

*FINAL*

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

This meeting was recorded by Margaret Allen and by George Koch.

**REORGANIZATION OF THE BOARD OF SELECTMEN/COMMITTEE ASSIGNMENTS**

**MOTION:** To elect L. Smith as Chairman of the Board for the term ending in 2018.

**MOTION:** R. McDermott

**SECOND:** J. Ziolkowski

**UNANIMOUS**

**MOTION:** To elect R. McDermott as Vice Chairman of the Board for the term ending in 2018.

**MOTION:** L. Smith

**SECOND:** R. McDermott

**2 IN FAVOR, 1 ABSTENTION; PASSES**

**MOTION:** To elect R. McDermott as Representative to the Library Trustees.

**MOTION:** L. Smith

**SECOND:** J. Ziolkowski

**UNANIMOUS**

**MOTION:** To elect R. McDermott as Selectmen's Representative to the Planning Board.

**MOTION:** L. Smith

**SECOND:** J. Ziolkowski

**UNANIMOUS**

**MOTION:** To elect J. Ziolkowski as Selectmen's Representative to the School Board.

**MOTION:** L. Smith

**SECOND:** R. McDermott

**UNANIMOUS**

**MOTION:** To elect L. Smith as Selectmen's Representative to the Heritage Commission.

**MOTION:** R. McDermott

**SECOND:** J. Ziolkowski

**UNANIMOUS**

**MOTION:** To elect J. Ziolkowski as Selectmen's Representative to the Conservation Commission.

**MOTION:** L. Smith

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**SECOND:** R. McDermott  
**UNANIMOUS**

**MOTION:** To elect L. Smith to continue to serve as Selectmen’s Representative to the Town Improvement Committee and Recreation Commission.

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

**FINANCIAL REPORTS – GENERAL FUND BALANCE:****\$1,504,693.98**

**ACCOUNT PAYABLE / PAYROLL / TREASURER / TRUSTEES OF TRUST FUND WARRANTS:**

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

<u><b>Type</b></u>	<u><b>Number</b></u>	<u><b>Amount</b></u>
Accounts Payable	567	\$654,472.92
Accounts Payable	568	\$1,009.63
Accounts Payable	569	\$6,148.19
Accounts Payable	570	\$129,18
Accounts Payable	571	\$65,508.32
Accounts Payable	572	\$5,778.51
Payroll	375	\$3,085.21
Payroll	376	\$18,346.29
Payroll	377	Voided – see #378
Payroll	378	\$1,235.47
Payroll	379	\$14,032.08
Payroll	380	\$15,593.69
Payroll	381	30.93
Treasurer’s Warrant	2017-09	\$200.00
Treasurer’s Warrant	2017-10	\$415.02

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

**REFUND OF PROPERTY TAX INTEREST AND PENALTY (MAP 6, LOT 12):** The Chairman acknowledged a letter of recommendation of the Tax Collector, which explained that this property owner has consistently paid his taxes on time, but this year a glitch in the tax software resulted in his not receiving his tax bill or late notice.

**MOTION:** To refund the tax interest and penalty amount of \$19.29 for property at Map 6, Lot 12, on the recommendation of the Tax Collector.

*FINAL*

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

**HERITAGE COMMISSION – DRAFT HISTORIC DISTRICT ORDINANCE:** In response to the Heritage Commission’s request for input from the Board of Selectmen, the Selectmen reviewed the draft Historic District Ordinance created by the Heritage Commission, and discussed it briefly with Heritage Commission Chair Beverly Mutrie. The proposed historic district would be comprised of the Town Hall (1 Drinkwater Road), and the Historic Society Museum (45 Exeter Road.)

L. Smith brought attention to page 3, item B, Existing Buildings, and asked if the sentence reading, “Synthetic Materials shall not be used to cover or replace existing architectural features, unless approved by the Heritage Commission” could be changed to “Synthetic materials...*without consulting with* the Heritage Commission.”

After a brief discussion, in which B. Mutrie noted that the Historic District Commission would have the right to approve any changes, it was agreed that the sentence will be looked at. The next step is to present this to the Planning Board.

