the Internet and found bylaws, insurance and growers association information that is involved.

Steve Scaturro of Hampton introduced himself and explained that he has been involved in farmers' markets in the Seacoast area for five years. He stated that he is part of a small board that oversees proper insurance and licensing. He explained that the association is managed by the State of NH. Discussion took place with regard to picking a day that does not affect others in the area. He explained the types of vendors, preferences of markets, member interest and an application process. In response to R. P. McDermott, S. Scaturro stated that there is a willingness to pay or provide a stipend for the use of the Town Common and that it is a topic to be discussed. C. P. Graham stated he is opposed to imposing a fee on a citizen initiate that is to be held on Town owned land. He suggested that approval be granted for one year and then bring the matter back for discussion with the Board. R. P. McDermott suggested that something be considered for the maintenance and/or repair as needed.

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R. P. McDermott opened discussion to the public at this time. L. Smith expressed concern with the potential of the Hampton Falls farmer being excluded due to the number of vendors selling the same product; for example, a vendor from 50 miles away and a local grower in town not able to participate. S. Scaturro stated that this is not seen as a concern as the intention is to look to those vendors close to Town to protect farmers in Hampton Falls. P. G. Robart asked for assurance that details will be worked out in a controlled fashion ahead of time and that decisions are made on specifics, details and requirements.

R. P. McDermott suggested holding a meeting with the Recreation Commission to ensure the Board of Selectmen has all the information needed. S. Veilleux reviewed the steps she has taken to date and noted that she has obtained signatures of 73 residents in Town in favor of the Farmers' Market. She stated that spoke with someone other than T. Wagner of Applecrest in this regard and has since sent him a letter of apology for not speaking with him personally; Applecrest is listed as a possible vendor in the permitting process. M. Kasprzak noted that she is hearing that some Recreation Commission Members would like to speak with farmers' market representatives more. C. P. Graham suggested giving conditional approval; obtain liability certificates and state licenses for an initial round of vendors. He also suggested that the Board of Selectmen review what the Recreation Commission has done for other activities such as band concerns to ensure any damage to the Town Common is covered.

Police Chief Robbie Dirsra requested that he and the Fire Chief be able to meet with the folks involved in order to address public safety issues. P. G. Robart stated this is an example of what he referred to as needing attention in advance of decision.

J. Ashak, 25 Crank Road, stated he is a proponent of this idea and that he is assisting with bringing this forward. He stated that discussion has taken place with regard to parking and leaving the site in suitable condition, however, feels that if any matters become a concern, the Board has the authority to call the representatives in or end the market. Betsy Whittaker, 186 Drinkwater Road, stated her appreciation for concerns and noted she attended the meeting and found the Recreation Commission members to be asking about and reviewing important issues.

MOTION: To conditionally approve with appropriate licensing, etc. a farmers' market for June, July, August, September and October to be held on the Town Common with the following conditions:

1. That for the initial round of vendors, all certificates of liability and State issued licensing and scale inspections be provided to the Town.
2. That thereafter, as vendors are added, all certificates of liability and State issued licensing and scale inspections be provided to the Town.
3. That the applicants cooperate with public safety officials in policing parking of vehicles or providing alternate parking.

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

ZBA VOLUNTEER APPLICATION: The Board acknowledged receipt of a volunteer application from Frank Perry, 13 Old Stage Road, to include a brief statement as to his interest in the position of ZBA member.

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MOTION: To appoint Frank Perry, 13 Old Stage Road, as Member of the ZBA.

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

6:30 PM

ROAD AGENT - MONTHLY REPORT: D. Robinson referred the Board to his monthly report of activity and noted that he has repaired the area of the Town Common damaged by a fire truck.

COUNTY WORKERS: E. N. Small reported that he is awaiting a return phone call with regard to the availability of county workers to assist the Road Agent. The Board requested that D. Robinson attempt to come up with three to five days work. D. Robinson requested the Board's direction on prioritizing those projects that can be done with a crew. R. P. McDermott suggested cleaning of leaves and debris from culverts and other prep work for projects to be done by the Road Agent. E. N. Small asked D. Robinson to prepare a list of proposed projects for consideration of the Board. In the meantime, R. P. McDermott and C. P. Graham may drive the roads and review the listing for project considerations.

