

*Draft*

**PRESENT:** Larry M. Smith, Chairman; James E. Ziolkowski, Vice-Chairman; Richard P. McDermott, Selectman; Lori A. Ruest, Town Administrator; Susan H. Ayer, Secretary

**Call to Order:** 6:15 PM

**TOWN MODERATOR – DELIBERATIVE SESSION PREPARATION, SATURDAY, FEBRUARY 4, 2017:** Town Moderator J. P. Pontbriand met with the Selectmen to review the Town Warrant and proposed Budget in advance of the Deliberative Session. Articles most likely to generate questions were identified. There was a brief discussion about which Articles' wording can be amended. The Town Administrator will verify Article 7.

L. Smith said that Article 17 is "for the purpose of using the proposed new gymnasium as a community center," and will need to be explained at the Deliberative Session. There was a discussion of the purpose of the Article, and that the money would not be for building the gym, but only for its use as a community center. L. Smith gave the example that the money would not be for basketballs, but could be used if higher basketball rims were wanted for adult use. He said that the primary purpose of the money is intended for the use of the community.

J. Ziolkowski said that it is helpful to understand why the article was proposed. He said that he suggested this use of the funds because it was his opinion that they were meant to be used to benefit students, and that repurposing in this way makes it possible, indirectly, to still benefit them. Otherwise the money would go back to the General Fund.

In discussion, it was identified that if Article 17 does not pass, the money would remain in Undesignated Fund Balance and used to offset taxes. Article 17 reads in part, "Passage of this article is contingent upon the Hampton Falls School District's vote to build this structure."

If Article 18 does not pass, the annual Comcast franchise fees will be deposited as General Revenues.

The Selectmen reviewed the list of Articles to determine who would introduce each one. Other details of the Deliberative Session were briefly discussed.

J. Ziolkowski asked if it was necessary for the Selectmen to be present during the entire election process. There was a discussion on the topic, and it was noted that the Selectmen are considered election officials, responsible for the election site, while the Moderator is considered responsible for the election itself.

If on the ballot, J. P. Pontbriand said that Selectmen are considered election officials before candidates, and still have the duty and responsibility to be present. However, they cannot be involved in any tabulation or touch the ballots. As for being present in the hall, it was agreed that care should be taken not to obstruct the flow of voters or give any impression of electioneering.

**BUILDING INSPECTOR, CODE COMPLIANCE, HEALTH OFFICER – MONTHLY REPORT:** The Selectmen acknowledged the written report of the Building Inspector for December 13 through January 17, 2017. M. Sikorski reported that he had received a letter from an attorney representing the property owner at 51 Depot Road responding to code violations. M. Sikorski is gathering information for a response.

*Draft*

**ROAD AGENT – MONTHLY REPORT:** The Selectmen acknowledged receipt of the Road Agent’s report for December, 2016.

**NH DEPARTMENT OF TRANSPORTATION – HAMPTON FALLS-HAMPTON 13408B BRIDGE REPLACEMENT PROJECT SUSPENDED ON DECEMBER 23, 2016:** The Selectmen acknowledged receipt of a letter dated December 27, 2016, advising the Town Administrator that this project has been suspended by contractor R. S. Audley, Inc.

**HOUSEHOLD HAZARDOUS WASTE COLLECTION – TOWN OF HAMPTON GRANT APPLICATION (2018): HAMPTON FALLS INTEREST IN PARTICIPATING:** L. Smith said that the Town currently does not participate in any Hazardous Waste Collection program, however would like to investigate participating in the Town of Hampton’s grant application. After some discussion, the Town Administrator was asked to call and inquire about specifics.

**WINTER ROAD MAINTENANCE – MONTHLY REPORT:** J. Ziolkowski stepped down during the discussion of Winter Road Maintenance. The Selectmen acknowledged receipt of a Weather Works report covering September 2016 through January 8, 2017, showing snow events.

