

**BOARD OF SELECTMEN
TOWN OF HAMPTON FALLS**

**JUNE 1, 2016
TOWN HALL**

DRAFT

PRESENT: L.M. Smith, Chairman; J.E. Ziolkowski, Vice Chairman; R.P. McDermott, Selectman; L.A. Ruest, Town Administrator; S.H. Ayer, Secretary

OLD BUSINESS:

FINANCIAL REPORTS – GENERAL FUND BALANCE: \$735,959.

ACCOUNTS PAYABLE/PAYROLL/TREASURER/TRUSTEES OF TRUST FUNDS

WARRANTS

MOTION: To approve the following warrants as presented by the Bookkeeper:

Payroll check warrant	#342	\$13,207.61
Payroll check warrant	#343	\$13,655.11
Accounts payable warrant	#520	\$161,980.47
Accounts payable warrant	#521	\$7,848.52
Treasurer's Warrant	8	\$105.00
Treasurer's Warrant	9	\$2021.50
Trustees	Media School Fund	Balance to General Fund

MOTION: R. McDermott

SECOND: L. Smith

UNANIMOUS

PROPERTY TAX PAYMENT AGREEMENT AND DEED WAIVER (MAP 2, LOT 8)

The property owner has agreed to this payment agreement, discussed at the May 18 meeting, by which all outstanding amounts will be paid off in 4 years.

MOTION: To enter into a Delinquent Taxpayer Payment Agreement for property at Map 2, Lot 8.

MOTION: J. Ziolkowski

SECOND: R. McDermott

UNANIMOUS

MOTION: To accept the deed waiver for property at Map 2, Lot 8.

MOTION: J. Ziolkowski

It was noted that if the property owner defaults on any provision of the agreement, the Tax Collector may still deed the property to the Town.

SECOND: R. McDermott

UNANIMOUS

CHANGE OF TOWN HALL BUSINESS HOURS

The proposal has been made and reviewed to change Town Hall hours, mainly shortening the business day to allow for electronic closing and filing at the end of the day.

MOTION: To change the business hours of the Town Hall as proposed.

MOTION: J. Ziolkowski

SECOND: R. McDermott

UNANIMOUS

There was a brief discussion of the research being done on using a postage machine at the Town Hall rather than pre-stamped envelopes as currently used.

DRAFT

It was determined that further information is required and the matter was tabled until a future meeting.

CREDIT CARDS AND CREDIT CARD POLICY

Following up on a recent inquiry by the Police Chief about acquiring a credit card for Town Department Head use, the Selectmen reviewed a draft Credit Card Policy.

L. Smith suggested a section be added to say that cash back benefits of the credit card would be deposited to the Town's General Fund.

The policy will be added to the June 15 agenda for additional review.

HISTORICAL SOCIETY MUSEUM – ASSESSMENT GRANT APPLICATION

The Selectmen reviewed Assessment grant documentation from the Historical Society. This grant will supply matching funds to do a maintenance needs assessment on the Historical Society Museum building. The total cost of the assessment will be \$7,400, of which the grant will pay half.

MOTION: To authorize the Chairman to sign the Assessment Grant Application for submission to the NH Preservation Alliance.

MOTION: R. McDermott

SECOND: J. Ziolkowski

UNANIMOUS

NEW BUSINESS

HAMPTON ROTARY CLUB BUDDY BENCH PROJECT/PARTICIPATION AT TOWN EVENTS

A representative of the Rotary Club was present to address the Board with information and a request to be allowed to have a table providing baked goods for donations as well as to distribute literature, at a Concert on the Common it is helping to sponsor. The Rotary is supporting the construction of "buddy benches" and distributing them to 6 area elementary schools.

In discussion, L. Smith said that he feels the project is excellent, but he is concerned about setting a precedent for other charities to come in and raise money during Town events.

J. Ziolkowski and R. McDermott agreed it is a worthy project.

It was noted that very little money will be raised at the event, and that the focus will be mainly on getting information about the buddy benches out to the public.

MOTION: To allow the Rotary to set up a table promoting the Buddy Bench project at the July 14 Concert on the Common, provided they have insurance in place.

MOTION: L. Smith

SECOND: R. McDermott

UNANIMOUS

SELECTMEN'S PERMITS: FRIENDS OF THE BANDSTAND/VILLAGE MARKET (FOOD VENDOR)

MOTION: To authorize the Chairman to sign the Selectmen's Permit for the Friends of the Hampton Falls Bandstand, Inc., to hold 13 band concerts at the Governor Weare Common, on Thursdays from June 9 through August 25, 2016.

MOTION: R. McDermott

SECOND: J. Ziolkowski

UNANIMOUS

DRAFT

The food vendor for the concerts will have a Selectmen's permit application prepared for a future meeting.