HIGHWAY GOALS AND COST ESTIMATES: D. Robinson referred the Board to a listing of road projects needing attention and the costs associated with each. Those items highlighted on the listing are those recommended to be done first. R. P. McDermott stated he was okay with proceeding on these items, however, asked D. Robinson to work with the winter road maintenance contractor to identify those repairs that are his responsibility from winter damage. D. Robinson stated he would do so and wait for further direction from the Board once it is determined that budget funds are available. The Board plans to review this matter on June 7 in conjunction with a spreadsheet to be prepared by E. N. Small.

PROGRESS REPORT ON ROADS SOFTWARE – RSMS – T2, UNH: E. N. Small reported that he and D. Robinson met with a representative from UNH and reviewed recommendations, priorities and improvements to roads. The cost of bringing the software and data up to date for Hampton Falls is \$2,700. E. N. Small and D. Robinson will be reviewing initial information to correct certain road names, etc.

RFP- ROADSIDE MOWING AND RFP – ROADSIDE BRUSH CUTTING: The Board reviewed draft RFPs for this work. R. P. McDermott asked whether the RFP for brush cutting included the requirement of a "flail mower." D. Robinson stated it didn't and that the Board would be limiting the number of proposals as not all contractors have this piece of equipment. The Board asked that the RFP include wording that indicates "preference is flail mower, if available." The Board approved the deadline dates as submitted.

MEADOW LANE – ALLEGED DAMAGE TO A DRIVEWAY IN 2009 BY PAVING

COMPANY: Dean Kenney, Meadow Lane, explained that Meadow Lane was paved in the summer of 2009. At that time, when he came home from work, he noticed the edge of his driveway where it meets the pavement was cracked. There was also a scratch line from a piece of equipment and the area below that cracked. He stated he contacted the Town Administrator. Both E. N. Small and D. Robinson viewed the area and R. P. McDermott stated he viewed the area as well and didn't see a crack.

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D. Kenney stated that the problem is that the driveway is cracking in this area over time and that the matter becomes worse and worse as water gets in and freezes. He requested that repairs be made to put the driveway back the way it was before the crack. C. P. Graham asked if D. Kenney felt that the paving equipment created a scratch in the driveway. D. Kenney confirmed that the scratch showed where the vehicle travelled and that the cracking is between this scratch and the edge of pavement to Meadow Lane.

D. Robinson stated that the paving contractor was contracted by the Town for the work and that they should be contacted to address this matter. R. P. McDermott requested that E. N. Small contact Bell & Flynn and work with them and the Road Agent to address this matter.

BUILDING INSPECTOR, CODE ENFORCEMENT, HEALTH - MONTHLY REPORT: A report for the month of April was provided to the Board. R. P. McDermott inquired as to the costs associated with town buildings. K. C. Kelley reported that most have been taken care of and only the mezzanine (to expand storage area) at the Public Safety Building has not been addressed.

FIRE CHIEF, EMERGENCY MANAGEMENT - MONTHLY REPORT: Discussion took place with regard to statistics and response times.

HAZARD MITIGATION PLAN UPDATE EMPG \$5,000 GRANT APPLICATION: J. M. Lord explained that there is a requirement to have this plan in place in order to qualify for FEMA and other grants. He stated that this application is for a contractor to rewrite the plan and also to obtain funds to do so. Documents were provided to the Board for signature.

MOTION: To authorize the Chairman to sign on behalf of the Board.

MOTION: **M. KASPRZAK**

SECOND: **C. P. GRAHAM**

J. M. Lord explained that signatures of all three members are needed. All three members signed the forms.

INTRODUCTION OF TWO NEW EMPLOYEES: J. M. Lord introduced two new Fire Department employees (Matt Brillard and Kyle Dodier) to the Board. The two outlined their experience, interest and schooling.

