

**BOARD OF SELECTMEN  
TOWN OF HAMPTON FALLS**

**DECEMBER 07, 2022 – 5:30 PM  
TOWN HALL**

*FINAL*

**PRESENT:** M. R. Lane, Chairman; E. B. Beattie, Vice Chairman; L. Gargiulo, Selectman  
K. Anderson, Town Administrator; R. D. Webb, Assistant Administrator  
**GUESTS:** S. Porcelli, State Representative, District 19; B. Mutrie, Chairman Heritage Commission;  
M. A. Hill, Chairman Conservation Commission

Chairman Lane called the meeting of the Board of Selectmen to order at 5:30 PM.

**REQUEST FOR NON-PUBLIC SESSION WITH Stephanie Grant**

**RSA 91-A:3 II (a) Personnel.**

**MOTION:** To go into non-public session with the intent to return to public session.

**MOTION:** L. GARGIULO

**SECOND:** E. BEATTIE

**Roll Call**

Mark Lane -----YES

Ed Beattie -----YES

Lou Gargiulo -----YES

**MOTION PASSED**

**MOTION:** To close the Non-Public Session, and to return to the Public Session at 6:11PM.

**MOTION:** L. GARGIULO

**SECOND:** E. BEATTIE

**UNANIMOUS**

**OLD BUSINESS**

**Financial Reports: General Fund Balance: \$294,873.87** K. Anderson reported the General Fund balance at \$294,873.87 before tax revenues. She commented that the Town is holding the School November/December payment until more tax revenue is received. The County's payment is due on the 15<sup>th</sup>, so that will be mailed on the 13<sup>th</sup> in the amount of approximately \$500,000.

**Executive: Payroll Warrant, Accounts Payable, and Escrow Warrant:** K. Anderson presented Warrant # 588 dated 11/21/2022 for \$30,109.46; Accounts Payable Warrant # 827 dated 11/21/2022 for \$791,766.95 (and she added that this payment included the school payment); and Escrow Warrant # 20 dated 11/21/2022 for \$641.36.

**MOTION:** To approve Payroll Warrant # 588 dated 11/21/2022 for \$30,109.46;  
Accounts Payable Warrant # 827 dated 11/21/2022 for \$791,766.95; and  
Escrow Warrant # 20 dated 11/21/2022 for \$641.36.

**MOTION:** L. GARGIULO

**SECOND:** E. BEATTIE

**UNANIMOUS**

**Elections: Update on Poll Books:** The Town Administrator checked with the Town Clerk to identify the towns that use Poll Books in NH. Barrington, Derry, Hudson, Londonderry, Plymouth, and Rochester. M. Lane commented "that's it?" K. Anderson responded that the Town Clerk said that she understands that five (5) more municipalities have recently signed up to purchase Poll Books. E. Beattie commented that all of the towns listed are much larger than Hampton Falls. K. Anderson said that the town closest in population size to Hampton Falls is Plymouth at 6,626, but all of the other towns are 34,000 to 25/26,000 in population and are much larger. Chairman Lane said that he understands the value of the Poll Books, but said that it may be too early for Hampton Falls. L. Gargiulo agreed with

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Chairman Lane suggesting that the Board take the information under advisement for future reference. E. Beattie agreed.

Rank Size	Municipality Name	Population *
4	Derry	34,354
6	Rochester	32,869
9	Londonderry	26,146
10	Hudson	25,468
31	Barrington	9,444
50	Plymouth	6,626

\*Source US Census 2020

Hampton Falls population 2,096

E. Beattie suggested that questions be asked of the towns using the Poll Books to determine their experiences using the devices, positive or negative. He suggested that surveying the towns could provide information for a better decision later. Chairman Lane said that the Town may consider the Poll Books for future acquisition, to have in place for the elections in 2024.

**Other Selectmen's Old Business:**

**Tree Removal Request by Unitil – Town Property – Exeter Road** K. Anderson presented a request by Unitil to remove trees and brush, as part of a Line Clearing, located on two (2) Town-owned properties on Exeter Road, parcels: Map 6/Lot 52 (pole #123-125), and Map 4/Lot 35 (94-95). The Tree Removal Authorization request by Unitil noted that the parcel Map 6/ Lot 52 may be in Conservation, and proposed work is to flat cut brush, prune trees and remove vines within proximity of line. The trees have been marked with white flags (T=trim, and White=remove), brush will be chipped, wood will be left on site, and stump will be left below ten-inches (10”) height. One parcel has three or four trees located in a marshland area, and the other parcel has a few more trees. The decision was made to defer the subject to the next Selectmen's meeting, when the Road Agent will be present, and K. Anderson said that she would identify the closest house numbers to the proposed two parcels, so the Selectmen could drive by before the next meeting.

**Susan Porcelli – Introduction of State Representative, District 19:** S. Porcelli introduced herself as the newly sworn-in State Representative for District 19 that includes Kensington and Hampton Falls. She said that she looks forward to working cooperatively with the Town Administrator and the Board of Selectmen; and, that she plans to hold office hours at Town Hall, starting in January for any constituents who wish to contact her. S. Porcelli said that she is committed to keeping the town updated with what is happening at the State House. K. Anderson asked to which Committee was she assigned, and S. Porcelli responded that her Committee assignment will be determined at the end of the month.

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**NEW BUSINESS:**

**Executive: Assistant Town Clerk/Tax Collector appointment of Carol Beers Witherell of Kensington, for a six-month probation effective 12/08/2022.**

K. Anderson presented the recommendation of the Town Clerk to the appointment of Carol Beers Witherell, for a two-day-per week position as Assistant Town Clerk, for a six-month probationary period. Ms. Witherell has experience for a total of four (4) years in Kensington's Town Clerk's office both as Deputy and also as Town Clerk. She has also worked as Assistant Town Clerk in Danville and is currently the Assistant Town Clerk in Plaistow two-days per week. She is already trained with the State DMV, Vital Records and ElectionNet.