**2016 FINAL RATIO STUDY REPORT – DEPT. OF REVENUE ADMINISTRATION:** This report was reviewed by the Selectmen.

**2017 TOWN AND SCHOOLS ELECTION:** The Chairman acknowledged that there were many residents present to discuss this topic. Noting that there has been a lot of misinformation circulating, he read from a New Hampshire Municipal Association bulletin of March 17 which gave a recap of the events of the weather-related election postponements. L. Smith then said that he would like Town Moderator JP Pontbriand to speak on the topic of the election.

J. Ziolkowski said he had spent the previous day at the Statehouse and had information to share. The Chairman began with the Moderator.

JP Pontbriand read from a release he had prepared that includes information that has been requested by residents. He requested that this memo be posted on the Town website along with attachments to include the Application for Absentee Ballot, Instructions for Absentee Voters, a State of New Hampshire Absentee Ballot Return Form, and ballot tracking information. The Board approved this posting to the Town website.

The Moderator then read a memo he has prepared:

“I request that the Board of Selectmen deliver to town Counsel (Attorney Bart Mayer) a letter detailing the actions of various town officials on March 13 and March 14, and other actions relating to absentee ballots, with respect to the March 2017 elections, stating the concerns/allegations relating to any such activities, and asking for Bart Mayer’s findings and opinions as to (i) whether town officials engaged in voter suppression, (ii) whether any other election laws were violated, and (iii) irrespective of points “I” and “ii” – whether there is merit in applying to the Rockingham County Superior Court for a new election.

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I further request that the Board of Selectmen convene a public hearing for the purpose of (i) communicating with the public the actions of various town officials on March 13 and March 14, and other actions relating to absentee ballots, with respect to the March 2017 elections, (ii) sharing the findings and opinions of town Counsel (in response to the aforementioned letter), if such are available at the time of the hearing, and (iii) hearing public comment and testimony concerning the subject matter outlined in “i” and “ii.”

J. Ziolkowski questioned the Moderator on several points, including the reasons that three absentee ballots were rejected. Of the reasons given in his memo, JP Pontbriand said that there was one instance of each of the three reasons for rejection.

J. Ziolkowski objected to the letter the Moderator proposed to send to Town Counsel, and requested that he be allowed to read a prepared statement in conjunction with addressing the motion on the table from the March 22 meeting, in which he requested an investigation of potential violations.

J. Ziolkowski read a prepared statement. He concluded that an independent review of the election is needed because voters were disenfranchised. He shared that at the legislative committee hearing he attended in Concord there were many officials with concerns about the postponement of the election and the “ensuing chaos.” He then amended his prior motion:

**MOTION:** I, James Ziolkowski of the Hampton Falls Board of Selectmen make an amendment to my previous motion made on March 22, 2017, that the Town of Hampton Falls engage the services of an independent review firm to review the 2017 Election in its entirety. The review shall include but not be limited to analyzing the procedures, decisions, actions and conduct interviews with town and school officials, town employees and residents. Town Counsel shall work in conjunction with the independent review team when they request support. As a result of this review we will be open to accepting the recommendations and the BOS may further instruct Town Counsel to petition the court for a re-vote if appropriate.

**MOTION:** J. Ziolkowski

**SECOND:** L. Smith, stating “for discussion only.”

In discussion, several points were expressed:

- J. Ziolkowski said that in hindsight, he would have preferred the vote to have been held on Tuesday as scheduled. L. Smith said he would not, and that he stands by his original vote to postpone until Thursday as the real issue was public safety, given the forecast of heavy snow, high winds and potential power outages.
- The decision to postpone was made by the Moderator, but at the 9:30 am meeting on March 13, the Moderator did so after the Selectmen, Police Chief, Road Agent, Fire Chief’s representative and J. Ziolkowski as Winter Road Maintenance contractor, agreed that it was the right thing to do.
- J. Ziolkowski said he felt that all the controversial decisions and actions took place after the 9:30 meeting on March 13, at meetings where he was not in attendance.

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- The Secretary of State provided no recommendations on how to proceed before decisions were made on Monday, March 13.

J. Ziolkowski said that the Moderator's letter to Counsel proposed tonight was the same thing he is proposing but in a different manner. He said that in any case, the Board needs to move forward. L. Smith said he is in favor of forwarding JP Pontbriand's request to Town Counsel. J. Ziolkowski asked why he was not in favor of opening the investigation to an independent review, and L. Smith stated that this is because B. Mayer is the town's Counsel.