FIRE CREW – 2011: J. M. Lord explained his history with the State Wildland Crew and noted that he has been participating in Fire Crew since 1999 with the permission of past Boards of Selectmen. He stated he is due to take his physical agility test to continue in this regard and asked the Board for their approval to continue to participate. The Board agreed.

POLICE CHIEF - MONTHLY REPORT: A report for the month of April was provided to the Board.

AIR HANDLING UNIT – RFP: R. Dirsra referred the Board to a draft RFP to correct the air handling system in his office. He informed the Board that the quote received in the past is not to be honored. The Board approved the mailing of this RFP as drafted.

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AMERICAN CANCER EVENT – JUNE 4-5: Inquires were made with regard to the American Cancer event and an email from the organizer with regard to alternate parking. C. P. Graham expressed concern with the event running all night and the noise associated. R. Dirsa noted that Hampton Falls does not have a specific noise ordinance. He explained that the organizer is aware of the need to turn down music and that he learned from an email that the Recreation Commission approved the event with the understanding that the organizer would meet with the Chiefs in February for planning purposes. No permit has been filed. R. Dirsa stated at this point, it is too late not to approve the request; he added that he would not have chosen Gov. Weare Park as the location with the short period of planning time. He stated he feels it is inappropriate to allow parking along Route 88 and that alternative parking is an issue (250 cars anticipated with a potential for more). Both Chiefs expressed concern with logistics for this event.

C. P. Graham inquired as to whether the neighbors were consulted or informed of this event. R. Dirsa stated that they are to be notified prior to the start of the event. C. P. Graham indicated that the Recreation Commission has approved the event, the Chiefs are expressing concerns, neighbors have not been contacted and there is no knowledge of whether controls are in place with regard to parking; no permit applied for yet. M. Kasprzak stated her concern with no information for the Board's consideration being presented. Question was raised as to what happens on June 4 when there is no permit or application for permit in place. R. Dirsa stated the organizer was instructed to apply for a permit when she met with the Chiefs on May 10.

J. M. Lord suggested that the Recreation Commission have a better checklist in place for events similar to the one used for the Planning Board. This would allow for better information and direction. R. P. McDermott asked R. Dirsa to contact the organizer and request more information.

Discussion took place with regard to approving this request with conditions. R. Dirsa noted that he needs to know a plan by May 25.

MOTION: To conditionally approve the permit for the American Cancer Society scheduled for June 4 and 5 provided that a report as to how parking is to be handled is provided to and approved by the Chief of Police by the end of the business day on May 25; failing which no permit shall issue.

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

ENERGY COMMITTEE – ECO-POWER UNIT AT THE PUBLIC SAFETY BUILDING:

Energy Committee Members T. Delano and S. Hanson were present. S. Hanson provided an update on the cogeneration project at the Public Safety Building. He reported that the system has been installed and that minor items remain to be completed. He stated that there is no plan to bury the propane tank as the area is ledge. S. Hanson provided a binder of materials that relate to the project and equipment to be kept on file.

S. Hanson reported that the Energy Committee is working other investigating other types of energy conservation work for the Town. The Committee is also utilizing a grant with the Rockingham Planning Commission to draft an Energy Chapter for the Master Plan. The proposed draft is before the Planning Board for consideration on May 24.

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With reference to the warrant article passed in March, S. Hanson stated the Energy Committee is working with the Town Improvement Committee with regard to evaluating the Town Hall to see what could be done with regard to certain needed improvements. This is an ongoing project.

S. Hanson extended thanks to all who assisted in the cogeneration grant process and project and commended them on their efforts. T. Delano acknowledged S. Hanson's efforts as well.

S. Hanson stated that in working with the Rockingham Planning Commission, efforts are being made to assess the savings from the new system. The Energy Committee will be giving consideration to reinvesting the savings for use on other projects. R. P. McDermott inquired as to the savings. S. Hanson reported that they are preliminary at present and that more information will be forthcoming. C. P. Graham asked that when comparisons are made that the Committee take into consideration what the cost in current years would be.