**MOTION: To appoint Carol Beers Witherell of Kensington as an Assistant Town Clerk/Tax Collector, for a six-month probation effective 12/08/2022.**

**MOTION: L. GARGIULO**

**SECOND: E. BEATTIE**

**UNANIMOUS**

**Executive: Tax Collector: Annual Contract for signature with Sanders Searches, LLC, of Newmarket, for Title Search work for overdue taxes:**

K. Anderson explained that Sanders Searches is the company that does the title work for the tax liens for the Town Clerk. This is the annual contract that needs to be signed by the Selectmen.

**MOTION: That the Selectmen approve and sign the annual contract with Sanders Searches, LLC of Newmarket, in the amount of \$360.00, for Title Search work for overdue taxes.**

**MOTION: E. BEATTIE**

**SECOND: L. GARGIULO**

**UNANIMOUS**

**Executive: Selectmen's Permit - Wreaths Across America, 12/17/2022 from 12pm to 3pm: Town Common Monument site and 9 cemeteries:**

K. Anderson stated that Pam Fitzgerald and Linda Savoy are requesting a Selectmen's Permit to utilize the Town Common Monument site and 9 Cemeteries for the Wreaths Across America program to utilize volunteers to lay 210 wreaths on Veteran graves, 6 military wreaths, Town war stones and Police/Fire on 12/17/2022 from 12pm to 3pm.

**MOTION: To approve and authorize the Chairman to sign the Selectmen's Permit for the Wreaths Across America program on 12/17/2022 from 12pm to 3pm, at the Town Common and 9 Cemeteries.**

**MOTION: E. BEATTIE**

**SECOND: L. GARGIULO**

**UNANIMOUS**

**Timber Intent to Cut Permit-108 Kensington Road:** K. Anderson presented the Intent to Cut application by the owners of 108 Kensington Road. She stated that the lot is forty-five (45) acres and has two-hundred-and-fifty-feet (250') of frontage. The area proposed to be cut is thirty-five (35) acres to comprise three-hundred-thousand (300,000 mbf) million-board-feet. Chairman Lane asked if the Town knows the purpose of why the owner is proposing to clear the land, and K. Anderson responded no. E. Beattie commented that he thought that hunters will be upset. Chairman Lane stated that it is the owner's right to do this on his own property. K. Anderson said that wood prices are very high right now, so the owner could be doing it for the price of the wood. Chairman Lane asked what is the purpose of an Intent

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to Cut permit if the owner is within their right to go ahead, and the response was that the town receives payment of the Timber Tax on the board feet of wood cut.

**MOTION: To approve the Intent to Cut Permit for 108 Kensington Road.**

**MOTION: L. GARGIULO**

**SECOND: E. BEATTIE**

**UNANIMOUS**

B. Mutrie asked if the Timber Tax rates are updated on a regular basis, and K. Anderson responded that they are updated annually. M. A. Hill requested a copy of the Intent to Cut permit for the Conservation Commission.

**Financial Administration: Tax Collector: Overpayment of Taxes: Tax Abatement #767, Map 8, Lot 83-7 for \$58; and Tax Abatement #768, Map 4, Lot 17-7 for \$92:** Due to Overpayment of Taxes, the Tax Collector is requesting the Selectmen approve the requested Tax Abatement #767, Map 8, Lot 83-7 for \$58; and Tax Abatement #768, Map 4, Lot 17-7 for \$92. K. Anderson explained that this happens sometimes when the town's tax rate goes down, and people pay their entire tax bill for the year, so when the bill for the second half of the year is calculated those taxpayers have overpaid.

**MOTION: To approve Tax Abatement #767, Map 8, Lot 83-7 for \$58; and Tax Abatement #768, Map 4, Lot 17-7 for \$92.**

**MOTION: E. BEATTIE**

**SECOND: L. GARGIULO**

**UNANIMOUS**

**Financial Administration: Assessing: 2023 cyclical assessment reviews:** K. Anderson explained that historically the town has done twenty-percent (20%) annually for cyclical assessment reviews, and now the town is approaching 2023 when a revaluation is scheduled, and the cyclical reviews are eighty-percent (80%) complete. E. Beattie asked what section of town has not been done yet, and the response was part of Kensington Rd, Wellington Farm, Crank and Goodwin Roads. To pay for both a cyclical review and the revaluation in the same year would be very expensive and would create more confusion for residents than it is worth. Chairman Lane asked for some clarification about what work is done for the cyclical reviews. K. Anderson described that the Assessors look at the property to confirm that the data the Town has on the tax card is correct, for example, confirming an unfinished basement, or number of sheds on the property as data collection that gets added/updated onto the tax card each year. Generally, K. Anderson said that things identified are often work that was completed without a permit, such as a generator added, or the modification of a deck. Sheds do not require permits, but are taxed, so the cyclical reviews update the tax card with those improvements. Every five (5) years, for the revaluation, foundations are measured and data corrections are noted. Properties examined during the revaluation are properties that have sold in the prior eighteen-month (18) period, by talking with Buyers to determine details of the transactions, such as: were there inclusions such as furniture as part of the sale, or, was it an "arms-length" transaction among family members, for example, and may not be representative of fair market value. Sales are researched to make sure that the statistics are determined for particular neighborhoods.

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Chairman Lane asked about the scenario of the Assessor asking to view the inside of a residence, and whether it is better to refuse or to allow entrance. K. Anderson said that it depends on the situation, but the overall point is equity so that everyone gets taxed equitably.

The DRA has responded to the Town's request for a review of the revaluation contract, which is required prior to the Selectmen signing the contract. The DRA noted that the revaluation contract was in addition to the cyclical review contract the Town has in place for 2023. The DRA is asking the Board to clarify if both processes were going to take place in 2023. K. Anderson recommended that it makes more sense to do 25% of the cyclical inspections each year for four (4) years and the revaluation in year five (5), and the Selectmen agreed with that recommendation. The DRA has requested an official notification that the cyclical inspection work is being suspended for 2023.

