

**BOARD OF SELECTMEN
Town of Hampton Falls**

**April 4, 2007
Town Hall**

PRESENT: S. C. Volpone, Jr., Chairman; T. C. Tocci, S. C. Hanson, Selectmen;
E. N. Small, Town Administrator; L. A. Ruest, Administrative Assistant

STARVISH LANE – TOWN ENGINEER BRAD JONES / JOHN KREBS, TURNER PORTER’S REPRESENTATIVE: B. Jones of Jones and Beach Engineers and John Krebs were present seeking approval of the Board to release Starvish Lane from the maintenance phase. B. Jones referred the Board to his final inspection report on Starvish Lane and noted that four driveway culverts do not have proper headwalls. The developer has indicated that he doesn’t feel correction of the driveway culvert headwalls is his responsibility as they were constructed after the sale of the lot. In the past, the Town has experienced this situation with properties on Linden Road. Letters were sent to property owners to correct certain situations in accordance with Jones and Beach Engineers’ final inspection letter.

E. N. Small reported that the Town is trying to correct these types of issues from happening by way of a revised driveway permit application (to be discussed later in this meeting). The proposed requirements for driveway permit will be addressed by both the Road Agent who approves the driveway permit and the Building Inspector who issues the Certificate of Occupancy. T. C. Tocci suggested that the Planning Board require headwalls on subdivision plans. B. Jones noted that there is no note on the approved subdivision plan for Starvish Lane requiring headwalls and also that the Town’s ordinances do not address driveway culverts, and other items placed in the Town right of way, at present.

The Board agreed to notify the homeowners of the need to bring their driveway culverts into conformance and release Starvish Lane from the maintenance phase.

MOTION: To release Starvish Lane from the two-year maintenance phase based on the request and recommendation of Jones and Beach Engineers dated March 12, 2007.

MOTION: T. C. TOCCI
SECOND: S. C. HANSON
UNANIMOUS

The Board signed approval to pay Jones and Beach Engineers’ invoice for this inspection.

ROAD AGENT:

MONTHLY REPORT:

PLANS FOR WORKING ON ROAD SHOULDERS IN 2007: R. B. Merrill, Jr. reported that work will begin on road shoulders once the snow melts. T. C. Tocci requested all roads be reviewed.

MARTHA’S COURT: R. B. Merrill, Jr. inspected Martha’s Court and found sections of a portion of the sides of this road that need improvement due to erosion. This work is planned to take place in the summer.

ROAD CONSTRUCTION 2007: Road work funds are available through encumbered warrant articles. Plans for 2007 include Parsonage, Taylor River and Meadow (reference Jones and Beach Engineers letter of 11/9/06). The Brown Road culvert work is also planned for this summer. These projects will be sent out to bid.

FROST BAN ORDINANCE & REQUEST FOR HAULING CONCRETE FOR FOUNDATION ON MARSTON ROAD: R. B. Merrill, Jr. reported that the roads remain posted for the frost ban. A request for delivery of concrete to Marston Road has been denied. R. B. Merrill, Jr. will let E. N. Small know when the frost ban is lifted.

EAST ROAD: Discussion continued from last meeting with regard to the salting of the unpaved portion of East Road to the emergency access gate at Route 95. E. N. Small stated that the only section to be salted for emergency purposes should be the paved section.

C. Merrill stated that if the town is to salt the emergency access portion of East Road then the Town will salt the entire road through. He restated that he feels this is harassment toward him. A review of the matter again took place. S. C. Volpone, Jr. stated that the Board is looking forward and not reliving the past. Suggestion was made to use sand instead of salt, when needed for emergency purposes. E. N. Small reported that there is legislation that the Board can adopt to allow the Town to maintain the emergency access way. It was noted that the Town has an obligation to provide emergency services to Route 95 and that this emergency access is utilized by local emergency services, state emergency services and other area town emergency services. E. N. Small will provide the Board with a copy of the RSA for their review and consideration to adopt. This will then resolve conflict with the maintenance of Class VI roads. This matter will be added to the next agenda.

