

**BOARD OF SELECTMEN  
TOWN OF HAMPTON FALLS**

**FEBRUARY 01, 2023 – 6:00 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:** B. Mutrie, C. Schutte

Chairman Lane called the meeting of the Board of Selectmen to order at 6:00 pm.

**OLD BUSINESS**

**Financial Reports: General Fund Balance: \$2,973,788.32:** The Tax Collector reported that as of the close of the due date for property taxes she had collected 93% of the warrant. All checks that were being held due to cash flow have now been released, and what was outstanding at the beginning of the month was \$309,000.

**Executive: Payroll Warrant, Accounts Payable, and Escrow Warrant:** K. Anderson presented the Executive accounts as follows: To approve Payroll Warrant # 593 dated 01/18/2023 for \$26,779.62; Accounts Payable Warrant # 833 dated 1/19/2023 for \$917,859.32 (includes the LAS and Winnacunnet school payments); and Escrow Warrant #24 dated 1/19/2023 for \$447.74.

**MOTION: To approve Payroll Warrant # 593 dated 01/18/2023 for \$26,779.62; Accounts Payable Warrant # 833 dated 1/19/2023 for \$917,859.32 (includes the LAS and Winnacunnet school payments); and Escrow Warrant #24 dated 1/19/2023 for \$447.74.**

**MOTION: L. GARGIULO**

**SECOND: E. BEATTIE**

**UNANIMOUS**

**OTHER OLD BUSINESS:** There was no Other Old Business.

**OLD BUSINESS PUBLIC COMMENT:** There was no Old Business Public Comment.

**NEW BUSINESS**

**Request to Waive Interest on Late Payment:** K. Anderson reported that the Tax Collector included a memo and documentation from a property owner requesting that interest be waived on a late tax payment. The taxpayer believes he processed the payment in a timely manner and was not aware of the unpaid taxes until he received the second late notice. Chairman Lane stated that he thought there was a similar situation previously. K. Anderson stated that the Tax Collector included documentation from the June tax bill. She continued that the property owner claimed that they mailed out their payment in June 2022, but did not realize that payment was not received until January when they went to pay the December bill. E. Beattie said that the tax bill in December states that the first half is not paid. K. Anderson continued that the property owner is requesting a waiver of the interest that has accrued. E. Beattie said that reading the Tax Collector's documentation and agreeing with her completely, he stated that he is not in favor of the waiver. Chairman Lane agreed with E. Beattie and stated that he felt that it was consistent with what has been done in the past. E. Beattie stated that with a similar situation last year, it was the property owner's obligation to make sure that their taxes are paid. L. Gargiulo indicated his agreement with the position of the other two Selectmen.

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**MOTION:** To deny the request for Tax Abatement # 775 to waive the interest of \$733.42 for Map 7 / Lot 068.

**MOTION:** L. GARGIULO

**SECOND:** E. BEATTIE

**UNANIMOUS**

**Veteran Credit:** The application for an All-Veteran's Credit is from a resident who qualifies for the credit at Map 4 / Lot 7-5.

**MOTION:** To approve the All-Veteran's Credit for Map 4 / Lot 7-5 in the amount of \$600.

**MOTION:** L. GARGIULO

**SECOND:** E. BEATTIE

**UNANIMOUS**

**Brush Dump Operating Plan:** K. Anderson reported that part of the process to operate the Brush Dump for the Household Waste Days is to have an Operating Plan and Closure Plan on file and kept at the site. The Operating Plan is now complete and ready for submittal to NH DES. It outlines the details of what the Town is able to collect and what are not permitted to accept. Opening will be for Saturdays 8-2 for Brush, and then first Saturdays for Bulky goods from May through October. Chairman Lane asked the other Selectmen if there were any questions on the proposed plan, and stated that it looked "boiler plate".

**MOTION:** To approve the Operating Plan for the Brush Dump.

**MOTION:** L. GARGIULO

**SECOND:** E. BEATTIE

**UNANIMOUS**

**Energy Committee, Request to Re-Activate the Energy Committee:** Beverly Mutrie requested to re-start the Energy Committee for the town. In addition to Ms. Mutrie, requests for appointment to the committee have been received from Carol Schutte and Scott Bieber.