**MOTION: To request that the Town Administrator submit the requested official notification from the Selectmen to the DRA of the change to suspend cyclical inspection work for 2023.**

**MOTION: E. BEATTIE**

**SECOND: L. GARGIULO**

**UNANIMOUS**

E. Beattie asked if the Selectmen needed to vote on the change from 20% to 25% for the annual cyclical assessment reviews. K. Anderson responded that the current contract with Avitar expires in 2023, so when the Town goes out to bid for that contract the bid specifications will show 25%.

**Financial Administration: Budget Review / Warrant Articles:**

Budget Review: All of the department's budgets have been reviewed at this point, and the adjustments the Selectmen made at the last Budget Review have been made.

The Police budget reflects revisions made by Chief Veno as discussed, based on changes to the prosecution contract, with a reduction from \$20,000 to \$9,000. Police budget increased training from \$3,000 to \$4,000 so that some officers can do investigative work.

The Executive budget change is consolidating the Assistant Administrator position, previously funded through multiple sources separately in Planning and Zoning budgets to one line item in Executive.

Election, Registration, and Statistics budget is reduced by \$1,602 for 2023 due to the reduction in the number of elections next year. K. Anderson commented that the revised budget number includes the adjustment made at the last Selectmen's Budget Review.

Financial Administration budget is increased by \$54,692 and \$42,000 of that increase is for the Revaluation. Chairman Lane made the point that next year that \$42,000 will be a reduction in the budget, and K. Anderson said that it does not show up in the Default Budget either because it is a one-time expense. Chairman Lane said that prior to this year, there was an amount being set aside annually as part of the annual CIP request for the purpose of the Revaluation, and K. Anderson explained that the Town was not putting away enough money annually.

The Legal budget reflects the \$5,500 reduction as decided at the most recent Selectmen's Budget Review meeting.

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The Employee Benefits budget reflects the increase of the number of family plans, the 4% COLA and Social Security and Retirement wages impacted, combined with the 11 % increase in health insurance rates. Chairman Lane clarified that it was the addition of new staff with families. K. Anderson described that the currently open Police Officer position was budgeted for the full-year at a family plan. She suggested reducing the line item by \$3,000 (for one month's health insurance cost) as a new hire would not start before February 1, 2023. L. Gargiulo suggested taking a total of \$6,000 off this line item, as he felt a new hire would not start before March 1.

Planning Board and Zoning Board budgets were reduced due to the Assistant Administrator's wage being moved to a single line item in the Executive budget. The Postage line item was consolidated and moved to the Financial budget.

The Heritage Commission budget was reduced by \$500. Last year the Heritage Commission spent \$597. K. Anderson stated that she just issued a check in the amount of \$903 to the Heritage Fund for their unspent monies from their 2022 budget year.

The Government Buildings budget increases are due to electricity and fuel costs.

The Cemeteries budget reflects the reduction by the Selectmen of \$2,000 in supplies from the most recent Budget review meeting. K. Anderson reported that she heard from the Cemetery Trustees Chairman who thought that the cut was too large and that he had concerns. L. Gargiulo responded, so noted, and Chairman Lane agreed. K. Anderson said that if there was an emergency need that arose, that the Selectmen could allocate funds from the Government Buildings account if needed.

The Insurance budget increased due to a property liability insurance (Primex) increase of \$3,240 or nine-percent (9%).

The Police budget: E. Beattie commented that the budget shows a balance of \$186,000 at the end of 2022. K. Anderson explained that the next payroll period is the big one when all holiday pay and buyouts are paid annually. She said that Police Chief Venio estimates that there will be \$46,000 left in that account at year end. She stated that the Police budget had included the former Police Chief's buyout and then half was appropriated from unspent 2021 funds and half from 2022 funds, as a result, some funds were saved in 2022. There were additional cost savings in Police wages because the former Police Chief's wages were higher, and there was more vacation time built-up.

Chairman Lane asked about the holiday payment approach for the Police Department, and if it was optional or preferred for Police Officers to receive their holiday pay throughout the year and asked why officers may prefer to get paid in one check at the end of the year? K. Anderson responded that this approach was written policy and is typical of most towns. She explained that when a Police Officer works on a holiday that time is paid as any other day, and then at the end of the year all holidays are paid to the Police Officer in one check.

E. Beattie said that the Police Department has spent \$478,000 in 2022 and has a chunk of money unspent at year end, and he does not want the residents to be inappropriately taxed. K. Anderson responded that the 2022 Police budget was former Chief Dirsra's budget, and so through the year Chief

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Veno has found areas of the budget to cut and save money in the amount of \$22,000 lower than the prior year. E. Beattie said that any unspent monies remaining in the Police budget will be moved into the undesignated funds balance at year end. K. Anderson clarified that undesignated funds balance can be used next year to reduce the tax rate.

L. Gargiulo went back to the discussion about the Police Department budget and asked about the hiring of a fifth Police Officer. Much like the conversation about reducing benefits of that fifth officer for two (2) months, the question was why not cut the salary by two or three months? The point was that a new Police Officer hired would need to give notice to their current position and then go through background checks etc that would consume at least two or three months. K. Anderson responded that the hiring bonus has not been budgeted for, and would still need to be paid, so she recommended to keep the salary at the current rate to cover the bonus payment. She explained that the Public Hearing on the Proposed Budget is scheduled for January 4<sup>th</sup>, and after hearing comments at that public hearing the Selectmen can make changes. L. Gargiulo said that by early January there may be more information from Police Chief Veno about a potential new hire. E. Beattie said that the challenge of hiring new Police Officers is a problem all over the northeast, and not just in Hampton Falls, or in New Hampshire. K. Anderson reiterated that there will be two more occasions, after tonight's Selectmen's meeting, to amend the proposed budget prior to the ballot being printed for the election March 14th, namely first at the public hearing January 4<sup>th</sup>, and second at the Deliberative Session February 4<sup>th</sup>, 2023.

