

FINAL

7:00 PM

PRESENT: T. C. Tocci, S. C. Hanson, M. J. Farinola, Selectmen;
E. N. Small, Town Administrator; L. A. Ruest, Administrative Assistant

CONSERVATION COMMISSION – KAREN AYERS- MARSHLAND: K. Ayers provided Board members with a color-highlighted map of parcels off Marsh Lane. Two were identified as owned by the Town (Map 9, Lot 9) or holding a conservation easement (Map 9, Lot 11). She reported that Joseph “Andy” Melville has written a letter offering to donate a 1.5 acre parcel (Map 9, Lot 10) to the Conservation Commission as part of the Marsh Lane preserve. She noted that this parcel has frontage on Taylor River and is attractive to the Conservation Commission for both conservation and education purposes. She requested the Board provide preliminary approval of acceptance of the donation so that preparation for a public hearing can take place.

M. J. Farinola inquired as to the cost to the town. K. Ayers stated there is no plan to put the parcel into easement right away. It is planned to do one easement as other parcels are gathered. M. J. Farinola asked if a lot line adjustment is planned. K. Ayers stated doing so would require money for the survey and it is not planned to survey.

The Board acknowledged the generous offer of Mr. Melville and indicated approval to proceed. E. N. Small will schedule a public hearing once the Conservation Commission is ready.

MOTION: To allow the Conservation Commission to move forward with the donation from Joseph Melville.

MOTION: S. C. HANSON
SECOND: M. J. FARINOLA
UNANIMOUS

B. Mutrie requested the current value of the property. E. N. Small estimated \$1,500. (*Real Value is \$800-ENS.*)

ZONING BOARD OF ADJUSTMENT ALTERNATE JOHN A. DELEIRE: J. Deleire was present and introduced himself to the Board. It was noted that Mr. Deleire was appointed as a ZBA Alternate member last meeting. On behalf of the Board, T. C. Tocci welcomed him and wished him luck in serving.

SHOULD GRANITE CURBING BE PERMITTED ON HARDY LANE? – JOHN KREBS: J. Krebs was not present. The Board discussed the developer’s request to add granite curbing to the entrance of Hardy Lane in conjunction with the Planning Board’s request for Selectmen decision on allowing granite curbing for this development and developments in the future.

S. C. Hanson reported on his findings from a question raised through the UNH T² mail service. He received feedback from both large cities and small towns. He found that the large cities approve of granite curbing and have street standards which define installation, requirements, drainage, etc. The smaller towns did not have granite curbing and cautioned maintenance, plowing, damage, upkeep, etc. It was noted that without a street program, curbing is cumbersome and also that curbing does protect the shoulders of the road at entrances to subdivisions.

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In the short term, S. C. Hanson is not in favor of granite curbing. He suggests that study be done and a policy and design standard determined. M. J. Farinola stated he feels curbing in this situation is primarily decorative. He prefers to continue with the bucolic nature of the town and not having curbing. He added that he doesn't want to pay for damage to snow plows and there is no benefit for the Town to take on the burden of maintenance. He is not in favor of allowing curbing.

MOTION: To deny the request for the installation of granite curbing at the entrance of Hardy Lane.

MOTION: S. C. HANSON
SECOND: M. J. FARINOLA
2 IN FAVOR, 1 OPPOSED, PASSES

E. N. Small will inform J. Krebs of this decision.

• **OLD BUSINESS**

FINANCIAL REPORTS-GENERAL FUND BALANCE - \$\$2,400,000

ACTION ITEMS FOR JUNE 18 MEETING: An updated listing of action items was provided to the Board. T. C. Tocci was provided with an update on the status of the purchase of new computers. The computers have arrived and F. Valgenti will be setting them up beginning Thursday afternoon. In response to M. J. Farinola, E. N. Small stated that the culvert on Curtis Road has not yet been repaired.

PERAMBULATION WITH HAMPTON – SEPTEMBER 29, RAIN DATES OF OCT 6 AND NOV 3: Board members were asked to pencil in these dates on their calendars. A time will be determined as the date gets closer.

RESIGNATION FROM THE HERITAGE COMMISSION: E. N. Small reported that Alternate Member Lois Nelson has resigned from the Heritage Commission.

MOTION: To accept the resignation of Lois Nelson with regret.

MOTION: S. C. HANSON
SECOND: M. J. FARINOLA
UNANIMOUS

ADJUSTMENT TO THE TOWN'S "APPLICATION FOR EMPLOYMENT:" This application form has been amended to include request for an email address and cell phone contact number.

LGC WORKSHOP FOR SELECTMEN AND EMPLOYEES- AUG/SEPT.: E. N. Small reported he met with representatives from the Local Government Center who will be preparing a presentation to assist the Town in dealing with employee morale to include skills for employees and Selectmen on how to deal with this issue.