Chairman Lane inquired when the last time was that the Energy Committee was active, and B. Mutrie indicated that R. Webb had done some research and found that 2013 was the last time the Energy was active. L. Gargiulo asked why, or what prompted the interest in reforming the Energy Committee now. B. Mutrie stated that C. Schutte of Exeter Road approached her and inquired if the Committee was still active because B. Mutrie stated that C. Schutte is very interested in imparting information to the public about how to save energy on their energy bills, and it is mostly informational. Chairman Lane asked if the interest was for town-owned buildings or for the general public, and B. Mutrie's response was that it could be for both.

E. Beattie asked what was the initial purpose of the Energy Committee when it was formed, and if there is currently a goal in mind, or has the focus changed? B. Mutrie recalled the former Energy Committee as wanting to save the municipality money rather than residents because there was focus, at the time, on the LAS school lighting and the gymnasium, and they tried to work out putting PVs on the Fire Station building, in addition to also looking at street lighting to change out the bulbs. Chairman Lane asked if this time the Energy Committee goal is similar but to be more inclusive to include all of the town. B. Mutrie agreed and stated to be informative. E. Beattie stated that he looked at all the links in the email provided by C. Schutte and said that they are all very valid, nice ideas if people want to spend

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some money the return on the investment would be reasonable and valuable. He continued that the information should go on the Town's website. B. Mutrie agreed and said that that was part of her request to add the information to the website, and to also request more Committee members to find out if there are any other interested residents.

C. Schutte said that with things changing on the federal level, and the state needing guidance from the federal, the opportunities are expanding and the need is enhanced with the cost of energy increasing. She asked Exeter for their scope and found that looking at saving energy in municipal buildings, saving money for energy, and educating the public. Chairman Lane inquired if C. Schutte would get involved with the State in decisions that are made regarding the rates, etc, or is the interest strictly local? B. Mutrie said that the Committee would gather information from the state, and Revision being solar installer. C. Schutte stated that there are some mechanisms to get money from the IRS direct to municipalities and not-for-profits, which they learned last week in a presentation. She continued that they would be happy to pull the information together as it may be relevant for some of the investments that Hampton Falls may want to make in the future. Department of Energy DOE is the lead on the Rebate Program, and will send direction to the states and that will be the framework for NH to execute those rebates. So, there is a mechanism but it is for the general public.

**MOTION: To restart the Energy Committee and to appoint Beverly Mutrie, Carol Schutte and Scott Bieber for three-year terms.**

**MOTION: L. GARGIULO**

**SECOND: E. BEATTIE**

**UNANIMOUS**

B. Mutrie asked if there was a way to ask for more Committee members, and K. Anderson responded that R. Webb is currently working on the next Newsletter, so she instructed B. Mutrie to write something and give it to R. Webb to include in the newsletter, and then the Volunteer Application can be linked within the document. E. Beattie said it would be helpful to include the scope and focus as a description, so that people would know whether they wanted to get involved.

**Other Selectmen's New Business:**

**Fire Dept 1991 F350 truck for sale:** K. Anderson reported that Fire Chief Lord is looking to get rid of the 1991-F350 truck that has been sitting out behind the Fire Station for several years, that has not moved. The Chief is looking to get the truck declared as "Surplus" so that sealed bids can be requested to sell it. The truck needs a gas tank, it needs brakes, and it needs work. K. Anderson continued that Fire Chief Lord had been approached by Russ Hilliard to see what was going to happen to the truck. The Town can not just sell it to one person, but rather, the Town can make it available by a sealed bid process to request offers. She said that she does not know what it is worth. She said that the Town has continued to insure the truck because it is located on Town property; however, it is not registered.

**MOTION: To declare the Fire Department 1991 F350 truck as surplus property, and to sell it "as is" by sealed bid.**

**MOTION: E. BEATTIE**

**SECOND: L. GARGIULO**

**UNANIMOUS**

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**NEW BUSINESS PUBLIC COMMENT:**

B. Mutrie, Brown Road, asked K. Anderson how the sealed bid will be publicized, and the response was to put it on the Town website, to advertise it, and put it on Facebook. B. Mutrie suggested Facebook Marketplace or Craig's List, and K. Anderson responded that the Town would not want to put any money into an advertisement. B. Mutrie suggested putting a notice on the bulletin board.

