

TOWN OF HAMPTON FALLS

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

INDEMNIFICATION AGREEMENT (\$10,000) ON BRIMMER LANE AT DEWITT LANE – MARY WEAVER: M. Weaver and J. Kopka were present. Town Engineer Brad Jones was present as well. M. Weaver requested a reduction of the required amount of \$10,000 posting for indemnification to Brimmer Lane. She added that she will also be requesting an extension to the conditional approval for private road subdivision of the Planning Board as it is about to expire. It was explained that the approval she received from the Planning Board for a private road subdivision, created one new lot. The indemnification agreement is to cover any costs associated with potential damages to Brimmer Lane from the construction of the access to the private road.

M. Weaver stated she has posted engineering review funds with the Town as part of the Planning Board process and that a balance remains. She has obtained a breakdown of costs to do the work needed for the private road in the amount of \$20,000+/- . She and the Board discussed ways in which draw downs can be achieved. It was suggested that this be worked out with the Road Committee.

B. Jones noted that more trucking is done with a subdivision road than a private road. He recommends the amount of \$3,750 be posted to cover the work needed for this project. T. C. Tocci stated that a security agreement needs to be prepared to address the agreed upon amount plus a 10% inflationary factor.

S. C. Volpone, Jr. suggested the amount of \$5,000 be posted, half of the amount usually required.

MOTION: To accept the request for reduction in indemnification agreement fees from \$10,000 to \$5,000 for the private road project (Dewitt Lane) off Brimmer Lane.

MOTION: S. C. VOLPONE, JR.

SECOND: S. C. HANSON

UNANIMOUS

6:40

BRAD JONES - BROWN ROAD CULVERT PLANS AND BIDDING FOR CULVERT AND RE-PAVING OF ROADS: Town Engineer B. Jones reported that he met with F. Richardson of the Department of Environmental Services as well as a representative from Fish & Game with respect to the application for wetland permit for repair to the Brown Road culvert. This culvert was damaged by the May, 2006, Mother's Day flooding.

A concern of disturbing fish spawning in this area has been raised. A site walk took place and suggestions were made in order to not disturb the area of outflow. B. Jones reviewed the proposed amendments to the plan with the Board members. The proposed changes will need to be incorporated into the application for permit and permission will need to be obtained from two abutters. The cost of the changes is estimated to be \$12,000. The proposed swale will also help permanently drain the area rather than allowing water to collect.

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The Board approved the changes and requested that E. N. Small prepare bid specifications for bid proposals once the permit is approved.

6:50

CHRIS. MERRILL – ROAD WORK: C. Merrill was not present at this time. S. C. Volpone, Jr. stated that it has been identified that the Board has not gone out to bid on all road work projects in the past. The Board is in the planning stage of identifying a value of which to go out to bid. E. N. Small will be working with the technology group from UNH in conjunction with Selectman S. C. Volpone, Jr. and Road Agent R. B. Merrill, Jr.

This discussion was taken up again shortly after C. Merrill arrived. C. Merrill reported that he called area towns (Greenland) to compare the charges they incurred as a result of snow storms with the charges incurred by Hampton Falls. He reviewed the figures and practices of the other towns with the Board noting that he feels the costs charged to Hampton Falls are excessive. He further stated that he went out to certain roads to verify work has been done and was unable to identify trees cut in one instance. C. Merrill suggested that the Road Agent provide a detailed monthly report on fees charged and hours worked. S. C. Volpone, Jr. restated that the Board is to study aspects of the Highway Department to include setting a lower limit of values for bidding of projects.

7:00

PUBLIC HEARING – ACCEPTANCE OF UNANTICIPATED MONEYS FOR IMPROVEMENTS TO THE TOWN COMMON: S. C. Volpone, Jr. opened the public hearing to accept and expend an anonymous donation of \$12,000 to make improvements to the Town Common. It was noted that the warrant article requesting these funds failed at Town Meeting. Discussion was opened to members of the public.

G. Merrill, Depot Road, stated that if there are plans to improve the Town Common that the contractor mowing the grass should be asked to raise the mower blade. T. C. Tocci noted that the Town Improvement Committee met this morning and began plans to fertilize, seed and treat the lawn on the Common.