J. Ziolkowski said that the floor should now be opened to public comment. L. Smith said he would like to hold a public hearing on the election issues next week and invite public input at that time, not now.

The Chairman asked for a vote on the motion on the table.

**1 IN FAVOR, 2 OPPOSED; FAILED**

JP Pontbriand said that there were accusatory comments made by J. Ziolkowski about slander that he would like to be on the record.

**MOTION:** To proceed with forwarding the Moderator's questions to Town Counsel Bart Mayer as presented.

**MOTION:** L. Smith

**SECOND:** R. McDermott

J. Ziolkowski asked if this should be acted on at the public hearing on April 12. L. Smith said that he would like to act on it now, in order to have the reply available for the public hearing. L. Smith read the letter from the Moderator, which outlined allegations made and specific questions for Counsel regarding them.

J. Ziolkowski said he has more questions to add to the letter. He mentioned that he had not been called about the 2:00 meeting on Monday, March 13 although the Moderator had been. He also alleged that having two Selectmen participating in that meeting constituted a quorum and a 91A violation.

There was a discussion of what was discussed at the 12:00 and 2:00 meetings that day, that the 2:00 meeting was called because the Secretary of State was unavailable at 12:00, and that the option of reversing the decision to postpone the election was rejected as it would add to the confusion rather than reduce it. R. McDermott noted that J. Ziolkowski had received the same meeting notification that he and L. Smith had received, but had not been present at the 12:00 meeting.

The motion on the table was revised:

**MOTION:** To proceed with forwarding the Moderator's questions to Town Counsel Bart Mayer tomorrow morning (April 6) with the added comment that further questions will be forwarded late in the day, and that Bart Mayer's response is requested in advance of a public hearing to be held on April 12.

**MOTION:** L. Smith

**SECOND:** R. McDermott

*FINAL*

**2 IN FAVOR, 1 OPPOSED; PASSED**

**MOTION:** To schedule a public hearing on April 12 at 6:30 PM, at the LAS gymnasium if available, or at the Town Hall if the gymnasium is not available.

**MOTION:** L. Smith

**SECOND:** R. McDermott

**UNANIMOUS**

The Town Administrator will send the letter to Counsel and copy to the Selectmen.

J. Ziolkowski requested to be copied on all email correspondence and documents from or to Town Counsel. He also asked to be included on any calls set up between now and the public hearing between Town Counsel, the Town Administrator and Selectmen.

Greg Parish, Towle Farm Road, asked the Chairman to reconsider his decision to not allow public comment on the election at this meeting. J. Ziolkowski said that it has always been the policy of the Board to allow public comment on any item on the agenda. After some discussion, L. Smith said he would allow comments, but limit speakers to 3 minutes each.

Comments included:

- G. Parish, Towle Farm Road, said he felt that as both R. McDermott and L. Smith were present at the 2:00 PM meeting on March 13, this constituted a quorum of the Board and minutes should have been kept.
- G. Parish, Towle Farm Road, said that as L. Smith was on the ballot, he should have recused himself from the discussion on moving absentee balloting.
- David Allen, Hillcrest Drive, said he found it ironic that the Town encouraged people to come in to vote on Tuesday while the Police Chief said to stay off the road. He also wanted to know how many absentee ballots were submitted on Tuesday and if the voting at the Public Safety Building (PSB) was posted in the same manner as the election postponement.
- Brian O'Hara, 17 River Road, asked if the Board thought it was enough to put a placard on the door as notification, and not to notify the entire population of Hampton Falls.
- Moderator JP Pontbriand asked to clarify the issue of the absentee balloting. He said that at the time of the decision to postpone the election, the decision was also made to open the Town Clerk's office on Wednesday in part so that absentee ballots could be received. At the teleconference later that day, the Governor commented that someone should be available at the place of voting on Tuesday in case anyone showed up. This contingency had not been planned on, and discussion resulted in trying to address that specific contingency by making absentee ballots available at the PSB. He added that no notices are required for absentee balloting such as there are with voting, and all procedures that would have been followed at the Town Hall were followed at the PSB. The Moderator said that while in retrospect better efforts at notification should have been made, the idea was not to encourage people to come in, only to prepare for those that might show up. He said that a voter is not allowed to vote absentee if he/she is able to come in on election day.