J.P. Pontbriand, Town Moderator, asked the Selectmen if there was any anticipation about any particular warrant articles to discuss. Chairman Lane that it is predicted to be very cold on Saturday for Deliberative Session. K. Anderson reported that she was notified by Alan LaJoie at the LAS regarding the room for Deliberative Session that the microphone/sound system was not working, so everyone should "speak up!" Chairman Lane stated that he thought that speaking up would work and stated that he did not have any questions or concerns about the Warrant articles. Chairman Lane asked if any other Selectmen had any questions or concerns. L. Gargiulo said that he thought the only ones that people may have questions about are the Sewer Study and the Economic Development Incentive. L. Gargiulo was concerned about having a "Plan B" to potentially, alternatively hold the Deliberative Session at Town Hall, if necessary. K. Anderson said that that could be a possibility, if there was no heat at the LAS School, as long as we knew how many people planned to attend, to make sure the Town Hall could accommodate the attendees. J. P. Pontbriand complimented the Voter Guidebook, and Chairman Lane informed him that K. Anderson had made it.

E. Beattie said that next year they should consider having the Deliberative Session at Town Hall, because the number of people who typically attend could easily be accommodated at Town Hall, and then the proceedings could be televised and recorded. L. Gargiulo said that if the Deliberative Session were combined with the School's Deliberative Session then there would be more people attending, and he was disappointed that that did not happen for this year. E. Beattie said that if the two are still separate next year, that he would want it to be held at Town Hall, but if they are combined, then it should be at the LAS school. L. Gargiulo said that the Town Hall Large Meeting Room has the two mini-split heaters and a generator. Chairman Lane asked if the sound system at the LAS is anticipated to be fixed by Saturday, and K. Anderson responded no. L. Gargiulo said that it probably is not needed. K. Anderson said that she considered renting a sound system, and she also considered whether the system at Town Hall is portable, and it is not. Chairman Lane asked if the Town could use the LAS school's new sign message board to advertise the Town's Deliberative Session, and E. Beattie said that it is already on it, that he had seen it earlier.

B. Mutrie asked when the Town Report was going to be available. K. Anderson responded that the Town Report does not go to the printer until after Deliberative Session because any changes made at the Deliberative Session need to be incorporated into the document. And it cannot go to the printer until after the School's Deliberative Session, which is next week. K. Anderson said that it has to be available ten days prior to the voting day.

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

**Planning Board:** E. Beattie reported that it was a relatively benign meeting until the end when there was concern voiced about people following directions that are agreed to by the Planning Board, and following through and not adding anything that has not been approved by the Planning Board. It was brought to the full Board's attention and there were questions over whether that was the right format to

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do it, and the Planning Board went back and forth. The property in dispute was prior to the current requirement of having an “As-Built Plan”, which would have made the issues being discussed easier to enforce. The issue was whether people are following what the Planning Board has outlined for appropriateness of the land. E. Beattie reiterated what he said at the Planning Board meeting that he worries that if the Planning Board says or requires something, and the applicant does not do it, and it is not enforced, then the Planning Board has lost its power. He said that his concern was with the bigger question of honoring and following the decisions of the Planning Board and prior Planning Boards. He added that with Route 1 moving forward there will be more concern about plans, and what things look like, and what will be done, and so it is not a bad discussion to have about compliance with Planning Board decisions. L. Gargiulo asked who was supposed to be doing the comparison between the As-Built Plan and the actual construction, and E. Beattie responded the Building Inspector but he probably does not have enough hours in the day to follow every intricacy on a plan. E. Beattie said that the particular issue was not a building issue, but rather the legal interpretation of a right-of-way on a Private Road Subdivision. L. Gargiulo asked whether towns typically bring in a third party to review development that the applicant pays for, and E. Beattie responded yes, that Hampton Falls has a Town Engineer to whom they refer review of plans. He added that sometimes things get changed at the end, and the Town has to be eternally vigilant and be at the site to see any changes. K. Anderson described that the changes took place a year after the Planning Board approval when a fence was put up, and L. Gargiulo responded that everyone puts up fences at one point or another. E. Beattie described further that this instance was denying an adjoining piece of property gaining access to the back of their property so it became a civil issue. E. Beattie stated further that the Planning Board was discussing where and how to draw the line between Planning Board enforcement and a civil issue, and how to follow-through with it. He summarized saying that it was a good conversation. L. Gargiulo explained his understanding that the Town’s/Planning Board’s responsibility ends when the CO (Certificate of Occupancy) is granted, unless there is a violation and then it reverts back to the Town for enforcement. E. Beattie said that overall, he is concerned that if there is a set of rules to follow, and if the rules are ignored that’s a problem.