C. Merrill stated that he signed an agreement with the Town and that he has been maintaining the road for years. He stated that he feels he should be compensated for the years he maintained the road now that it has been serviced for emergency purposes. He added that he feels the road was not maintained until the end of January 2007 and feels it was done out of spite and harassment toward him. He added that he is looking for an apology. S. C. Volpone, Jr. restated that this matter will be reviewed for next meeting.

C. Merrill asked for answers to the inquiries he submitted and noted that he plans to keep documentation because he is sick of being harassed. E. N. Small informed the Board that the most recent request consists of 24 questions. Some questions pertain to records that can be made available for review.

DRIVEWAY PERMIT APPLICATION – ROAD AGENT AND BUILDING INSPECTOR: L. A. Ruest reviewed the proposed amendments to the Driveway Permit application. The amendments include information with regard to the Town right of way and requirements for headwalls and proper sketches or plans. Following discussion, the Board requested this matter be brought forward to a public hearing to allow comment and input from the public.

BUILDING INSPECTOR

MONTHLY REPORT

SEACOAST ACADEMY- LETTER OF MARCH 24: A letter has been received from Seacoast Academy outlining the steps being taken to get an application before the Planning Board for site plan review (for property located at 340 and 356 Exeter Road, Map 6, Lots 22 and 22-2). Concern has been raised by Town officials with respect to the timing of approvals and the planned opening of the school in September. T. C. Tocci noted that a meeting was held with C. Graham outlining numerous concerns, deadlines and requirements for Planning Board application. An application has been received for the Planning Board's April 24 meeting.

CODE ENFORCEMENT

**MOTION TO GO INTO NONPUBLIC SESSION
AT 8:38 AM TO DISCUSS CODE ENFORCEMENT**

**MOTION: T. C. TOCCI
SECOND: S. C. HANSON
UNANIMOUS**

**MOTION TO SEAL THE NON-PUBLIC SESSION
MINUTES AND RESUME AT 8:50 AM**

**MOTION: S. C. HANSON
SECOND: T. C. TOCCI
UNANIMOUS**

HAMPTON YOUTH ASSOCIATION – DRAFT CONTRACT / USE OF THE BASEBALL FIELD

AT GOV. WEARE PARK: Mark Lane (HYA) was present to seek the Board’s decision with respect to HYA’s request to use the baseball field at Governor Weare Park. E. N. Small reported that he spoke with the Town’s insurance company and learned that there is a need to add structures to the policy once placed. HYA will need to submit a Certificate of Insurance naming the Town of Hampton Falls as an additional insured.

M. Lane stated that a proposed agreement has been drafted. Review comments have been received from P. Robart with changes. M. Lane stated he has no opposition to the proposed changes. The Board noted that this agreement will need review by counsel before approval.

Decision today is to agree, in principal, with the request of HYA to use the baseball field this year, and work on a long-term contract. With this agreement, HYA will begin improvements to the baseball field to include infield mix, dugouts, an overhang to the backstop and a temporary fence. M. Lane provided the Board with a copy of the specifications of the dugout system and temporary fence. The Town will correct the drainage issue. The Board requested that HYA provide fertilization as well. The Board requested a plan. T. C. Tocci stated his concern with granting use of the baseball field without the benefit of reviewing drawings or plans.

S. C. Hanson inquired as to the right field area of the ball field being part of the soccer field. If this is the case, the soccer field will become unavailable when the baseball field is in use. It was noted that the soccer fields are not in use when the baseball field is scheduled for use. Tournament dates generally run when soccer is not in session.

The concensus of the Board was to agree on the direction presented to date, in principal. No contract is in place at this time.

HEALTH

MOSQUITO CONTROL ORDINANCE: Recommendation has been made to adopt a mosquito control ordinance to assist in lowering the risk of mosquito breeding throughout Town. This matter will be added to the next agenda.

FIRE CHIEF

MONTHLY REPORT: J. M. Lord presented March statistics and incidents to the Board. He noted responses to numerous snowstorm incidents, fires and auto accidents on Route 95.

SELECTMEN MEET WITH THE FIRE DEPARTMENT AT THE PUBLIC SAFETY BUILDING:

J. M. Lord requested a joint meeting of the Board of Selectmen and Fire Department. A date and time of Tuesday, May 29, 7 p.m. was scheduled.