REPORT ON PROPERTY TAXES COLLECTED: E. N. Small reported that approximately \$3,300,000 has been collected leaving \$534,000 yet to be collected. The Treasurer has obtained information on interest rates from a number of banking institutions. The majority of funds will be

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deposited with the Institution for Savings at 3 percent interest. Other funds are kept with Citizens Bank for cash flow. T. C. Tocci noted that the Board will be working on an investment policy as recommended by the Auditor.

CURRENT USE WARRANTS: The Board signed for three parcels.

CASH FLOW JAN – MAY 2007: An updated cash flow spreadsheet was provided to the Board.

COMPLIANCE WITH RECOMMENDATIONS OF THE 2007 ANNUAL AUDIT - PROPOSED CODE OF ETHICS FOR REVIEW: A proposed code of ethics was provided to Board members. T. C. Tocci asked that this document be reviewed for discussion at the Board's next Selectmen's meeting. M. J. Farinola stated he would prefer to review this document in a workshop to allow for line by line review similar to the review of the personnel policy. T. C. Tocci stated he felt there are not a lot of implications with this three-page document as there were with the personnel policy and added that committee, board and other members of the Town should be made aware of a proper code of ethics. This matter will be added to the Selectmen's agenda for July 16.

The audit also provides recommendation that financial statements be reviewed. It is recommended that an outside person be contracted. The Board will look into the costs to get this deficiency addressed.

E. N. Small added that the auditors made recommendation with regarding to Library disbursements and thorough documentation of expenditures. E. N. Small has provided the audit to the Library Director.

An Investment Policy is being worked on and will be forthcoming to the Board for review and approval.

TOWN COUNSEL'S OPINION TO ACCEPT OR PROTEST PETITION FOR BARGAINING UNIT: A letter dated June 30, 2008 has been received from counsel with regard to the petition for certification of a police union. E. N. Small provided a brief explanation of the need to have 10 qualifying employees to form a union. Counsel is recommending the Board check to see if two positions qualify (Lieutenant and Administrative Assistant). This matter has been debated before the Public Relations Board in the past. It is up to the Board to protest or have counsel make a filing on its behalf. The Board agreed to accept advice of counsel and asked E. N. Small to contact Attorney B. Mayer with direction to proceed.

MOTION: To protest the application for formalization of a patrolmen's union.

MOTION: S. C. HANSON
SECOND: M. J. FARINOLA
UNANIMOUS

SEVEN DAY PROGRAMMABLE THERMOSTATS AT PSB: Programmable thermostats have been installed at the Public Safety Building to assist with rising fuel costs.

PRIMEX AND PROPERTY LIABILITY TRUST SIGNED UP FOR 3 YEARS AT ORIGINAL QUOTE OF \$19,600: E. N. Small reported that the Town's property liability insurance coverage has been placed with PRIMEX effective July 1, 2008. This is a three-year contract.

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RELEASE OF \$10,850+ FUNDS TO RICHARD / KATHLEEN DAVIS RE AGREEMENT OF AUG 21, 2006: E. N. Small referred the Board to an email from K. C. Kelley recommending release of this bond. An inspection and Certificate of Occupancy has been approved.

MOTION: To release the balance of funds to Richard and Kathleen Davis.

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

WORKSHOP ON THE ANNUAL WINTER ROAD MAINTENANCE: T. C. Tocci reported on the work shop held in advance of this meeting. He reviewed the request for proposal for the upcoming winter season and also identified prioritized projects that need to be addressed.

MOTION: To authorize E. N. Small to proceed with the request for proposal to be sent to those who have shown an interest in bidding on the contract for winter road maintenance as well as advertising.

MOTION: S. C. HANSON
SECOND: M. J. FARINOLA
UNANIMOUS

SETTING PRIORITIES FOR HIGHWAY IMPROVEMENTS – 2008: E. N. Small was requested to address the first and second priorities of drainage/shoulders to include catch basins and tree and limb removal as soon as possible in order to get work started. M. J. Farinola noted that the Board is waiting to hear back from Jones and Beach Engineers with regard to certain roads.

SURVEY RESULTS – RECYCLING EVERY WEEK VS. EVERY OTHER – IMPLEMENT PLAN?: T. C. Tocci reported on the results of the survey requesting input on recycling every other week rather than weekly. A total of 161 responses indicated favor of every other week recycling and 74 responses preferred weekly collection. T. C. Tocci explained that the new trash/recycling collection contractor proposed this change in conjunction with savings on costs. The greatest challenge will be getting the word out to the residents. It was suggested to include information in the next newsletter. E. N. Small stated that his conversation with Northside Carting resulted in potential implementation around the first of October. S. C. Hanson stated concern with only 30% of surveys being returned.

