

Draft

PRESENT: L. M. Smith, Chairman; J. E. Ziolkowski, Selectman; L. A. Ruest, Town Administrator; H. B. Fazzino, Secretary.

ABSENT: R. P. McDermott, Vice Chairman.

AVESTA INDEMNIFICATION AGREEMENT – BROWN ROAD

This matter was taken out of order to accommodate the Avesta representatives present at this meeting to continue discussion from September 20, 2017. Tyler Norod, Avesta Development Officer, referred the Board to a letter dated October 3, 2017 from TFMoran, Inc., the site inspection firm representing the Town of Hampton Falls, reporting its findings from an examination of Brown Road and the culvert with respect to damages resulting from the development of the senior housing project at 27 Brown Road.

A previous inspection of Brown Road that included representatives of Avesta and the Road Agent resulted in a quote from Bell & Flynn, LLC, dated July 18, 2017; it outlined the area involved as 800 linear feet by 20 feet at a cost of \$10,000. Brad Jones, Jones & Beach, LLC, representing Avesta, reported that the road length damaged by Avesta is 220 feet.

Todd Rothstein, Avesta General Contractor, said that the intent tonight was to identify the damage(s) resulting from the construction of Building A only (Phase 1), and to identify and resolve the costs associated with damages. Avesta Representatives indicated that it would be preferable put the necessary financial obligation in an escrow account with the Town for the paving work, and that Avesta finds that the culvert damage was not a result of the development of the site and/or construction of Building A. L.M. Smith, reported that it was his understanding that there would be no action on road paving repairs until the entire project was completed and that the culvert was priority. T. Norod proposed that Avesta repair 220 linear feet by 20 feet of pavement; an area identified as a section of Brown Road beginning at the entrance to the new development to an area of a metal gate fronting 20 Brown Road.

L.M. Smith then discussed the two different prices relating to needs for the culvert. J.E. Ziolkowski raised the issue of whether the Town has a certain amount of shared responsibility for the culvert. B. Jones stated that the plan is to add a top coat to the pavement only. T. Rothstein plans to add crushed gravel to the shoulder, but that the Town is responsible for the culvert. He described the dome shape to the culvert, and that it did not seem to be in disrepair. D. Robinson, Road Agent, stated that the culvert is not being held in place.

Discussion took place with regard to the terms of the Indemnification Agreement and the options available to the Town. Avesta will submit written proposal, outlining its position for consideration of the Board to include estimates and/or costs associated with damages resulting from this development. The Board requested that this letter be forwarded to Town Counsel for review in conjunction with the Indemnification Agreement.

MOTION: To forward an updated quote from Bell & Flynn, and a written proposal from Avesta to Town Counsel to compare the proposal against the terms of the indemnification agreement.

**MOTION: L.M. SMITH
SECOND: J.E. ZIOLKOWSKI
UNANIMOUS**

Draft

GRANITE HILL AGREEMENTS: L.A. Ruest reported that revaluation agreements were received, for review by Town Counsel and the Department of Revenue Administration in advance of signature.

MOTION: To direct the Town Administrator to bring the two agreements to the next meeting for consideration following DRA review.

**MOTION: L.M. SMITH
SECOND: J.E. ZIOLKOWSKI
UNANIMOUS**

INTERSECTION OF SANBORN ROAD AND KING STREET

B. Jones, Town engineer from Jones & Beach, speaking for the Town, reported that there is a pin approximately 10 paces from the corner of Sanborn Road and King Street. The 6' offsets are marked, but never had a pin. J.E. Ziolkowski requested another stake be placed on Sanborn. B. Jones established the cost of \$250 to set a pin at the corner.

MOTION: To authorize Jones & Beach Engineers to set a pin/monument at the corner of Sanborn Road and King Street at a cost of \$250.00.

**MOTION: L.M. SMITH
SECOND: J.E. ZIOLKOWSKI
UNANIMOUS**

GENERAL FUND BALANCE \$1,964,183.55

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

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

Bookkeeper	Payroll Warrant #402	\$ 19,648.37
Bookkeeper	Payroll Warrant #403	\$ 15,287.13
Bookkeeper	Accounts Payable Warrant #594	\$172,559.15
Bookkeeper	Accounts Payable Warrant #596	\$ 5,160.84
Treasurer	Check Warrant Report 2017-25 #	\$ 6,542.00

**MOTION: J.E. ZIOLKOWSKI
SECOND: L.M. SMITH
UNANIMOUS**

TOWN & SCHOOL REPORTS BOOK (2017) – AWARD BID

TOWN ADMINISTRATOR reported that Staples has not responded to a request for a quote. The existing vendor from the last several years will be awarded the bid.

MOTION: To award the bid to SelectPrint Solutions for 140 books at a cost of \$1,357.20.

Draft

**MOTION: L.M. SMITH
SECOND: J.E. ZIOLKOWSKI
UNANIMOUS**

ASSESSMENT REVALUATION AGREEMENTS – REVISED PER TOWN COUNSEL were presented to the Board for signatures.

APPLICATION FOR GROUNDWATER RECLASSIFICATION – TOWN OF SEABROOK, NH was acknowledged by the Board.

POLICY REGARDING LEGAL OPINIONS - AMENDMENT

The current policy, effective June, 2016, was presented to the Board. The proposed change authorizes the Town Administrator and Department Heads to make inquiries of the NH Municipal Association without consulting with or receiving authorization from any member of the Board of Selectmen.