L. Smith stated that the donated money is for Phase I of the improvements to the Common; the repair and cleaning of the monument and replacement of missing cannon balls. Hearing no further comments, S. C. Volpone, Jr. closed the public hearing.

MOTION: To accept the anonymous donation of \$12,000 to make improvements to the Town Common.

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

7:10

AMERICAN LIBERTY ELM – LARRY SMITH: L. Smith updated the Board on the progress of obtaining Liberty Elm trees as donated by WalMart. He reported that the trees are

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planned to be obtained from a Keene, NH, nursery. The Town is responsible for picking up and planting the trees once obtained. Suggestion by the Town Common Improvement Committee was made to plant the trees along Route 88 at the frontage of Governor Weare Park. Suggestion was also made to plant one tree at the Library with dedication to R. B. Merrill, Sr. This matter will need to be presented to the Library Trustees for approval.

L. Smith also volunteered to chair a committee to obtain additional elm trees to plant throughout town. He added that WalMart representatives would like to be invited to any planned dedication of the tree(s).

MOTION: Contingent upon approval of the Library Trustees, that the Town move forward with the elm tree program with respect to the gift from WalMart planting trees along Route 88 at Governor Weare Park and dedicate the large elm tree for planting at the Library.

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

7:20

HIGHWAY SAFETY COMMITTEE: J. M. Lord reported on the outcome of a recent meeting of this committee.

- Signage issues on Weare Road were addressed.
- A resident complaint of drivers cutting through Marston Road was reviewed. It was decided to place a sign to slow traffic. The resident requested a “No Through Way” sign which could not be approved as this is a through way.
- The driveway plan as proposed for Seacoast Academy at 356 Exeter Road was reviewed. Question is raised as to which town has jurisdiction as a portion of this property falls in Exeter. Hampton Falls recommends widening further than that proposed.
- Parking at Governor Weare Park was reviewed. An abutting property owner to the park has requested a “No Parking Sign” as persons are blocking their driveway. Given that Route 88 is a State road, this request will be made to the Department of Transportation. Also, it is recommended that additional parking spaces be made available at the park, possibly expanding the parking lot, angling the parking spaces and providing an entrance and an exit. Concern was expressed with children running across Route 88 to the park from parked cars on the opposite side of Route 88. Suggestion was made to present this matter to the Recreation Commission and also ask a representative of District 6 of the DOT to come to view the area and proposal. A proposal should then be presented to the Board of Selectmen.

7:40

KAREN AYERS – NHEP GRANT APPLICATION FOR THE PRIME WETLANDS

DESIGNATION: K. Ayers informed the Board of the Conservation Commission’s plan to submit this application by its June deadline. She explained that it is a NH Estuaries Project that will help with technical assistance for prime wetlands planning. This matter is also planned to be on the 2008 warrant if this grant does not come through. Request was made last year for \$6,000

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for the professional's services. This grant would pay up to \$8,000. In addition to the Board's support of the application, support is also needed from other committees of the Town. A copy of the document was provided to the Board for review.

K. Ayers stated that designating wetlands allows for another layer of protection of the wetlands. It does not change any of the zoning regulations. Should a future application for wetland permit fall within the prime wetland area, the State would oversee the project.

• **OLD BUSINESS**

REVIEW AND APPROVAL OF PREVIOUS MINUTES (APRIL 4, & 13, 2007)

C. Merrill inquired as to how to obtain copies of meeting minutes. Information was provided with respect to reviewing and obtaining copies for a fee through the Town Clerk's office or viewing approved minutes on the Town web site. G. Merrill asked how a parcel on Swain Drive obtained approval for a swimming pool. It was suggested that he refer his question to the Building Inspector.

MOTION: To approve the minutes, to include the nonpublic session minutes, of the April 4 meeting as written.

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

MOTION: To approve the minutes of the April 13 meeting as written.

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

FINANCIAL REPORTS-GENERAL FUND BALANCE: E. N. Small reported a general fund balance of (\$143,400). School payments are being distributed in smaller amounts in anticipation of the tax bills being mailed on or about May 17.

MONTHLY BALANCE SHEETS: Copies of monthly balance sheets will be provided to the Board from this date forward.