EMERGENCY MANAGEMENT

“MASS CASUALTY INCIDENT DRILL:” J. M. Lord reported that this drill is scheduled for June 2, 2007, and will be held on property located at 350 Exeter Road. The drill will take place entirely off town roads. The Police Department will be involved in the scenario for a short period of time as required. No traffic control is needed. Costs are reimbursable through a grant.

T. C. Tocci asked if other communities are involved in this drill. J. M. Lord indicated that if personnel are available, they will. He added that members of the WHS ROTC and Drama Club will be participating. Waivers will be drafted and signatures obtained.

POLICE CHIEF

MONTHLY REPORT: R. Dirsa provided the Board with the Police Department report for March noting statistics and incidents. He noted an increase in auto accidents due to snow storms. Discussion took place with regard to dumping of trash and appliances along roads in Town. It was noted that there is no ordinance in place at this time. T. C. Tocci asked that an ordinance be enacted, with fines, and that signs be posted.

SELECTMEN MEET WITH THE POLICE CHIEF AT THE PUBLIC SAFETY BUILDING: R. Dirsa requested a meeting of the Selectmen with members of the Police Department. A date and time of May 29, 4:00 p.m. was agreed upon.

DARE GRADUATION APRIL 17, 6 PM

EMPLOYEE PAY PLAN – 2007: R. Dirsa explained that one step of the part-time police section of the plan was inadvertently omitted. He explained that this additional step was added to the plan in order to attract full-time certified and experienced officers to the ranks of part-time police patrolmen. Once a newly hired patrolman completes a probationary period, the rate of pay is set to reflect the years of experience in the field. The omission from the pay plan affects one employee at present.

In response to questions of the Board, E. N. Small explained that a study of wages was conducted two years ago and the results were used to prepare this pay plan. The Board requested a copy of the study done for review. The 2007 pay plan was not signed at this time.

- **OLD BUSINESS**

REVIEW AND APPROVAL OF PREVIOUS MINUTES

S. C. Volpone, Jr. amended page one, paragraphs one and two, to read:

GOVERNOR WEARE PARK: HYA Representative Mark Lane and Peter Robart were present to follow up on the discussion to date with regard to HYA using the baseball field at Governor Weare Park. M. Lane reviewed the plans for the field, the investment HYA is willing to put forward and potential contract terms. *He indicated that conversations with Matt Shaw after his meeting with us on 2/21 led him to believe that we were having second thoughts about entering into a long-term contract or doing something this year that would make an HYA commitment to improving the field this year worthwhile.* HYA would like to come to an agreement to use the field as a practice field this year *if an agreement cannot be reached to use*

the field this year for games and work toward entering into a long-term contract with the Town. M. Lane provided a copy of a draft contract to E. N. Small. *The board agreed to review HYA's plan and decide on a course of action at the April 4 BOS meeting.* E. N. Small requested a certificate of insurance from HYA.

S. C. Volpone, Jr. *disagreed with Matt Shaw's take on the 2/21 meeting that the board was pulling back on a commitment to allowing HYA use of the field for games this year. He reiterated that it was his impression that the board* agreed with the plan in principal but that a review of items to be covered by a contract needs to take place as well as legal counsel input and public hearing(s). *It was S.C. Volpone, Jr.'s feeling that this did not preclude using the field for games this year. He further stated that a definitive decision couldn't be made until brought before the full board at the April 4 meeting. This appeared to be acceptable to M. Lane.* It was also noted that the use of the field for practice is on the condition that the field(s) are not wet. This matter will be added to the Board's April 4 meeting.

S. C. Hanson revised page 3, paragraph 3 to read:

MOSQUITO CONTROL - SPECIAL PERMIT APPLICATION: Sarah MacGregor of Dragon Mosquito Control has completed and submitted an application for mosquito control on behalf of the Town of Hampton Falls. It is available for review and is the same program as last year. Grant money is expected to be available as well. E. N. Small suggested the Board consider implementing a mosquito control ordinance. S. C. Volpone, Jr. requested that Sarah be invited to meet with the Board to discuss the program *(including describing treated areas)* and an ordinance.