The Ambulance budget increase was primarily due to the COLA increase.

The Fire Department budget was updated to reflect the COLA increase. Repairs, maintenance and dues were combined into one line item.

The Building Inspector budget shows the wage change where the amount from Health was combined under Building Inspector to be more transparent.

The Emergency Management budget shows a decrease because it is not a graded exercise year.

The Highway budget is increased by \$320,000, with \$140,000 of that increase being the Winter Road Maintenance contract.

The Street Lights budget is an electricity estimate. K. Anderson stated that there are eight (8) street lights in town.

The Solid Waste Collection budget is flat with no changes.

The Solid Waste Disposal budget increased from \$900 to \$1,200 per month due to a contractual increase for the cardboard recycling, with the new baler. Higher revenue is expected from cardboard recycling sales, as the cardboard baler makes smaller size bales and the vendor can temporarily store the material until prices are advantageous enough to sell.

The Health Department budget was reduced by \$7,800 with wages being consolidated under the Building Inspector's budget.

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The Animal and Pest Control budget reflects a decrease due to the 2022 budget that anticipated the job share position with the Town of Seabrook.

The Health Agencies budget is reduced based on the decrease in the number of requests received.

The Welfare budget is increased by a small amount.

The Parks and Recreation budget reflects a small increase due to the separation of the budgets into a Parks budget and a Recreation budget.

The Library budget has a large increase due to the change in staff of the Director's position in terms of benefits. The prior Director was not on any town benefits other than the health buyout, and the new Director is on the family plan for health insurance. The \$21,000 change reflects in wages, retirement, etc. K. Anderson reported that she has been working with the Library Treasurer because due to their mid-year Director change their budget is going to be overspent and the Library is going to reimburse the Town that difference.

The Patriotic Purposes budget has no change. It is a flat budget of \$600 that is used to purchase flags and flowers.

The Heritage Commission budget. B. Mutrie said that the Heritage Commission installs small American flags on the I- 95 bridges in honor of the Veterans, and she asked if that cost could be absorbed by the Patriotic Purposes account, and K. Anderson said that it was a minimal amount, and said yes. B. Mutrie responded that it is typically approximately \$10.

The Conservation Commission budget is decreased by \$3,000.

The Bonds budget line item decreased as the interest on the bond is paid off due to amortization.

There were no other questions regarding the Budget, so Chairman Lane said that the Selectmen would look forward to an update regarding the timing of the Police Department's hiring of a fifth Officer, as they may be able to impact the budget further dependent on the hire date.

K. Anderson asked the Selectmen if they wanted to confirm the Cost-Of-Living Allowance (COLA) increase at four-percent (4%), for the proposed 2023 budget, as discussed at this meeting.

**MOTION: To confirm the Cost-Of-Living Allowance (COLA) increase at four-percent (4%) for the proposed 2023 budget.**

**MOTION: E. BEATTIE**

**SECOND: L. GARGIULO**

**UNANIMOUS**

**Draft Warrant Articles:** K. Anderson stated that there is a draft of the Warrant Articles for 2023 in the Selectmen's packets. There is a revised warrant article that she provided today, as articles are revised and updated.

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**The first twelve (12) are Zoning Articles** that the Selectmen do not need to take any action on, just to Recommend or Not Recommend. The public hearing has been held on the first ten (10) articles, so those are posted and are in effect now, unless rescinded at Town Meeting. Articles 11 and 12 are scheduled for a Public Hearing later this month at Planning Board. E. Beattie said that these are minor changes to wording and definitions in the Zoning Ordinance. K. Anderson asked R. Webb to summarize the proposed zoning changes. R. Webb stated that the Hazardous Materials definition is cited in three (3) different areas of the Zoning Ordinance, the Non-Conforming Use definition shows up in two (2) different sections of the Zoning Ordinance, then, the Elderly, Multi-Family, and Multi-Family Workforce Dwelling Unit or Unit is cited in two (2) areas of the Zoning Ordinance, and lastly, the definition of Unit needs to be added to the Zoning Ordinance. She summarized that these changes are to make the definitions consistent throughout the Zoning Ordinance. K. Anderson described an amendment to the Scenic Roads Zoning Ordinance that will require abutters be notified prior to the pruning and/or cutting of trees within the road right-of-way on Scenic Roads. R. Webb added that the last two (2) proposed warrant articles for zoning changes to be considered at public hearing later this month are concerning compliance with the new House Bill 1661, so that affordable housing and elderly housing will be the same in their minimum acreage requirement and maximum number of bedrooms per building, so that one does not have more incentive than another.

**Article 13** is the **Operating Budget** and K. Anderson said that she will have the confirmed budget number inserted into that article.

**Article 14** is the **Purchase of a Mini-Pumper** K. Anderson described that this is to raise and appropriate Three-Hundred-Forty-Thousand-Dollars (\$340,000) for the purchase of a Mini-Pumper to replace Tanker 2. Funds to be withdrawn from the Fire Department Vehicle Fund and the Fire Department Special Detail Revenue Fund. No amount from taxation. L. Gargiulo asked what is going to happen to Tanker 2, and the response from Fire Chief Lord was that Tanker 2 is 22-years-old (2000) and will be traded in. K. Anderson asked what the lead time is to order a Tanker, and the response was 528 days (1-1/2 yrs). Chairman Lane asked is there a, or, what is the market for a 2000 Tanker, and Chief Lord said that they are used for agriculture and logging operations.