C. P. Graham acknowledged the efforts of all and extended thanks for a job well done to all.

WINTER ROAD MAINTENANCE AGREEMENT – JIM ZIOLKOWSKI –

ENVIRONMENTAL LANDSCAPE MANAGEMENT: The Board reviewed documentation to include the existing agreement, road salt numbers, mailbox damages, a new agreement as well as an addendum document. R. P. McDermott stated that the Board would like to offer another year's agreement. He added that the Board would like more attention to detail that was lacking last season. Of greatest concern is the attention to Town and Public Safety buildings, shelving of roads, mailbox and other road damages.

J. Ziolkowski stated he would be interested in another year's contract and provided a recap of the winter season noting that "it was one heck of a winter." He reviewed the accumulated snowfall, the service used to measure snow, contractual limitations regarding number of inches, use of road salt, damages to mailboxes, speed of plow trucks, the complaint process, the plowed width of roads and other issues. Discussion took place with regard to any road damages his company is responsible for. J. Ziolkowski and D. Robinson will meet to view damages.

Discussion took place with regard to proper placement of mailboxes, the Post Office requirements as well as documentation at the Town Hall to assist with placement. The Board suggested that information be provided to residents as to the proper placement of mailboxes, the area of the Town's right of way and the fact that the Town is not responsible for items placed in the right of way. It was suggested that once wording is drafted that a stuffer be included in the next tax bill mailed in October. E. N. Small noted that the Board should revise its policy with regard to damage assessments. J. Ziolkowski and E. N. Small will draft wording for consideration of the Board.

J. Ziolkowski requested a change in the number of inches for the renewal contract with an approximate number of 90 inches rather than the cap of 62 inches at present. The Board requested that he make a proposal for consideration at its June 1 meeting. With regard to the retainage held, E. N. Small, D. Robinson and J. Ziolkowski will meet to identify the areas needing repair. B. Mutrie, Brown Road, inquired about road salting in aquifer areas and whether this matter is part of the agreement or whether signage is in place.

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• **OLD BUSINESS**

**FINANCIAL REPORTS - GENERAL FUND BALANCE
TOWN CLERK – RECEIPTS \$40,018**

SELECTMEN'S ACTION ITEMS FROM PREVIOUS MEETING MAY 4 / 10: The Board reviewed the updated listing. Discussion took place with regard to proposals provided by Two-Way Communications with regard to computer equipment, upgrades and software needed at the Town Hall.

MOTION: To proceed with the proposal for services totaling \$5,715 from Two-Way Communications for a new server and cable updating.

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

With reference to the ice damming problem at the Public Safety Building, R. P. McDermott asked why a roofer has not yet been involved.

YEARS OF SERVICE – EMPLOYEES/TOWN OFFICIALS/COMMITTEES: A listing of employees and dates of hire was provided to the Board.

• **NEW BUSINESS**

2011 ELECTRONIC TAX RATE AUTHORIZATION: The Board signed this authorization as prepared by the Tax Collector.

TAX WARRANT \$4,066,330 IN PROPERTY TAXES: The Tax Warrant and commitment list was presented, reviewed and signed by the Board

MEMORIAL DAY SERVICES AT TOWN COMMON MONDAY, MAY 30, 9 AM

MEMORIAL DAY PARADE FROM TOWN HALL TO TOWN COMMON -8:30 AM

REVIEW AND APPROVAL OF PREVIOUS MINUTES -- MAY 4/10 PUBLIC & NON-PUBLIC

MOTION: To approve the minutes of the May 4 and May 10 meetings as written.

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

NEXT SELECTMEN'S MEETING – WEDNESDAY, JUNE 1, 2011, 6:30 P.M., TOWN HALL

MOTION: To go into nonpublic session at 9:18 p.m. in accordance with RSA 91a to discuss negotiation of utility values.

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

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