**ANNUAL REVIEW OF AGREEMENT (5. CONTRACT TERM):** L. Ruest reviewed the list of complaints received to date, mainly involving damage to mailboxes but also covering reports of slippery or impassable roads, lawn damage and other issues.

L. Smith said that a notice is sent out every year explaining the proper placement of mailboxes to avoid damage, to include what the Town is not liable for.

J. Ziolkowski said that his company (Environmental Landscape Management, ELM) will take responsibility for mailboxes that they strike. He added that they implement temporary repairs where responsibility is shown, but that often the mailboxes are knocked over, not by the plow but by the weight of the snow pushed against them. With regard to damage to grass, J. Ziolkowski said their best practice is to get snow entirely off the pavement, which means it will be pushed onto the Town’s right of way and sometimes onto grass. In the spring, ELM will repair any damage they have caused to structures and vegetation.

There was a discussion of salt usage. It is the Town’s policy that for ecological reasons, the minimum amount of salt is applied to the roads while still maintaining them in a safe and passable condition.

**FIRE CHIEF, AMBULANCE, EMERGENCY MANAGEMENT – MONTHLY REPORT:** The December, 2016 report of the Fire Chief was acknowledged by the Board.

Questioned about the status of drought conditions, J. Lord said that the drought is still considered severe, but not extreme. L. Smith asked that the Board be informed in the spring of the status so that notices can be posted for water conservation, if necessary.

**POLICE CHIEF, ANIMAL CONTROL – MONTHLY REPORT:** The Selectmen acknowledged receipt of the Police report for December, 2016.

*Draft*

**NH COASTAL RISK AND HAZARDS COMMISSION: PREPARING NH FOR PROJECTED STORM SURGE, SEA-LEVEL RISE, AND EXTREME PARTICIPATION – FINAL REPORT:**

An executive summary of the Commission’s findings was distributed to the Board. L. Ruest informed them that she has a copy of the full report in book form. L. Smith said he would like to have Paul Melanson come to address the Board about the findings; this will be put on a February agenda.

**FINANCIAL REPORTS: GENERAL FUND BALANCE \$3,423,385**

**ACCOUNTS PAYABLE/PAYROLL WARRANT(S)**

**MOTION:** To approve the following warrants as presented by the Bookkeeper and Treasurer:

Payroll check warrant	#368	\$1,000.02
Payroll check warrant	#369	\$15,500.99
Accounts payable warrant	#553	\$188.00
Accounts payable warrant	#554	\$98,888.24
Accounts payable warrant	#555	\$33,082.24
Treasurer’s Warrant	#2017-01	\$5,562.50

**MOTION:** R. McDermott

**SECOND:** J. Ziolkowski

**UNANIMOUS**

**TAX COLLECTOR REPORT – MS61 TREASURER’S REPORT BOOKKEEPER REPORTS – EXPENDITURES & REVENUES:** Reports for the month of December were acknowledged by the Board.

**SITE INSPECTION SERVICES, AVESTA MEADOWS ONE LP, 27 BROWN ROAD:** In accordance with the Three Party Agreement for Site Plan Inspection Services, notification has been received from MSC Engineers that additional site inspection services are required for the Avesta project.

**PROPOSED POLICY – USE OF TOWN PROPERTY:** Following up on discussions in December and January about use of the Town Common for wedding receptions, L. Smith said that no approval has yet been given to the couple who had asked permission for holding their wedding reception there, as there is no Town Policy in place. Noting that the Police Chief has expressed concerns about the idea because alcohol use is prohibited on Town land and this could be difficult to enforce at such a gathering, L. Smith said he would like the Board’s thoughts on forming a policy. The Board reviewed a sample policy and agreed to work with current rules and expand on them. For example, the bandstand is currently available for wedding ceremonies for a fee, using a Selectmen’s Permit. The consensus of the Board was to continue to allow use of the bandstand for wedding ceremonies and other events for a fee using a Selectmen’s Permit, but to disallow private parties from holding events on the Common, while continuing to allow its use by Town organizations and community groups. As the Recreation Commission oversees the parks, including the Common, it was agreed that L. Ruest will prepare a rough draft agreement for the Recreation Commission to work with and then return to the Selectmen for consideration.