**Article 15** is the **Purchase of Fire Department Radios** K. Anderson stated that this article is to raise and appropriate Two-Hundred-Thirty-One-Thousand-Dollars (\$231,000) for the purchase of Portable and Mobile Radios. This article is contingent on the Town receiving a 2022 Firefighters grant in the amount of \$219,450. The amount to be raised from taxation is proposed at \$11,550. L. Gargiulo asked Fire Chief Lord about the Firefighters grant program. Chief Lord described that AFG is a grant program through FEMA, to which he applies in January, that is open for 27-days and is a competitive national program. In the past, the Town has received funding for Air Packs with this grant source. This proposal is for forty (40) digital radios at \$3,500 each that provide interoperability as their main feature, to be able to talk with the Police. The current radios are from 2005 and have been repaired as much as possible and are at the end of life. Chairman Lane asked Fire Chief Lord what is the probability of acquiring the grant, and the response was very probable. Chairman Lane asked if the Town is putting themselves at risk asking for the \$11,550 if it is denied by the voters, then the Town cannot purchase radios. He continued asking isn't it better to make no tax impact and acquire four (4) fewer radios? Fire Chief Lord explained that FEMA loves to provide equipment, and FEMA also loves to see the proposal for how the Town is going to maintain their investment of that equipment (funded with the FEMA grant money) and the programs

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utilizing the equipment. Fire Chief Lord explained that if the grant application is not successful then next year, he will propose to purchase a certain number of radios incrementally each year. K. Anderson said the only other option is to budget the amount. Chairman Lane said that he would hate to get the grant, and then the warrant article not pass, so that the Town could not accept the grant. K. Anderson said that it is going to be communication with the voters to understand the importance of these grant opportunities.

**Article 16** is the **Lafayette Road Sewer Study** to see if the Town will vote to raise and appropriate One Hundred-Thousand-Dollars (\$100,000) for an engineering study for the addition of sewer along Lafayette Road. Said appropriation to be offset by \$100,000 in principal loan forgiveness under the New Hampshire Department of Environmental Services Clean Water State Revolving Fund (SRF); and to authorize the Board of Selectmen to apply for, contract for, accept and expend any Federal, State or other available funds towards the project in accordance with the terms and conditions under which they are received and to borrow in anticipation of the receipt of such and or the issuance of such bonds or notes as provided in the Municipal Finance Act (RSA 33); and to authorize participation in the State Revolving Fund (SRF) (RSA 486:14) established for the purpose, and to authorize the Board of Selectmen to accept and expend such monies as they become available from Federal and State Governments. This shall be a non-lapsing appropriation per RSA 32:7, VI and shall not lapse until the project is completed or by March 31, 2025, whichever is sooner. (3/5ths vote required)

Chairman Lane asked if the offset was already in place, and K. Anderson responded that we are already on the list, she said that she applied quite a while ago, and the list has been posted for the One-Hundred-Thousand-Dollars, but the Town needs to obtain Town Meeting approval. K. Anderson explained that if this is rejected at Town Meeting then the Town will not have the ability to hire an engineer. If Seabrook approves the sewer extension, then the project won't cost the town \$100,000 in engineering costs to study it because we would have the answer. This proposal gives the Town the opportunity, if necessary, to look at a couple of lots within the town of Hampton Falls to see if it would be feasible for the Town to have its own waste water treatment plant, if the Town is unable to connect to Seabrook for sewer.

Chairman Lane asked why there is a 3/5<sup>th</sup> vote requirement for this article, and K. Anderson responded that it is a requirement of the Clean Water Revolving Fund. Chairman Lane requested that K. Anderson add a sentence (in a different color ink) at both the top and at the bottom of the article language to state that there will be “no tax impact”.

**Article 17** is the **Drinkwater Road Culvert** to see if the Town will vote to raise and appropriate One-Hundred-and-Fifty-One-Thousand-Dollars (\$151,000) for the repair and replacement of the culvert located near 70 Drinkwater Road. Said appropriation to be offset by \$135,900 Hazard Mitigation Grant funds. Ten-percent (10%) town match of \$15,100 to be raised by taxation. (Majority vote required) K. Anderson explained that she applied for this grant earlier in the year, and she has a meeting with FEMA to go over final details next Tuesday. K. Anderson said that this one does not have to be a warrant article. She said that she put it in to raise the \$15,100 but the Selectmen can take it out, and there may be funding available in the Highway funds to cover the cost. Chairman Lane said that he would like to see wording in the description of the article to say that “*the culvert has failed, it needs to be replaced*”, and this is the opportunity to have the project paid for primarily by grant funds.

K. Anderson reported that she received notification of a new grant program for Dock-Boat Launch

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Stabilization, which she forwarded to the Depot Road Committee. The grants are for projects up to \$100,000 and are a 75% grant with 25% Town match. What may be considered for this project are cement logs to stabilize the access because one of the problems with the Depot Road Boat Launch area is that gravel deposited there keeps eroding. As K. Anderson has researched how other towns have utilized this grant money, there are plastic kayak launch units (like a cradle) that can be put to the side, that prevent the erosion of dragging the kayak and making a rut into the marsh. L. Gargiulo expressed concern about the implications of parking boats with trailers and kayak use at the boat launch, and that if the Town makes it more convenient then it will be used more. K. Anderson said that all of those uses are already happening at the boat launch, but she added that the Town does not have to apply for the grant. If the grant was obtained then all the signs that were recently purchased for the Depot Road Launch would potentially be able to be reimbursed by the grant. Chairman Lane said that it is not possible to launch a boat there at low tide because of the muck. K. Anderson said that she was speaking with Kevin Lucey at NH DES regarding the cement logs used to stabilize boat launch areas as being a dimension of 4 by 4. She explained that it is a short window (for the grant application) to research the right approach to ensure compatibility with the goal of a Living Shoreline. The Town is not going to install an asphalt, paved boat launch, it is going to be more natural. The application deadline is in June and the information about the grant was just released this week. She will pull together some proposals for discussion.