At C. Merrill's request, S. C. Hanson also revised Page 3, paragraph 8, to read:

INQUIRIES FOR INFORMATION – DRINKWATER AND EAST ROADS: C. Merrill has submitted requests for information with regard to road work. Answers have been provided and it has been learned that the State services to the area of the emergency access gate on Route 95. C. Merrill stated that he has signed an agreement with the Town that he would maintain East Road. The area of East Road to the gate was *salted several times this year since January 29 according to resident Chris Merrill. C. Merrill also stated that in his opinion the salting had never been performed before this time by the Town.* C. Merrill indicated that he feels the Town is harassing him by servicing this portion of East Road as the salt takes out the frost from the road and causes a muddy condition. He stated that he will maintain the road and that he wants the harassment to stop. S. C. Volpone, Jr. stated this matter would be reviewed.

MOTION: To approve the minutes of the March 21 meeting as amended.

MOTION: S. C. HANSON
SECOND: S. C. VOLPONE, JR.
1 ABSTENTION, PASSES

FINANCIAL REPORTS-GENERAL FUND BALANCE \$301,600: E. N. Small informed the Board of the possible need to borrow money this year. The tax lien and deeding will bring in some receipts and tax bills are planned to be mailed May 15.

HAMPTON FALLS WEB SITE HITS: 5,066 – 6-6-06

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REPORTING OF ELECTION RESULTS: T. C. Tocci asked that the procedures for reporting election results be reviewed to ensure results are provided timely to media, web site, and others. E. N. Small will add this to the action item listing.

RE-ORGANIZATION OF THE BOARD OF SELECTMEN AND COMMITTEE REPRESENTATIVES – PLANNING BOARD, BOARD OF ADJUSTMENT, FIRE DEPARTMENT, LIBRARY TRUSTEE, CONSERVATION: Board members accepted assignments as follows:

S. C. Volpone, Jr.
T. C. Tocci
S. C. Hanson

Zoning Board of Adjustment
Planning Board
Fire Department, Conservation Commission

Discussion took place with regard to whether a Selectman is to be assigned to the Library Trustees as S. C. Hanson is currently a Trustee and whether there is a conflict of having two Selectmen on the Library Trustees. E. N. Small will research this matter and report back to the Board.

REVIEW OF ACTION ITEMS – MARCH 21 SELECTMEN’S MEETING: An updated listing was provided to the Board.

SIGNING OF APPOINTMENTS FOR MARCH 31, 2007 THRU MARCH 31, 2008.

MOTION: To appoint:

Fire Personnel: B. McCarthy, P. Cotter, T. Patenaude, E. Gillian, L. Anderson

Solid Waste Committee Member: J. Melville

Recreation Commission: F. Ferreira, Jr., N. Didomenico

Highway Safety Committee: R. B. Merrill, Jr., R. Regan, W. Kenney

Conservation Commission: Administrative Assistant M. Garavaglia, Member N. Roka

MOTION: T. C. TOCCI
SECOND: S. C. HANSON
UNANIMOUS

Appointment forms were signed by Board members.

VOTING BOOTHS – REPAIRS TO THE BOOTHS / BUILDING INSPECTOR’S REPORT: The Board reviewed an inspection report noting the concerns with the safety of the voting booths used for elections. The warrant article seeking funds to purchase new voting booths failed in March. Efforts need to be made to correct the safety concerns before using the booths again. The Board agreed to review issues and come up with a proposal.

DISTRIBUTION OF THE TOWN REPORT:

WEB SITE: Numerous suggestions have been made recently with regard to the web site. A staff meeting was held yesterday reminding each department to view web pages for updating and possible addition of information or forms.

REVISED BUDGET WORKSHEETS: E. N. Small provided the Board with the changes as a result of town meeting.

EMPLOYEE COMPENSATION STUDY COMMITTEE: S. C. Volpone, Jr. referred Board members to a spreadsheet he prepared comparing costs of health benefits at different percentage contribution requirements for the Town and employee. This document was prepared as information only for the Board's consideration. It is suggested that a committee be created to review the matter of health insurance costs, salaries and other benefits such as retirement contributions. T. C. Tocci proposed that the committee be the Board of Selectmen and suggested a schedule of workshops be set. S. C. Hanson requested that the Board also work on finalizing the draft personnel policy.