SINGLE SOURCE RECYCLING –JULY 16 WORKSHOP IN CONCORD, NH 9AM LGC CONCORD : E. N. Small informed the Board of this upcoming workshop. T. C. Tocci suggested that a member of the Solid Waste Committee attend as well.

INQUIRY ABOUT RECYCLING OF HARDCOVER BOOKS: Northside Recycling has indicated its drivers will not pick up disposed hardcover books. Recycling of soft cover books is acceptable.

DISPOSAL LOGS FOR APRIL AND MAY 2007: Tonnage logs were provided to the Board. S. C. Hanson suggested that the Town could save money on tonnage disposed of at the landfill if residents practiced composting. He suggested that residents be made aware of this option. It was noted that information on composting was included in a past newsletter this year. M. J. Farinola expressed concern

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of the Northside Carting employees telling residents on White Goods Day of the different pick up dates with regard to holidays. He asked that Robbie George be notified.

PUBLIC COMMENT: George Merrill, Depot Road, stated he wanted to comment on the dog and pony show held at the Fire Station with Chief Dirsa. He questioned how much of the preparation time came out of the budget and stated he felt it should have come out of the Chief's pocket. He stated he felt the Chief hand-picked the audience to include planting comments and questions. Chris Merrill, East Road, inquired as to counsel opinion regarding the number of employees needed to form a union. He also inquired as to why public comment was allowed at the work session with the Police Chief and not at other work sessions held by the Board. T. C. Tocci stated that any public meeting is open to the public and that the work session being referred to was a work shop with the Police Chief who decided to put a Powerpoint presentation together which turned out well attended. C. Merrill stated he is happy that the old system with regard to road maintenance has been done away with and indicated he felt the town could have gotten a better price last year for snow plowing.

Beverly Mutrie, Brown Road, asked whether the road proposal will be noticed in the newspaper. She was told it would be. She also inquired as to whether the Library Trustees have been notified of the deficiencies identified by the auditors. E. N. Small stated that information has been provided to the Library Director. She also asked that when the Board decides to change the recycling collection that notice be posted throughout town.

Maurice Caruso, Frying Pan Lane, asked if the Board has considered changing trash collection to 55 gallon bins. M. J. Farinola stated the new contract was negotiated to allow four bins and that it is a multi-year contract. M. Caruso stated that the Board could adopt the 55 gallon bin.

Charlyn Brown, Exeter Road, asked that boards, committees, and employees all be provided with the Code of Ethics once adopted and added that it should be available to residents as well.

- **NEW BUSINESS**

REQUESTS FOR SELECTMEN'S PERMIT:

FUNDRAISING –AM. LEGION AT THE “CONCERTS ON THE COMMON:” The Board reviewed a request for Selectmen's Permit to permit the American Legion to provide food at the bandstand concerts. The Chairman signed approval.

MOTION: To approve the permit for Pam Fitzgerald at the Town Common.

MOTION: S. C. HANSON
SECOND: M. J. FARINOLA

M. J. Farinola noted that this is not an exclusive right and that others who want to sell food could go through the same permit process.

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FUNDRAISING – MOTO POINT CAFÉ, 97 LAFAYETTE ROAD: This request is for a cookout to raise funds to support Manchester SPCA on July 5, 2008 from 10 a.m. to 4 p.m. S. C. Hanson stated he assumes the event will take place in the parking lot and that the same restrictions as a recent Selectmen’s Permit granted at 25 Lafayette Road should apply.

MOTION: To approve a permit with the condition that it be held in the parking lot only, not on Route 1 in any way.

MOTION: S. C. HANSON
SECOND: M. J. FARINOLA

It was noted that this property only has a single point of access due to the reconstruction for fire damage. This applicant will need to make provisions to handle traffic safety. Condition will be placed on the permit to indicate “as long as the applicant can provide safe access.”

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NAMING OF TWO ROADS –FORMER RASPBERRY FARM: Request has been received from the developer’s engineer for road names for the proposed subdivision before the Planning Board. E. N. Small noted that the policy for naming subdivision roads includes the use of family names provided on historical maps. Suggested names include “Ladd” and “Harris.” S. C. Hanson stated he reviewed the “History of Hampton Falls” and homesteads. There is a section that describes this farm back to the 1700s (Samuel S. Lamprey and Richard Morrill) and added information on the family Kelly. M. J. Farinola stated he felt that Richard Sanborn, long-time teacher and honorary resident, should be recognized. It was noted that there currently is a Sanborn Road in town. L. A. Ruest cautioned the Board to consider names that are within 911 regulations, easy to understand and no conflict with existing road names.