**Article 18** is the **Police Body/ Cruiser Camera Equipment** To see if the Town will vote to raise and appropriate Twenty-One-Thousand-Five-Hundred-Seventy-Six-Dollars (\$21,576) for the purchase and service of Body and Cruiser Equipment and associated costs. Said appropriation to be offset by \$14,081 Homeland Security Grant funds. Town match of \$7,495 to be raised by taxation. K. Anderson stated that this proposed project will cover the service agreement for the software for five-years. Representative Porcelli said that it would be useful to identify what would happen if the Article does not get approved. K. Anderson said that in this case, the grant has already been approved, and Rep. Porcelli said then that information should be added on the ballot description, and K. Anderson agreed.

**Article 19** is the **Adoption of RSA 72:81 Economic Development Tax Exemptions** K. Anderson explained that this is what the Selectmen had worked on a few months ago that would grant tax exemptions for new construction performed on commercial uses determined to be a public benefit. The intent of the exemption authority is to provide incentives to businesses to build, rebuild, modernize, or enlarge within the municipality. The exemption shall apply only for municipal and local school property taxes assessed by the municipality. The exemption will not apply to the entirety of the property value, but only to any increase in assessment which results from the new construction. The period of time for which the property is eligible for exemption is five years. The percentage of authorized exemption is as follows: Year 1=50%; Year 2=40%; Year 3=30%; Year 4=20%; Year 5=10%. All percentages are of the increased assessment as described above.

For purposes of this exemption, the term “new construction” shall mean new structures, or additions, renovations, or improvements to existing structures; the term “public benefit” shall mean a long-term increase to the assessed value of the town, have minimal burden on town services and/or offer residents new goods and services and employment opportunities; the term “commercial:” shall include retail, wholesale, service, hospitality and similar uses all as defined in the Hampton Falls Zoning Ordinance, as it may be amended from time to time. If adopted, this Warrant Article will become effective April 1, 2023 and will remain in effect for five (5) years.

E. Beattie stated that it would behoove the Selectmen to spend some time between January 1 and February 4<sup>th</sup> educating the public about the benefits of this proposed program, because it will be a learning curve for the public to support the proposal. He recommended spending time with people explaining it, to make sure that they understand the proposed program, not just at Deliberative Session. K. Anderson said that she is going to put together a “Voter Guide” to explain the facts of each proposed Warrant Article. E. Beattie said that sounds great, but it would have to be posted on the website, because not many people attend Deliberative Session. L. Gargiulo asked about mailing it, in addition to distributing it at Deliberative Session, and K. Anderson said to wait to see the size of the document after completed, to determine the postage cost of mailing to all households. Chairman Lane said that he agreed that there should be a push to get people to understand the proposed warrant articles, because there are some with the possibility of confusing people if not read carefully, and there is a real benefit to the taxpayers if voted correctly. K. Anderson clarified that any explanation of the facts (Voters’ Guide) from the Selectmen, to do with proposed warrant articles, can not be political, in other words, the Selectmen can not state “you should vote for this”. E. Beattie suggested that Selectmen can have residents ask them, at the Deliberative Session, how they plan to vote on particular articles, and then that becomes a public discussion recorded in the minutes, but you can not suggest how voters should vote.

**Article 20** is the **Highway Maintenance Capital Reserve Fund** K. Anderson said that this dollar amount can be adjusted by the Selectmen. To see if the Town will vote to raise and appropriate One Hundred-Fifty-Thousand-Dollars (\$150,000) to be placed in the Highway Maintenance Capital Reserve Fund for the purpose of maintenance and improvements to culverts and town roads, using \$68,597 Highway Block Grant to offset this amount. Historically, K. Anderson described, this amount has been an annual appropriation of \$250,000, so this is one of the places where the Selectmen have decided to compensate for the higher budget by reducing the \$250,000 to \$150,000 for 2023. Chairman Lane agreed, saying that the Selectmen have additionally accomplished three (3) big money culvert projects in the past two years. He said that the \$250,000 annual amount also reflected that there were some deferred paving projects that needed to be done.

**Article 21** is the **Police Cruiser Capital Reserve Fund** K. Anderson presented this proposed article that is the annual CRF request for the Police Cruiser for \$23,000.

**Article 22** is the **Mosquito Control** annual request for \$21,000 to include an early detection system for diseases, larviciding and spot adulticiding for 2022.

**Article 23** is the **Heritage Commission** request for \$1,000 to be deposited into the Heritage Commission fund.

**Article 24** is the **Lease of the Old Library**. K. Anderson reported that the current lease for the Library expires in May of 2023. To see if the Town will vote to approve a *to be determined TBD* year lease with the Hampton Falls Historical Society for the use of the old library building for cultural and historic purposes for One-Dollar-per-year. The past lease was for a term of five-years. The term of the lease can be whatever number of years for a vote by the town, such as ninety-nine-years. If it was not a vote of the town, and it was just the Selectmen deciding to sign the lease, then the lease term maximum is five-years (5yrs). L. Gargiulo commented that there are many proposed warrant articles this year, and that perhaps

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this one could be deleted from the ballot, and simply handled by the Selectmen renewing the five-year lease. The statute will be reviewed and if possible, the article will be deleted.

**Article 25 and Article 26** are both required articles regarding **Veterans' Tax Credits** K. Anderson explained that these two articles must be on the ballot because of a legislative action that took place this year that changed the definition of veterans' credits. Somebody who is now, currently serving in active service, is now eligible to qualify to get the veterans' credit. Towns (like Hampton Falls) who have opted to take the Optional Veterans' Tax Credit, [instead of fifty-dollars (\$50) Hampton Falls has gone with six-hundred-dollars (\$600)], have to reconfirm the credit amount based on the new definition. If not reconfirmed by the Town, then the Veterans' credit reverts to the fifty-dollars (\$50).

Article 25: Shall the Town of Hampton Falls vote to re-adopt the provisions of RSA 72:28 II, Optional Veterans' Tax Credit pursuant to RSA 72:27-a? If adopted, the credit will be available to any resident, or the spouse or surviving spouse of any resident, who (1) served not less than 90-days on active service in the armed forces of the United States and was honorably discharged or (2) an officer honorably separated from service. If adopted, the credit granted will be \$600.