ACTION ITEMS APRIL 4 AND APRIL 13 MEETINGS: E. N. Small provided the Board with an updated listing of action items. He reported that the Town Clerk Assistant position is covered by bond with the Town.

NEW CASH FLOW ANALYSIS: E. N. Small provided the Board with an updated cash flow spreadsheet.

EMPLOYEE COMPENSATION STUDY COMMITTEE: A new committee comprising of three Selectmen, the Police Chief and a fifth member to be identified is being created to review the aspects of compensation and benefits of Town employees. P. Robart and M. Caruso have

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been suggested. T. C. Tocci spoke with P. Robart. Should he accept, meetings will then be set. E. N. Small will post meeting notices on behalf of this committee.

ROCKINGHAM COUNTY CONSERVATION DISTRICT REACTION TO RECENT CHANGE IN BUILDING CODE SECTION 17:13: The Town has received a letter from the RCCD outlining a concern with the amendment to the Building Code approved by voters in March. L. A. Ruest explained that the prior regulation included a requirement (7.1314-...leaching bed shall be a minimum of four feet above any seasonal high water table) that is no longer part of the amendment. This matter has been added to the Planning Board agenda for review and consideration. If a change is needed, an amendment will need approval of the voters in March 2008.

REMOVAL OF OLD BULLETIN BOARD TO THE TOWN HALL: Suggestion has been made to remove the bulletin board as well as railroad ties from the front of the Town Hall. The Historical Society has asked for the bulletin board. The Board approved. B. Mutrie stated that arrangements to remove it would be made as weather permits. E. N. Small asked the Board to identify the items in the front of Town Hall that need to be addressed (i.e., plantings, seeding, removal of railroad ties) so that he can figure the cost and whether funds are available.

BROWN ROAD DRAINAGE NEAR OLD STAGE ROAD: Discussion of water not draining properly and spreading onto the roadway took place. R. B. Merrill, Jr. will review and report to E. N. Small as to the work needed to correct the problem.

PUBLIC HEARING NOTICE –DESIGNATE A SECTION OF EAST ROAD AS AN EMERGENCY LANE IN ACCORDANCE WITH RSA 231:59-A. PROPOSED HEARING DATE: MAY 16, 2007: E. N. Small referred the Board to a copy of a public hearing notice and stated that one member is unable to attend on the proposed date. Following discussion, it was agreed to hold the public hearing on June 20. Town counsel has reviewed and approved this public hearing notice as written.

LIFTING OF THE FROST BAN: The frost ban has been lifted effective April 17.

SPRING CLEANUP (WHITE GOODS) DAY – WORK SHOP TO REORGANIZE FOR THE JUNE 9 EVENT: The Board scheduled a date of May 1, 7:30 a.m., to hold a workshop to organize for the upcoming clean up day at the Brush Dump.

PROPOSED CONTRACT WITH THE HAMPTON YOUTH ASSOCIATION FOR USE OF GOV. WEARE PARK: E. N. Small made the suggested adjustments to the draft agreement. S. C. Hanson changed #15 to read “30 days” instead of “60 days.” T. C. Tocci stated that the drainage along the first base line is to be addressed as soon as the weather permits. P. Robart will now be handling the scheduling of the ball fields.

CONSERVATION COMMISSION – S. HANSON– BIGGI CONSERVATION EASEMENT COMMITTEE: S. C. Hanson will be participating as part of the negotiations for the Biggi conservation easement. S. C. Volpone, Jr. suggested that careful consideration should be given to selecting persons for negotiations and that the Board of Selectmen should have oversight of the selection and number of persons. K. Ayers stated she feels there are qualified

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persons on the Commission to assist with negotiations and took exception to S. C. Volpone's comments. S. C. Volpone added that he is looking for assurance that all on the negotiating team are as qualified as K. Ayers.

SEACOAST METROPOLITAN PLANNING ORGANIZATION (MPO) –

REDESIGNATION: T. C. Tocci reminded the Board of the discussion of the proposed resolution to realign the MPO. A Resolution was presented for consideration and signature.

MOTION: To approve the Redesignation of the Seacoast MPO as presented by the Rockingham Planning Commission and that the Resolution be signed with an effective date of April 18, 2007.