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- Tim Samway, Old Stage Road, commented that over 50% of New Hampshire towns postponed voting, that this was not done on a whim. He also said that it is clear in the RSA that the Moderator has exclusive authority over elections; all decisions made later in the day did not take away the decision of the Moderator. He said the Town Clerk has the responsibility and decision for moving her office, and that having the Assistant Clerk present to take ballots was proper. He said that the RSAs say that if balloting needs to be moved or postponed, all notification requirements are met.
- L. Smith said that he had gotten voter totals for the past 5 years from the Town Clerk. In 2013 there were 799 votes cast. 2014: 999; 2015:949; 2016:999, and this year, 1026.
- George Koch, Drinkwater Road, said that this side of town had no power on Tuesday beginning around 10:00 am. J. Ziolkowski said it was not out until 5:00 pm. G. Koch went on to say that there was a lot of activity all day at the PSB and it has a generator, so there were reasons why it was chosen as an alternative when Town Hall was closed.
- Selectman J. Ziolkowski asked the Moderator if it is correct that the Secretary of State's office will not release the names of those who vote absentee. JP Pontbriand said this is correct, that 657:15 says that this list shall not be available for public inspection at any time.
- A resident commented that notification on the Town Hall door did not make sense because no one would come to the door if the Town Hall was closed. J. Ziolkowski, as Winter Road Maintenance Contractor, said the parking lot to the Town Hall was not maintained on a regular basis during the storm.
- Rita Nydam, Victoria Drive, said she thinks Selectman Ziolkowski and younger people are treated unfairly in town. She said she thinks that election day was postponed because if it was held during the storm, older residents would not come out and the school bond would have won. She said that she feels that the argument that it was a public safety issue is dishonest, that Hampton held their election that day.
- Selectman L. Smith noted that he has been a vocal supporter of the school bonds for 5 years, and pledged funds to the school's fundraiser hoping to get the bond article passed.
- Ed Beattie, Drinkwater Road, said that in his view this is not about the Selectmen or the School, but that the point is people did not get the chance to vote. He said his concern comes from lack of communication, and that the School Board was not notified that the polling place had moved.
- Mark Lane, School Board Chairman, said that the Moderator did contact him about the election day being changed and that he had suggested not moving it to Friday. He said he is not discouraged, but feels that the bond issue is making progress, as it received 56% of the vote this year. He agreed with E. Beattie that communication could have been better, but also commented that the School Board and Selectmen have held joint meetings in the past and should continue to do so.
- Larry Knowles of Marsh Lane asked J. Ziolkowski what the reason for a new election is, if not to get Todd Santora elected as Selectman. In answer to J. Ziolkowski's reply that he feels the absentee balloting process was compromised and that there was voter suppression, L. Knowles asked if allowing the vote to take place on Tuesday would not have constituted voter suppression, because people would have been unable to come out to vote. L. Knowles added that to say the vote was not run properly was to say that his wife, Town Clerk Holly Knowles, did not run the vote properly, when in fact she has the highest integrity. He added that the Town Clerk was in her office all day Wednesday, March 15 until 5:00 pm.

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- L. Knowles asked if there was a new election, if this would also cause the other three towns that voted for the Winnacunnet High School budget to also have to vote again, and if so, would Hampton Falls be charged for the cost of those towns' elections.
- Tony Franciosa of Wadleigh Lane, referring to the vote totals from past years L. Smith had shared, asked if absentee ballot numbers were available as well. The Moderator said he would look up this information.
- Shelley Parish, Towle Farm Road, said that she runs the Facebook page for OneHamptonFalls.org, formerly renovatinglas.org, and that L. Smith's statement about there being a "cheat sheet" for the election available there was untrue, that it was simply a sample ballot. L. Smith answered that he only intended to point out that information about absentee ballots being available on Tuesday was shared by One HamptonFalls. A copy of the email was provided to S. Parish.

J. Ziolkowski asked JP Pontbriand to speak to what he called irregularities at the Town Clerk's office regarding absentee ballots. The Moderator replied that some questions and allegations of voter suppression have come to his attention, and he outlined two instances:

1. An individual was waiting on line to deliver a ballot for his wife, which was sealed and included all the appropriate documents. As the line was slow, he handed the ballot to another resident on line so he could leave. After some discussion, and because there were witnesses, the Clerk did accept this ballot. The Moderator commented that while the ballot delivery process was not properly executed, the ballot was accepted, and this is one question he has for Town Counsel.
2. In another instance, an individual came to Town Hall to deliver the ballot of a spouse. As no one was immediately available at the Clerk's window, this individual gave the ballot to another person in the Town Hall, who then gave the ballot to the Clerk. The resident was not informed that it could not be accepted without the return form; this required paperwork was not there and the ballot was therefore rejected.