K. Anderson explained that the same is true for the All Veterans Tax Credit that it needs to be readopted or it will revert to the fifty-dollars (\$50).

Article 26: Shall the Town of Hampton Falls vote to re-adopt the provisions of RSA 72:28-b, All Veterans' Tax Credit pursuant to RSA 72:27-a? If adopted, the credit will be available to any resident, or the spouse or surviving spouse of any resident, who (1) served not less than 90-days on active service in the armed forces of the United States and was honorably discharged or (2) an officer honorably separated from service and is not eligible for or receiving a credit under RSA 72:28 or RSA 72:25. If adopted, the credit granted will be \$600. The same amount as the standard or optional veterans' tax credit voted by Hampton Falls under RSA 72:28.

**Article 27** is the **Discontinuance of Capital Reserve Fund** K. Anderson reported that there is \$57.42 left in the Multi-Bay Garage CRF, and the only way to close the account is through a Warrant Article. To see if the Town will vote to discontinue the Multi-Bay Garage Capital Reserve Fund established in 2014 with said funds and accumulated interest to date of withdrawal, to be transferred to the municipality's general fund.

**Article 28** is the **Discontinuance of Capital Reserve Fund** K. Anderson said that this is the same as Article 27, that a Warrant Article is required to enable the closure of the account. To see if the Town will vote to discontinue the Tercentenary Celebration Capital Reserve Fund established in 2011 with said funds and accumulated interest to date of withdrawal, to be transferred to the municipality's general fund.

K. Anderson stated that the Tricentennial revenue fund that the Town maintains through the Treasurer will keep going, as that account is not a capital reserve fund, and that is the account into which monies are being deposited for the sales of the *History of Hampton Falls Volume 3* books. When the Town has sold enough books to reimburse the Historical Society for their initial contribution towards the books, then the Town can still collect money for the sale of the books.

**Article 29** is a proposed **Animal Control Ordinance** that K. Anderson has been working on together

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with Police Chief Venio. Together they looked at sample ordinances from the towns of Weare, Exeter, and Windham. They modeled this proposed ordinance mostly from Weare's sample, with some options from Exeter and Windham. The big, key difference is determining what the Town wants for a definition of the term "*running at large*". Currently the Hampton Falls ordinance adopted in 1996 a leash law, "*...which makes it unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, herding, supervised competition and exhibition or training for such...*" K. Anderson stated that the ordinance is currently in effect, although not generally followed in practice. Dogs are regularly allowed to run off-leash at Raspberry Farm by private companies and individual residents.

This week the Conservation Commission forwarded some correspondence to the Selectmen regarding dog walking issues at Raspberry Farm, with dogs being allowed to run off leash in that location which has caused problems for residents who just want to go hiking there and are concerned with dogs running around. Apparently, there are professional dog-walking (private) companies using the (public) Raspberry Farm to walk dogs for their business. The proposed ordinance adds penalties for violations of the ordinance, whereas the current ordinance has no penalties, and this was a concern of Police Chief Venio. L. Gargiulo said that a fine of \$100 per dog would be appropriate. Chairman Lane said that he liked Stratham's scenario, and K. Anderson described that Stratham has a parking lot designated for residents only, and an associated dog area for off-leash dogs. So, any non-residents must leash their dogs at that location. E. Beattie said that the Raspberry Farm parking lot can only accommodate four (4) cars. K. Anderson stated that public property can not be used for a private purpose, so there may be the ability to restrict private use (dog-walking companies) on public lands.

M. A. Hill, Chairman of the Conservation Commission stated that it may be appropriate to limit no more than two (2) dogs per person, on a leash. She said that the Conservation Commission prefers that the dogs are on leashes so that they don't chase the deer at Raspberry Farm. Chairman Lane supported the idea of signage requiring all dogs on leashes. He went on to clarify that the letter received was from a Hampton Falls resident whose dog was off leash, and who was complaining about the professional dog-walkers whose dogs were on leashes. E. Beattie was in support of adding signage to require all dogs on leashes at Raspberry Farm, to deter people from running their dogs off leash. L. Gargiulo supported the idea of adding penalties to the ordinance, and the other two Selectmen agreed.

M. A. Hill looked at state regulations online regarding state parks and beaches, restricting dog access, and found that some parks do not allow dogs at all, while at beaches dogs are allowed in the winter time, on a six-foot leash. The winter timeframe starts either at September 30<sup>th</sup> or October 30<sup>th</sup> until May 1<sup>st</sup>, and then in Summer dogs are not allowed on the beaches at all, and dogs are not allowed to run free any time of year. K. Anderson asked if the Conservation Commission would like similar restrictions at Raspberry Farm, and M. A. Hill responded that they have no objection to electronic collars with clickers, nor do they object to retractable leashes. L. Gargiulo asked if the Conservation Commission wants dog walkers to get paid to walk their dogs on Conservation land, and to harass residents? M. A. Hill responded that it is impossible to monitor the activity. M. A. Hill said that if signs are going to go up at Raspberry Farm, then they should also go up at Marsh Lane and at Depot Road Landing. L. Gargiulo said that without an ordinance in place with some penalties, there is no way to enforce the objectionable activity. He said the Selectmen's first obligation is to the residents of Hampton Falls. E. Beattie said that the enforcement piece is going to be challenging. L. Gargiulo said that this should hold true for all conservation properties in town. E. Beattie was in support of putting up signs to try to deter inappropriate use of property.

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K. Anderson stated that this could be a Selectmen's ordinance, and not a warrant article, to shorten the warrant by one more article, and all the Selectmen agreed. She said that she would bring it back to the Selectmen in a revised format at a future Selectmen's meeting. The definition of "running at large" supported by the Conservation Commission was most closely aligned with the definition used by the Town of Windham: *"Running at large" means off the premises or property of the owner while not on a fixed leash of eight feet or less or a retractable leash of 15 feet or less, not under the physical control of a responsible person, and/or not confined within a vehicle.*

**Fire / Ambulance: Fire Department appointment of Donald O'Brien of North Hampton, for a six-month probation effective 10/01/2022:** Fire Chief Lord recommended the appointment to the Hampton Falls Fire Department of Donald O'Brien of North Hampton, for a six-month probation effective 10/01/2022.