HISTORIC DISTRICT COMMITTEE: S. C. Volpone, Jr. reported that this committee will meet on April 5 at the Library. Committee members will be meeting with property owners in the commercial zone and looking to see if there is enough interest to continue with efforts to create an Historic District.

Suggestion was also made that the Selectmen meet with members of the business community on a periodic basis to keep the lines of communication open.

USE OF TOWN HALL PARKING LOT ON MAY 19: The Board considered this request and did not grant formal approval to use the parking lot. Concern was expressed with liability. The Town Administrator will be responsible for handling such requests.

PUBLIC OFFICIAL BOND SCHEDULE: E. N. Small provided the Board with a copy of the bond schedule as part of the Town's insurance renewal. E. N. Small will check to see if the Town Clerk Assistant should be included on the schedule.

BRUSH DUMP OPENS THIS SATURDAY, APRIL 7: T. C. Tocci requested that Board members be provided with keys to the gate at the Brush Dump and that the Road Agent and Dump Attendant ensure the gate remains closed when not in use.

SCHOOL BOARD AND PRINCIPAL – NOTIFIED OF AVAILABILITY OF IMPACT FEES - \$90,249: At the Board's request, E. N. Small will research what is needed to change the allocation of impact fees, possibly sharing the fees between the school and town. This matter will be added to the next agenda.

- **NEW BUSINESS**

VERIZON: CABLE/PHONE/INTERNET BUNDLE – FORM A STUDY COMMITTEE?: S. C. Hanson volunteered to study the Town's current vendor costs, comparing them to other companies, and report back to the Board.

LETTERS OF APPRECIATION: The Board signed letters of appreciation for service to the Town for outgoing E. Volpone, F. Ferreira and J. Ratigan.

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VETERAN'S EXEMPTION: The Board signed approval of a Veteran's Exemption application that meets qualifications.

NH GOVERNMENT FINANCE OFFICER'S ASSN. MAY 3 – INVESTMENT POLICY/ FINANCE POLICY: E. N. Small plans to attend this seminar if time allows.

ANNUAL FEE TO ROCKINGHAM PLANNING COMMISSION: Notification has been received from the RPC that membership dues of \$1,731 are due.

SPRING CLEANUP DAY: The Board agreed to schedule the spring clean-up day on Saturday, June 9, and requested that F. J. Ferreira, Jr. be asked to assist.

ANONYMOUS DONATION TO THE TOWN COMMON IMPROVEMENT FUND: E. N. Small informed the Board of the receipt of a donation and the need to hold a public hearing to accept the funds. The public hearing notice for April 18, 7 p.m., was signed by the Board.

AMERICAN LIBERTY ELM: This matter will be added to the next agenda.

OTHER

ROUTE 1 CLEAN UP OF BRUSH ALONG WHITTIER POND: C. Merrill reviewed the costs of the project to remove the brush along the frontage of Whittier Pond. He stated he feels the Town overpaid for the work, that he could have done the work in less time for less money and that he feels projects such as this should be put out to bid.

AUDIT: S. C. Hanson inquired as to the notation of material weakness in the auditor's report. E. N. Small stated that the comment might relate to the new requirement to hire an auditor to audit the work of the town auditing firm.

INVENTORY OF ROADS: T. C. Tocci explained that the Rockingham Planning Commission has the ability to conduct an inventory of roads for the purpose of classification. Doing so would update the information the State has on record and thus have accurate information available when grant funds become available. E. N. Small will contact D. Walker to discuss this further and obtain information.

NEXT SELECTMEN'S MEETING – WEDNESDAY, APRIL 18, 2007, 6:30 P.M., TOWN HALL

**MOTION TO GO INTO NONPUBLIC SESSION
AT 10:41 AM TO DISCUSS WELFARE**

**MOTION: T. C. TOCCI
SECOND: S. C. HANSON
UNANIMOUS**

**MOTION TO SEAL THE NON-PUBLIC SESSION
MINUTES AND ADJOURN AT 10:47 AM**

**MOTION: S. C. HANSON
SECOND: T. C. TOCCI
UNANIMOUS**

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