JP Pontbriand said that he wants everyone's vote to count but that he also wants to follow the law. He said the law is clear that the signature on the ballot needs to match that of the voter, and also that another person can't apply on a voter's behalf.

G. Parish thanked L. Smith for his support of the School and for opening up this meeting to the public.

In closing, L. Smith said that there was no intent at any time to suppress voting, that the opposite was true. He said that safety was the overriding issue and he still believed the correct decisions were made. As to moving absentee balloting to the PSB, he said that was only done at the suggestion of the Governor and that he was told that a notice on the door was sufficient notification. He added that in retrospect, some things could have been done better but that this had never happened before and the Town was trying to do the right thing to be sure as many people as possible had the opportunity to vote.

The Chairman closed the meeting at this time to Public Comment. He called a five minute break.

**PERSONNEL POLICY AMENDMENT**

The Chairman said this item will be postponed until the next meeting, as a chart in the policy needs to be modified.



*FINAL*

**MOWING AGREEMENTS EXPIRING**

The Board reviewed the agreement with Going Green for mowing of the Government Buildings and Small Commons.

**MOTION:** To enter into a one year agreement with Going Green Seacoast Landscaping, LLC, for mowing of Government Buildings and Small Commons at the same cost as last year.

**MOTION:** L. Smith

**SECOND:** J. Ziolkowski

**UNANIMOUS**

The Board then reviewed the contract for mowing of Governor Weare Park and the Town (Weare) Common with Environmental Landscape Management (ELM). J. Ziolkowski recused himself as a Selectman from this discussion to represent ELM.

J. Ziolkowski said that his request for a 3% increase is standard, and wanted to know if the budget had been increased. L. Ruest said that it had not been increased, but level-funded. J. Ziolkowski said that his contract would then remain the same as last year.

L. Smith asked that Item #12 on page 11 be eliminated as it is identical to #3 on page 10.

J. Ziolkowski asked that he have authority to communicate with groups using the athletic fields when they are not usable and to have the discretion to close the fields. L. Smith agreed, and it was noted that the Parks and Recreation Commission is responsible for the fields, but that they rely on J. Ziolkowski to let them know that they are dry enough to use. It was agreed that J. Ziolkowski will be the arbiter of Governor Weare Park, to decide when it is usable or unusable from a field condition standpoint. J. Ziolkowski said that a sign is needed to indicate when the fields are closed, as the current sign only gives the dates and hours they are normally open. It was agreed that J. Ziolkowski will look into a sign and the cost, which will be paid from Recreation funds.

J. Ziolkowski reported that the Town is working together with other towns to share fields and rotate use; this year Hampton lacrosse teams will use Governor Weare Park fields while theirs are closed.

**MOTION:** To renew the mowing agreement with Environmental Landscape Management, LLC for the coming year at the same cost as the last year's agreement.

**MOTION:** L. Smith

**SECOND:** R. McDermott

**UNANIMOUS**

There was a discussion of string trimming under benches at the Common. J. Ziolkowski suggested using pavers under the benches. L. Smith will bring up at the Town Improvement Committee meeting and cost of this option will be explored. In the meantime, string trimming will be done.

J. Ziolkowski resumed his seat as Selectman.

*FINAL*

**BOSTON POST CANE CABINET UPDATE:** The Town has already approved payment of half the cost of this cabinet, or \$687.50. The construction of the display case was due to have been completed by the end of March.

**RENEWAL OF LEASE WITH HAMPTON FALLS HISTORICAL SOCIETY (45 EXETER ROAD):** The Board discussed this annual lease with Beverly Mutrie of the Historical Society. B. Mutrie pointed out minor changes she would like to make. First, she asked to add the word “liability to item #5 on page two, so that the third sentence reads, “Said Policy shall include provision that the *liability* terms may not be changed....” The Board agreed to this clarification.