ATTY. MILLER - CABLE TELEVISION FRANCHISE RENEWAL (COMCAST) 11/7/12 – 11/6/17

Attorney Kate Miller was present to discuss the Comcast franchise renewal with the Board. She gave an overview of cable and broadband suppliers in the area, and changes in the industry.

The Town's franchise agreement renewal is due in 2017, but Comcast begins the renewal process years prior to expiration. She said that she has done a quick review of the agreement with the Town Administrator, and that there is not much that needs to be changed. She is looking into whether or not broadband wiring to the Town Hall and Historical Society Museum buildings had ever been put in place, as that is included in the agreement. Aside from that, if the Town is content with the agreement, it has the option of adding on to the previous franchise term at any time, instead of waiting to renew when the contract is expiring.

The topic of franchise fees was discussed, and Attorney Miller noted that Comcast pays property taxes to the Town, and also pays franchise fees for the use of the right-of-way. The agreement does not specify a use of the fees. The amount of the fees paid to the Town can vary from 0% to 5% at the discretion of the Town.

L. Smith said that a workshop will be scheduled to discuss the use of the franchise fees, and said he would like to wait until after the workshop takes place to renew the franchise agreement.

When the Board is ready to renew the agreement, a public hearing will be held.

PUBLIC COMMENT

Beverly Mutrie of Brown Road asked Attorney Miller if a router to provide WiFi access in the Town building could be put in that does not compete with the one the Town offices use. Attorney Miller said that Comcast would not provide it for free, but that it would be possible.

L. Smith said this can be discussed at the workshop meeting.

ASSESSOR MEMO - AUDUBON SOCIETY EXEMPT STATUS (BTLA A-9 & A-12)

The Assessor has informed the Town that the Audubon Society has been receiving tax exemptions that are only available to properties that are owner occupied. The property is mostly marshland. The Assessor has advised that the property can be kept tax exempt by a motion of the Board, considered abatement for a good cause. Following action by the Board, the Assessor would place a note on the property card, and the property owner would no longer receive BTLA paperwork to be exempt.

MOTION: To continue to grant all property in Town owned by the Audubon Society tax-exempt status.

MOTION: R. McDermott

SECOND: J. Ziolkowski

UNANIMOUS

SELECTMEN'S SUMMER MEETING SCHEDULE

MOTION: To hold one meeting per month during July and August, to be on July 20 and August 17, 2016.

MOTION: R. McDermott

SECOND: J. Ziolkowski

UNANIMOUS

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POLICY REGARDING LEGAL OPINIONS – AMENDMENT

The Selectmen conducted a second reading of this policy after amendments were made.

MOTION: To adopt the Policy Regarding Legal Opinions as presented.

MOTION: J. Ziolkowski

SECOND: R. McDermott

UNANIMOUS

SIDEWALK SNOW REMOVAL AND ICE CONTROL POLICY (DRAFT)

L. Smith, referring to correspondence from Tobey Reynolds of the NH State Department of Transportation, said that it may not be necessary to put up barriers to sidewalks during a winter storm. It is not prohibited, but language in the Federal Highway Administration’s Code of Federal Regulations (CFR) reduces liability for temporary reduced access due to maintenance or repairs.

After discussion, it was decided to remove language in the Sidewalk Snow Removal and Ice Control Policy that refers to placement of cones and/or barricades, and instead refer to the pertinent section of the CFR (28 CFR 35.133).

Town Counsel will be asked to review the amended Policy before the Board votes to adopt.

MONTHLY REPORTS

SELECTMEN REPRESENTATIVE REPORTS – *BRIEF HIGHLIGHTS ONLY*

Selectman McDermott – Library

R. McDermott reported on topics discussed at the Library Trustees meeting, including Carbon Monoxide detectors, a fundraiser, website training for staff, a presentation from a roofing company representative, and computer upgrades. The Trustees also discussed a maintenance plan and the potential use of inmate labor.

Selectman Smith - School Board, Recreation Comm., Heritage Comm.

L. Smith reported that the School Board held 4 meetings on various topics, which included:

- Window replacements.
- Contract renewals
- Meeting with a construction company about possible projects
- Rewarding a roofing contract
- Ratification of a Seasonal Temporary Employee Agreement

The Recreation Commission meeting included an update on the Art on the Common event scheduled for Saturday June 4, field uses and fees, the Farmer’s Market, and the summer camp. The yoga program has concluded and the instructor has indicated she does not want to continue, so a new instructor will be needed or the program will be terminated.

Concerts on the Common, now run by Friends of the Hampton Falls Bandstand, will begin next Thursday, June 9.

The Heritage Commission discussed the demolition ordinance, historic house signs, and the newly formed Tricentennial Committee.