MOTION: To permit the Town Administrator and Department Heads to make inquiries of the NH Municipal Association without consulting with or receiving authorization from any member of the Board of Selectmen.

Revise paragraph five to read: No employee of the town shall be permitted to solicit legal advice of any such attorney by telephone unless the Chairman (first preference) or other member(s) of the Board of Selectmen ~~participates in~~ **authorizes** the call.

Add paragraph seven to read: **The Town Administrator or Department Heads shall be permitted to make inquiries to the NH Municipal Association without consulting with or receiving authorization from any member of the Board of Selectmen.**

**MOTION: L.M. SMITH
SECOND: J.E. ZIOLKOWSKI
UNANIMOUS**

PROPANE TANKS FOR TOWN HALL AND PUBLIC SAFETY BUILDING

D. Robinson submitted a proposal for burying two propane tanks. The new tanks will be owned and provided by Dead River Company. Project includes re-piping, preparing the site including the perennial garden and placement of each tank.

MOTION: To approve the bid by Dead River to install (2) tanks for the purpose of bringing both tanks up to code (\$800), and accepting the bid for \$2,250 for excavation and use of materials.

**MOTION: L.M. SMITH
SECOND: J.E. ZIOLKOWSKI
UNANIMOUS**

**STOP SIGN ORDINANCE AMENDMENT (FIRST READING)
PUBLIC HEARING WEDNESDAY, OCTOBER 18, 2017, 6:30 P.M.**

Draft

The Town is planning on adding two stop signs at King Street and Sanborn Road. L.A. Ruest recited the stop sign ordinance amendment, with a public hearing scheduled for October 18, 2017.

J.E. Ziolkowski and Chief Robbie Dirsa placed two stakes where stop signs will go. Two birch clump trees (\$185 each) to be part of the restitution for the corner of King Street and Sanborn Road. Discussed boulders at the corner of the property, rather than resetting the large boulder. J.E. Ziolkowski proposes to assist the homeowner with planting, on his own time. Town Administrator to draft a letter to the homeowner confirming the conclusion of the matter, for the homeowner's signature. Additional gravel will be needed from the pavement to the stop sign post. New stop sign bars are planned. Town Administrator requested photos for the property file.

MOTION: To authorize the Road Agent to order two smaller stop signs, posts and hardware as required.

**MOTION: L.M. SMITH
SECOND: J.E. ZIOLKOWSKI
UNANIMOUS**

WOODLAWN ROAD DRAINAGE IMPROVEMENTS The proposal is to install a catch basin, 12" ABS pipe, backfill and paving for \$5,375.00. The proposal was deferred to the Department Head Meeting on October 18, 2017.

SELECTMEN'S PERMIT APPLICATION – LOCO CYCLING, INC. – SPECIAL EVENT
The Road Race is not using Municipal lands. No action needed.

BROWN ROAD: J.E. Ziolkowski reports that the side of the road where the swamp is located near the Avesta property has cones. D. Robinson reports that culvert extend 5' further into the shoulder from the edge of the road. The shoulder is in need of additional gravel and headwall in this area.

BUDGET WORK SESSIONS OCTOBER 24 AND OCTOBER 26

L.A. Ruest stated that the budget will be ready to review at the above dates at 9:30 a.m.

VOLUNTEER APPLICATION – PARKS AND RECREATION COMMISSION MEMBER

MOTION: To appoint Phil Chura to Parks & Recreation, and Heritage Commission.

**MOTION: L.M. SMITH
SECOND: J.E. ZIOLKOWSKI
UNANIMOUS**

SELECTMEN REPRESENTOWN ADMINISTRATOR TIVE REPORTS – *BRIEF HIGHLIGHTS ONLY*

Selectman Smith - Recreation Comm., Heritage Comm., Town Improvement Comm.

No updates to report.

Draft

Selectman Ziolkowski - School Board, Conservation Commission

No updates to report.

COMCAST letter of September 22, 2017 announced that ESPN Classic will not be available after November 7, 2017. Additional services from a variety of channels will no longer be available.

PUBLIC COMMENT: Referring to the Avesta Development, Dick Robinson of 20 Brown Road: confirmed that all road work completed by private individuals must be approved in advance by the Town.

Hearing no further comments, L.M. Smith closed the Public Comment Period.

REVIEW AND APPROVAL OF PREVIOUS MINUTES: 9/19/2017, 9/20/2017, 9/21/2017

MOTION: To approve the 9/19/17 minutes as written.

**MOTION: L.M. SMITH
SECOND: J.E. ZIOLKOWSKI
UNANIMOUS**

MOTION: To approve 9/20/17 minutes as written.

**MOTION: L.M. SMITH
SECOND: J.E. ZIOLKOWSKI
UNANIMOUS**

MOTION: To approve 9/21/17 minutes as amended.

Revise MOTION to read: To encumber expenses of \$5,000 for the Tricentennial 2018 Budget to be used for updating the Town history.

Replace MOTION to read: To encumber expenses of \$5,000 for the Tricentennial 2018 budget to be used for updating the Town history.

**MOTION: L.M. SMITH
SECOND: J.E. ZIOLKOWSKI
UNANIMOUS**

ADJOURN

MOTION: To adjourn the meeting at 7:45 p.m.

**MOTION: L.M. SMITH
SECOND: J.E. ZIOLKOWSKI
UNANIMOUS**