B. Mutrie then asked about the last line of item #11, on page 3, which relates to maintenance and cleaning of the flower beds. It was noted that spring and fall cleaning are covered in the Town’s operating budget, but that when the maintenance person came to do the work, volunteers were already doing the work. L. Smith said that the contractor would do the spring and fall cleaning and mulching, and the volunteers would do the rest.

There was a brief discussion of whether a warrant article should be pursued for an extended lease term, rather than the one year lease that can be handled by the Selectmen.

**REMOVAL OF WINTER ROAD MAINTENANCE EQUIPMENT BY APRIL 15, 2017:** J. Ziolkowski recused himself from this discussion, and speaking for ELM, said this date for removal of April 15 is acknowledged, dependent on no more winter weather. It was agreed that, if possible, the equipment would be moved to one side, out of the way of the dumpster for the Earth Day trash pickup which is to be delivered on April 13.

**INPUT FROM DEPARTMENTS RE: REPAIRS/DAMAGES BY APRIL 19, 2017:** It was agreed to push this date ahead to May 17 as time is needed to assess damages incurred during the 2016-2017 agreement term.

J. Ziolkowski resumed his seat as Selectman.

**APPOINTMENT OF ALTERNATE MEMBER TO CONSERVATION COMMISSION:** The Conservation Commission has recommended that Bethany McAvoy be appointed as an Alternate Member to that committee.

**MOTION:** To appoint Bethany McAvoy to the Conservation Commission as an Alternate Member.

**MOTION:** R. McDermott

**SECOND:** J. Ziolkowski

**UNANIMOUS**

**2016 ANNUAL REPORT ON BRIMMER LANE WELL FIELD:** In this report by NextEra Seabrook, the Town was informed that during 2016 no water was drawn from the Brimmer Lane well field and that no equipment upgrades were performed.

*FINAL*

**CERTIFICATION OF FINAL TAX BILL MAILING DATE:** The Selectmen acknowledged receipt of a copy of this form returned to the Board of Tax and Land Appeals by the Tax Collector.

**RESIDENT REQUEST TO USE TOWN HALL PARKING LOT JULY 15, 2017:** This resident will return on April 19 to discuss his request.

**FEMA RULE CHANGE FOR DISASTER REIMBURSEMENTS:** The Selectmen reviewed a change proposed by FEMA on how future disaster funding will be determined and reimbursement made. The new rules would be based on a deductible model. L. Smith said he would like to respond to this proposal, as it represents a shift of the cost burden onto property tax payers. This matter will be part of the April 19 agenda.

**SELECTMEN'S PERMIT APPLICATION – ARTS ON THE COMMON:** This item will be addressed at the April 19 meeting.

**SELECTMEN REPRESENTATIVE REPORTS**

**SELECTMAN MCDERMOTT – LIBRARY:** R. McDermott reported that there had been an extensive water leak into the children's area of the library. Insurance will cover the damage, as the roof is new.

**SELECTMAN ZIOLKOWSKI - PLANNING BOARD, CONSERVATION COMMISSION:** J. Ziolkowski reported that the Conservation Commission has set its Earth Day trash pickup for April 15 from 8 am until 2 pm, with a rain date of April 22.

The Planning Board Chairman is working on committee assignments and would like to establish a subcommittee to look into the purchase of fire trucks. Planning Board Chairman Todd Santora was present and said that if such a committee was started by the Fire Chief, he felt that someone from the Capital Improvement Plan Committee should be involved.

T. Santora said the Planning Board was exploring another subcommittee which would require coordination with the Board of Selectmen. This Committee would study ways to diversify the tax base, specifically to look into the costs and benefits of bringing sewer service to the Route 1 Business District. Discussion took place on the topic of linking with Seabrook's sewer lines. The Board expressed their support of a Planning Board committee to study the topic.

**SELECTMAN SMITH - SCHOOL BOARD, RECREATION COMM., HERITAGE COMM., TOWN IMPROVEMENT COMM.:** L. Smith reported that the School Board discussed adding a line item to their default budget for installation of mobile classrooms. The School Board also discussed the practice of sending snow day assignments home when a school closing is anticipated. The Heritage Commission discussed the local historic district and historic house markers, which they would like to add in time for the Tricentennial celebration.