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

INVENTORY OF TOWN ROADS – ROCKINGHAM PLANNING COMMISSION –

2007: T. C. Tocci reported that the RPC will be conducting an inventory of Hampton Falls' roads. This inventory will then be provided to the State Department of Transportation to update their records. When the DOT allocates funds to communities, it will be based on this updated information.

• **NEW BUSINESS**

NEW HAMPSHIRE SELECTPERSON INSTITUTE – FOUR SATURDAYS – APR, JUN,

SEPT, NOV: S. C. Hanson stated he plans to attend this training for Selectpersons and noted that he also signed up for the seminar "Getting to Know the Territory" sponsored by the Local Government Center.

RAILS – END OF DEPOT ROAD: E. N. Small has received two separate inquiries into removing the rails from the Depot. The two contractors have been referred to the owner of the property as the Town cannot grant permission.

DEADLINE FOR SELECTMEN'S AGENDA ITEMS – END OF THURSDAY BEFORE

NEXT REGULAR MEETING: E. N. Small will begin setting an agenda close date in order to allow time to prepare for Selectmen's meetings and provide packets to Board members in advance of meetings. It was also suggested that the agenda be posted to the web site in order to encourage more residents to attend meetings.

MARCH PROPERTY TRANSFERS: An updated listing of property transfers was provided to the Board.

ABATEMENT –REFUND: The Board signed approval of one abatement refund as recommended by the Tax Collector as well as approval of two qualified veteran's credit applicants.

ISSUANCE OF TAX BILLS – MAY 17, 2007 -- TAX BILLS DUE ON MONDAY, JULY 2

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FINAL PUBLIC HEARING FOR SITE PLAN – PROPOSED MIDDLE SCHOOL 356 & 340 EXETER RD: A copy of the abutter notice to this Planning Board application was provided to the Board as the Town has been noticed as an abutter.

PTO FUND RAISER – ANNUAL ROAD RACE AND FITNESS WALK – SAT., MAY 12: The Board signed approval of a Selectmen’s Permit for this annual road race. The Road Race coordinator is to contact the Police and Fire Chiefs for public safety detail coverage.

REPORT ON THE TAYLOR RIVER FISH SAMPLING: Information was provided to the Board with respect to the findings of this report. Problems have been found by testing and further testing is planned.

TIM SAMWAY – ELECTIONS AND ONE OTHER SUBJECT: T. Samway noted that he filled in last election due to Moderator J. Shaw being on the ballot. He recommended that the Board consider obtaining an additional voting machine for efficiency purposes. He also provided a personal opinion with regard to obtaining new voting booths. He stated his concern with the liability and negatives that exist given the condition of the booths and added that the number of registered voters will require the need for an additional booth soon. Question was raised as to whether there is room at the Town Hall or whether elections will need to be moved to a new location. He suggested that new voting booths be obtained by way of private funds. K. Ayers suggested bringing the matter to the voters again next March with an explanation of the condition and possibly have a sample of a new booth on display. E. N. Small will contact counsel to review this matter.

T. Samway also suggested that something be done to recognize F. J. Ferreira, Jr. He provided some suggestions for consideration. Suggestion was made that T. C. Tocci review the suggestions with the Library Trustees.

NEXT SELECTMEN’S MEETING – WEDNESDAY, MAY 2, 2007, 7:30 A.M., TOWN HALL

**MOTION TO GO INTO NONPUBLIC SESSION
AT 8:38 PM TO DISCUSS LAND ACQUISITION,
PERSONNEL, WELFARE**

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

**MOTION TO GO OUT OF NON-PUBLIC SESSION
AND RESUME AT 9:11 PM**

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

EVERGREEN DRIVE: A contractor who is scheduled to pave a driveway for a recently built home has offered to repair a portion of Evergreen Drive that has been damaged. The Board approved.

LIBRARY TRUSTEES: T. C. Tocci acknowledged his appointment to the Library Trustees as Selectmen’s Representative and noted concern with his attending at the same time Selectman S. C. Hanson remains and acts as a Library Trustee. It was understood that S. C. Hanson would step down as Library Trustee. Concern of conflict was expressed with S. C. Hanson continuing