Selectman Ziolkowski - Planning Board, Conservation Commission

Activity of the Conservation Committee was covered at the last meeting with the update given by Shawn Hanson.

DRAFT

J. Ziolkowski said he was unable to attend the Planning Board meeting, but could report that Theresa Walker of the RPC gave a summary of the grant the Town has received for technical assistance in implementing recommendations from the Tides to Storms report. The amount awarded is \$6,000 and is available for use through September.

Another issue addressed by the Planning Board was a complaint received by the Building Inspector. A resident cited Town ordinance to complain about a hockey rink on a neighboring property. The determination of the Board was that the ordinance was written with commercial usages in mind, not residential.

OTHER

UNITIL – VEGETATION MANAGEMENT PROGRAM (SUB-TRANSMISSION LINES)

Information has been received from Unitil, notifying the Town that they intend to apply herbicide in areas within the electric lines rights-of-way (Victoria Drive).

FARMER’S MARKET

MOTION: To authorize the Chairman to sign a Selectmen’s Permit for the Farmer’s Market to be held at the Governor Weare Common on Mondays beginning on June 6.

MOTION: R. McDermott

SECOND: J. Ziolkowski

UNANIMOUS

PUBLIC COMMENT RELATING TO THIS MEETING’S AGENDA ITEMS

Tracey Beattie of Drinkwater Road referred to the minutes of the May 18 meeting, and asked that the sentence under Public Comment, “... as they had begun the process of choosing recipients for 2017” be amended to read “for 2016.”

There was a discussion of the scholarship issue, the dates awarded versus dates paid, and of putting the matter to rest.

T. Beattie then asked if the Media One account money is now in the General Fund. L. Ruest said that the paperwork to do so was submitted by the Bookkeeper for signing at this meeting.

Asked if the money was now earmarked for another purpose, L. Smith answered that the money becomes undesignated funds. J. Ziolkowski will be gathering information about uses, such as taping of meetings, for consideration.

T. Beattie also asked about payment for a dedicated monument planned by the Cemetery Trustees. L. Ruest said she has not been contacted regarding the monument, and that payment could be made outside of the regular payment schedule if needed.

T. Beattie then asked if the electric sign on the Town Common was going to be moved at some point, as she feels it detracts from the beauty of the Common. L. Smith said that it has been found to be the most effective way of notifying people of events, but that it will not be a permanent fixture.

T. Beattie then asked L. Smith if he had said he does not attend the School Board meetings. L. Smith said that he does attend whenever he can, barring conflicts of schedule.

Beverly Mutrie of Brown Road asked if a report on activity of the Town Improvement Committee could be added to Selectmen’s meetings. Saying that he does attend meetings of that Committee, L. Smith said that a site walk was done at Governor Weare Park to determine lot lines, as the Town is looking into more parking. They are looking into the possibility of a road area on Town property along the lot line; the Baptist Church is also interested in additional parking. The pin was not found, so a survey may need to be done.

DRAFT

B. Mutrie then informed the Board that the Maple tree on the corner near the Museum is dead and will need to come down.

As no other residents wished to speak, the Chairman closed the meeting to public comments.

REVIEW AND APPROVAL OF PREVIOUS MINUTES: 5/18/16; 5/20/16

MOTION: To approve as written the meeting minutes from May 18, 2016.

MOTION: R. McDermott

SECOND: J. Ziolkowski

UNANIMOUS

MOTION: To approve as written the meeting minutes from May 20, 2016.

MOTION: J. Ziolkowski

SECOND: R. McDermott

UNANIMOUS

Motion to enter Nonpublic Session made by L. Smith, seconded by J. Ziolkowski.

Specific Statutory Reason cited as foundation for the nonpublic session:

RSA 91-A:3, II (a) *The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, **unless** the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.*

RSA 91-A:3, II(b) *The hiring of any person as a public employee.*

RSA 91-A:3, II(c) *Matters which, if discussed in public, would likely affect adversely the reputation of any person, **other than a member of this board**, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.*

RSA 91-A:3, II(d) *Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.*

RSA 91-A:3, II(e) *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against this board or any subdivision thereof, or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled*

RSA 91-A:3, II(i) *Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.*

Roll Call vote to enter nonpublic session: Richard P. McDermott, Selectman

Y

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**JUNE 1, 2016
TOWN HALL**

DRAFT

Larry M. Smith, Chairman	Y
James E. Ziolkowski, Vice Chairman	Y

Entered nonpublic session at 7:47 PM.

Public session reconvened at 7:50 PM.

There was a brief discussion regarding procedure with regard to preparing of minutes; the Board acknowledged some missteps and oversight in this area. Public session minutes need to reflect whether or not non-public session minutes have been sealed.

MOTION: To adjourn at 7:57 PM.

MOTION: R. McDermott

SECOND: J. Ziolkowski

UNANIMOUS