The Town Improvement Committee (TIC) is still looking at the proposed driveway to access a new parking area at Governor Weare Park, as well as the proposed new doorway to the Town Hall. L. Smith said there was discussion about the drip edge at the Historical Society Museum; B. Mutrie said another slate has come off the roof and there is a bad gutter over the portico. Three estimates for the painting and repair of the portico will be reviewed at the next TIC meeting.

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Also at the TIC meeting, a cost estimate is being sought for a floating dock at the Depot, and an electric winder for the Town clock was priced at \$5,000.

**NHDES MAJOR IMPACT WETLAND PERMIT APPLICATION – 41 LAFAYETTE ROAD:** L. Ruest noted that this application is part of the process for a new business proposed on Route 1. The Board of Selectmen has the opportunity to comment.

**ROADSIDE BRUSH AS RESULT OF BLIZZARD:** L. Ruest reported that the Road Agent will submit a proposal for clearing this brush. Assistance from the County Correctional workers is possible the week of April 24. The proposal will come to the Board at the April 19 meeting. L. Smith noted that the work crew would only drag the brush to the side of the road, and a chipper will be needed to dispose of it. J. Ziolkowski suggested hiring a tree company with crew and chipper.

**PUBLIC COMMENT RELATING TO THIS MEETING’S AGENDA ITEMS:** T. Santora asked if the Historic District draft ordinance will be coming to the Planning Board for review, and L. Smith said it will.

B. Mutrie suggested that there should be a sign board by the Town Hall that can be read without having to get out of the car. L. Smith said she should submit her suggestions to the Board. B. Mutrie also suggested that the Town Hall phone messages should be changed when the Town Hall will be closed, to help get the information to the public.

G. Koch thanked the Board members and others involved in the election process, saying they did a great job with short notice and an unprecedented event. B. Mutrie concurred.

**REVIEW AND APPROVAL OF PREVIOUS MINUTES: 3/22/2017:** JP Pontbriand brought attention to the second to last paragraph on page 3, first sentence, and said that he did not intend to give anyone the impression he was not involved in the decision to accept absentee ballots on Tuesday, March 14 at the PSB. His name will be struck from that sentence.

The Moderator further asked that the last sentence of the second paragraph on page 4, “He said that beyond that he was not informed.” be struck as well, as he and Mark Lane had had phone conversations.

On page 4, 8<sup>th</sup> paragraph, JP Pontbriand asked about the second sentence, “L. Smith said that no one person made the decision...” It was determined that this referred to the decision to move the absentee balloting to the PSB, not the decision to move the voting day to Thursday. The first sentence in that paragraph will be amended to read, “Further questions were posed about who made the decision to move the absentee balloting.”

J. Ziolkowski asked that the second to last paragraph on page 3, second sentence, be amended to read, “The Vice Chairman said that he had been notified about the noon conference with the ~~Governor~~ **Secretary of State**, but did not attend...”

**MOTION:** To approve the minutes of the March 22, 2017 meeting as amended.

*FINAL*

**MOTION:** L. Smith  
**SECOND:** R. McDermott  
**UNANIMOUS**

**MOTION: To enter Nonpublic Session** made by L. Smith seconded by R. McDermott.  
**Specific Statutory Reason** cited as foundation for the nonpublic session:

XX 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.*

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.*

<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 9:39 pm.

**Public session reconvened** at 9:50 pm.

**MOTION:** To approve as amended and seal the minutes of the March 30, 2017 nonpublic session.

Motion made by R. McDermott, seconded by J. Ziolkowski because it is determined that divulgence of this information likely would

- X Affect adversely the reputation of any person other than a member of this board
- Render a proposed action ineffective
- Pertains to preparation or carrying out of actions regarding terrorism

<b>Roll Call Vote to seal minutes:</b>	Richard P. McDermott, Selectman	Y
	Larry M. Smith, Chairman	Y
	James E. Ziolkowski, Vice Chairman	Y

**Motion: PASSED.**

**MOTION:** To seal email correspondence from Counsel attached to the March 30 non-public minutes.

**MOTION:** L. Smith  
**SECOND:** R. McDermott  
**UNANIMOUS**

**MOTION:** To adjourn at 9:55 PM

**BOARD OF SELECTMEN**  
**April 5, 2017**

**6:30 PM**  
**TOWN HALL**

*FINAL*

**MOTION:** L. Smith  
**SECOND:** R. McDermott  
**UNANIMOUS**