**MOTION:** To appoint to the Hampton Falls Fire Department, Donald O'Brien of North Hampton, for a six-month probation effective 10/01/2022.

**MOTION:** E. BEATTIE

**SECOND:** L. GARGIULO

UNANIMOUS

**Conservation: NH DES reported alleged violation #2022-03037 of wetland being dredged and filled without a permit at 42 & 46 Drinkwater Rd:** K. Anderson reported that this is an informational piece for the Selectmen. Copies of two (2) reported alleged violation letters, dated 11/17/2022, from NHDES regarding wetland being dredged and filled without a permit at 42 & 46 Drinkwater Rd. were forwarded to DES through the Building Inspector and are now under the control of DES for follow-up, and the property owners have twenty-days (20) to respond.

**Other Selectmen's New Business** There was no Other Selectmen's New Business.

**NEW BUSINESS PUBLIC COMMENT** There was no New Business Public Comment.

**Monthly Reports: Selectmen's Representative Reports:**

**Planning Board, E. Beattie:** The two primary cases before the Planning Board have been previously deferred, namely 5 Kensington Road has been pushed back to February 2023 as the applicant is trying to figure out where to locate a/the well/s on the property. The other case before the Planning Board is 12 Lafayette Road, formerly Faro Garden, that will be back on the Planning Board agenda this month (after deferring in November) as a Design Review application with an adjustment from their original proposal of five-stories to three-stories, and another adjustment from 164 units to 104 units. The proposal may change the dynamic of the town but will be interesting to see their proposals. E. Beattie said that the first time that the applicant presented their plans there were several people who came to see what was being proposed. He said that the development has potential to set the tone for what K. Anderson is trying to do with Economic Development along Route 1.

L. Gargiulo said that the State Housing Appeals Board just overrode a local ZBA decision in Epping that allowed a 350-unit 3-story housing development. E. Beattie said that the Planning Board in Hampton Falls does a really good job of working with applicants to get proposals that are acceptable and

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appropriate and avoids getting in litigious fights. He added that this applicant got the message from their first Planning Board meeting about the number of stories and adjusted their plan accordingly.

**Library Trustees, E. Beattie:** The Library Trustees met at the end of last month. He said that he encouraged the Trustees to think of some programs eligible for Frying Pan Lane funds. The new Director is doing a good job getting oriented, and things seem good. B. Mutrie provided an update that the Trustees just received a bid from someone to fix the Library roof with cement and a membrane around the flashing of the chimney for \$8,500 and they are having trouble finding people to do the work.

**Recreation Commission, M. Lane:** Chairman Lane reported that the Recreation Commission has been very busy planning Holiday events such as the Christmas Tree Lighting coming up this Friday night, that is planned to be more expanded than in previous years. The Ice Rink was installed this past weekend at the GWPark. K. Anderson provided an update about the liner for the Ice Rink, that it had been stored in a shed at the Church and mice made approximately forty (40) holes in the liner since last winter. The holes were patched and the Ice Rink was filled and it still leaked, so a replacement was ordered, (of better quality) and will be installed when it is received. Lights were installed on poles for the Christmas Tree Lighting at the Town Common, that will be moved to the Ice Rink for winter skating. Chairman Lane asked if the electricity for the lights would be accessed from the GWPark, and K. Anderson responded yes.

**LAS, M. Lane:** Chairman Lane commended the School Board doing a nice job keeping the taxes as low as possible. The school's current Proposed Budget is \$6.963M, that is down from last year. The school's Default Budget is \$6.915M, and there is one warrant article proposed for \$55,000 for installation of an internal school phone system, so they are keeping things in check. He continued that the ulterior motive is due to a large teacher's contract coming up that they want to make sure gets passed.

L. Gargiulo asked Chairman Lane about the question of combining the Town and the School Deliberative Sessions together. Chairman Lane responded that he asked the question and he has not yet received a final answer. He said that he disagreed with some of the reasons they were concerned about combining the Deliberative Sessions, and he told them at the meeting that the pros outweighed the cons. E. Beattie said that he would want as many people present at Deliberative Session as possible, because it is all the same wallet, and it would be an opportunity to get the same information to the public regarding both Town and School budgets. Chairman Lane said that the School Board was concerned with the size of the crowd, and that was due to contentious Deliberative Sessions in the past. Chairman Lane said that he was in favor of the more people the better, to encourage more people to attend by consolidating the two meetings into one.

L. Gargiulo said that 78% of the budget is the School Budget. There have been many initiatives to improve the relationship between the Town and the School, and Chairman Lane said that he was hopeful that the Deliberative Session could be scheduled together in the coming months. There was discussion of holding a joint meeting between the Selectmen and the School Board as a possibility.

**Heritage Commission, and Conservation Commission, L. Gargiulo:** There was no update provided.

**REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: November 15, 2022**

**BOARD OF SELECTMEN  
TOWN OF HAMPTON FALLS**

**DECEMBER 07, 2022 – 5:30 PM  
TOWN HALL**

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**MOTION: To approve the minutes of November 15, 2022 as written.**

**MOTION: L. GARGIULO**

**SECOND: E. BEATTIE**

**UNANIMOUS**

**ADJOURNMENT:**

**MOTION: To adjourn the Selectmen's Meeting at 8:20 PM.**

**MOTION: L. GARGIULO**

**SECOND: E. BEATTIE**

**UNANIMOUS**

Next Selectmen's Meeting is Wednesday, December 21, 2022 at 8:00 AM

Board of Selectmen's Meeting Minutes prepared by Rachel D. Webb, Assistant Administrator.