**PROPERTY TAX REFUND, MAP 5, LOT 51:** The Selectmen have received a request from the Tax Collector to refund penalties to a taxpayer, because an attempt was made to pay on time using the Town’s online system and the system did not work properly.

*Draft*

**MOTION:** To refund penalties in the amount of \$55.52 for the parcel at Map 05, Lot 51- 05B for the year 2016, which were incurred due to the failure of the authorized system of payment.

**MOTION:** R. McDermott

**SECOND:** J. Ziolkowski

**UNANIMOUS**

**PROPOSED LOCAL HISTORIC DISTRICT (HERITAGE COMMISSION):** The Board has received a letter from Heritage Commission Chair Beverly Mutrie recommending that the Town explore the formation of a local historic district. B. Mutrie was present to discuss this with the Selectmen. L. Smith asked if the Town Hall and Museum were to be a historic district, if this would impact the Town's ability to maintain the buildings. Specifically, he questioned whether options for a new American Disabilities Act (ADA) compliant entry door to the Town Hall addition would be restricted. B. Mutrie said that the historic district commission would review any plans to see that improvements match the original building, but that the rules would only be as strict as the Town approves. She said that ADA compliance would take precedence over historic district rules.

Mary Ann Hill and David French of the Heritage Commission were also present and took part in the discussion. D. French pointed out work on the Unitarian Church, noting that some ADA guidelines were relaxed due to the historic nature of the church, and that they will do the best they can to comply while preserving the historic look of the façade. The difference between State versus National historic registries was noted; Town buildings would be on the State registry, while the Church is on the National registry.

B. Mutrie said that she is seeking the Board's input, and she would like to put the formation of a historic district on the Town Warrant in March of 2018. Once a historic district is established, the Town would be able to apply for Certified Local Government status with the NH Department of Historic Resources. If approved, the Town would then be eligible for funding from the federal government.

The Selectmen agreed they were all for the idea, but would like to take the matter under advisement.

In discussion it was identified that if this falls under land use statutes, the matter will need to be brought to the Planning Board for public hearing, and then recommended to be approved by the Selectmen for placement on a future Warrant.

Steps to naming a district and district commissioners will need to be followed; B. Mutrie will share information with L. Ruest.

The matter will be brought to a future meeting, after the Town Election, for discussion.

**PUBLIC COMMENT RELATING TO THIS MEETING'S AGENDA ITEMS:** B. Mutrie questioned whether current Town policies allow use of the Town Common by the Baptist church for weddings. It was confirmed that weddings, not receptions, are currently allowable in the bandstand upon approval of the Parks and Recreation Commission and a Selectmen's Permit.

**REVIEW AND APPROVAL OF PREVIOUS MINUTES: 1/4/2017 and 1/13/17:** Minutes of 1/13/2017 will be approved at a future meeting.

**MOTION:** To approve the minutes of January 4, 2017, as written.

*Draft*

**MOTION:** R. McDermott  
**SECOND:** J. Ziolkowski  
**UNANIMOUS**

**Motion to enter Nonpublic Session** was made by L. Smith, seconded by R. McDermott.

**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.*

XX 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.*

<b>Roll Call vote</b> to enter nonpublic session:	Richard P. McDermott, Selectman	Y
	Larry M. Smith, Chairman	Y
	James E. Ziolkowski, Vice Chairman	Y

**Entered nonpublic session** at 7:35 p.m.

**Motion to leave nonpublic session** and return to public session was made by L. Smith, seconded by J. Ziolkowski.

**Motion: PASSED.**

**Public session reconvened** at 7:46 p.m.

**MOTION:** To adjourn at 7:47 p.m.

**BOARD OF SELECTMEN  
January 18, 2017**

**6:15 PM  
TOWN HALL**

*Draft*

**MOTION:** R. McDermott  
**SECOND:** J. Ziolkowski  
**UNANIMOUS**