MOTION: To name the two new roads for the Newbury North Development subdivision “Lamprey Road” and “Kelly Way” for the cul de sac.

MOTION: S. C. HANSON
SECOND: M. J. FARINOLA
UNANIMOUS

INTENT TO CUT, MAP 6, LOT 15 – KENSINGTON BORDER: An intent to cut application was signed by the Board.

PROJECTED SETTING OF THE TAX RATE WITH DRA – OCTOBER 6: E. N. Small asked the Board to pencil in this date.

OTHER: T. C. Tocci reported he received a notice from the Department of Justice regarding the September primary and November elections and scheduled sessions (Portsmouth, August 11) to bring all up to date on how to run an election. He indicated that Selectmen, Town Administrator, Town Moderator and Town Clerk should attend if schedules allow.

REPORTS OF THE SELECTMEN’S REPRESENTATIVE ON THE

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PLANNING BOARD: S. C. Hanson reported that the Planning Board accepted jurisdiction of a site plan for a seafood restaurant, approved Phase I of a subdivision plan for property known as the “Raspberry Farm” with Phase II to be reviewed next month. A site walk of this proposed subdivision has taken place by Conservation, Planning and Heritage Commission members.

The Planning Board asked S. C. Hanson to bring the question of requiring sidewalks in new subdivisions to the Selectmen. The policy of the Planning Board has been not to require sidewalks. He noted his personal concern of upkeep and maintenance as Hampton Falls is a small town and added that he is seeking input from other towns. Suggestion was made to meet with the Road Committee to review this matter. T. C. Tocci asked that advice be sought from counsel with regard to the responsibility for sidewalks. E. N. Small stated he spoke with Attorney Bart Mayer who indicated there is no responsibility on the Town’s part to clear sidewalks. T. C. Tocci stated he would like a definitive answer as surrounding towns have equipment to clear sidewalks in the winter and questioned why they are clearing the sidewalks if they don’t have to. He further suggested that this matter be placed on the warrant. M. J. Farinola stated he is not in favor of sidewalks for the reasons of upkeep, maintenance and drainage. C. Brown, Chairman of the Planning Board, stated concern with putting the matter on the warrant. Once voted, if passed, all will expect a sidewalk. She asked that the Board think in the direction of the expectations from the residents not just the developer that puts sidewalks in. She also questioned how many areas would be serviced with sidewalks if the requirement was put in place now. B. Mutrie suggested that a bike path would allow for greater area for walking, keeping country drainage in place. T. C. Tocci stated the Board would take this matter under advisement.

BOARD OF ADJUSTMENT: M. J. Farinola reported there was no meeting in June.

CONSERVATION COMMISSION: T. C. Tocci reviewed the minutes of the last meeting as he was unable to attend. A newsletter article has been provided on recycling of batteries. N. Roka will be preparing an article on Non-Point Source Pollution. Work is being done with Applecrest Farm Orchards with regard to a sign for the conservation easement similar to the one at the Tonry Tree Farm.

FIRE DEPARTMENT: M. J. Farinola did not attend the last meeting due to another commitment.

REVIEW AND APPROVAL OF PREVIOUS MINUTES – June 11 and June 18:

MOTION: To accept the minutes of the June 18 meeting as written.

MOTION: S. C. HANSON
SECOND: M. J. FARINOLA
UNANIMOUS

MOTION: To approve the minutes of the June 11 meeting as written.

MOTION: S. C. HANSON
SECOND: M. J. FARINOLA
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The minutes of the June 17 personnel policy work session will be reviewed at the next personnel policy work session.

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D. CALDER, ASSESSOR: E. N. Small reported that D. Calder would like to meet with the Selectmen at 6:00 p.m. on July 16, 2008. The Board approved.

Last meeting, D. Calder provided information with regard to a protested value for 22 King Street and recommended reduction in assessment of \$87,500. A letter of explanation was provided. T. C. Tocci asked that E. N. Small provide the Board with copies for review and add this matter to the next agenda.

FUEL COSTS – WINTER 08/09: The Board reviewed a listing of prices (obtained on 6/30/08) for fuel oil and propane for the upcoming winter season. L. A. Ruest noted that these prices are subject to change and that this information was provided as a snapshot of fuels costs. The Board asked that figures be obtained, to include deadlines, for consideration at the next meeting.

NEXT SELECTMEN'S MEETING – WEDNESDAY, JULY 16, 2008, 6:00 P.M., TOWN HALL

MOTION: To adjourn the meeting at 8:48 p.m.

MOTION: S. C. HANSON
SECOND: M. J. FARINOLA
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