**Library Trustees:** E. Beattie reported that the Library roof is still leaking, as there are a couple of roof areas with punky boards that have rot and need to be fixed. He continued that the leaks have been 95% stopped, but the roof is still leaking in one bad area and needs to be fixed. There was discussion about approaching Deliberative Session for a requested increase to add to the Library’s budget, but it would not be a tax impact, as it would be offset with Donations. B. Mutrie, Library Trustee, said that the Library has received bids for the work that total \$24,000, and may request additional bids because they are not certain if that is the direction to go to continue to repair what is there, or whether they should demolish the chimney chase and recap the roof. B. Mutrie said it has been hard to find contractors who want to consider working with a metal roof that they did not install. B. Mutrie stated that the Library wants to ask for \$10,000 to be added to the bottom line of the Library’s budget, so that the Library can spend their money from Donations towards the roofing job. E. Beattie said it would be issue for decision on Saturday at Deliberative Session, and he would assume that there would be justification for the request. B. Mutrie said that the Library only has \$19,000 in their Expendable Trust Fund, and they only have \$10,000 on their line item for Repairs, so together that’s \$29,000 with a project estimated at \$25,000, which is why the Library is requesting an additional \$10,000.

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Chairman Lane asked E. Beattie to confirm that some of the problem has been addressed but not all of it. E. Beattie stated that they solved the majority of it, but while they were investigating the rest of it there was a lot more found.

E. Beattie said that he told the Library Trustees that the Frying Pan Lane annual amount of funds is going to be reduced somewhat this year, as compared with last year, by approximately five-percent (5%). K. Anderson stated that the Town should know the exact amount in two to three weeks, and then the Town will deduct what is allocated for the Museum, and for the Windows at Town Hall, and then will know the balance available for other organizations.

**Recreation Commission:** Chairman Lane reported that the Ice Rink looks great, but they have not been able to use it much because the temperatures have been so warm. Hopefully this weekend it will get cold enough to freeze. He also reported that the Spring athletic teams are starting to inquire about booking Governor Weare Park field times to get organized.

**Lincoln Akerman School:** Chairman Lane said that he wanted to reiterate what he had discussed at the last Selectmen's meeting about the School Budget. Chairman Lane stated that the School Budget was reduced by \$35,000, or approximately a minus half-percent (-0.5 %) which is really good. The School Department warrant articles they have backed off of the size of warrant articles done previously He continued that the one School Warrant article is for \$50,000 for a new phone system in the building this year. Chairman Lane continued describing that some of that is by design because also on the ballot is the teacher's contract. Important to reiterate is that it is not just a Hampton Falls agreement, that it has to be passed in every town that is part of the SAU. He said that he believes that the SAU is making a marketing effort in the towns to talk about why this collective bargaining agreement is important to have good teachers with competitive pay. He stated that currently this SAU is not as competitive as some of the SAUs surrounding us, so it is important to get passed, and he added that historically Hampton Falls has been good about supporting the collective bargaining agreement.

Chairman Lane reported that the LAS is relatively back to normal in terms of sports, like Basketball, and some of the parent activities going on at the school. In summary, all positive things at the school.

**Conservation Commission:** L. Gargiulo reported that the Conservation Commission is still wrestling the dog issue on the Conservation lands with signage and complaints and concerns regarding those issues. The two Summer Intern positions will be in place for the Summer to work on the Invasive plant species at the Conservation properties.

Chairman Lane asked if the Selectmen had anything else to discuss. E. Beattie said that it was his understanding that the School's Default Budget was more than their proposed Budget, and Chairman Lane confirmed that statement as correct. E. Beattie said that that had only been true one other time in his experience, and he wanted to make note of the fact. Chairman Lane shared some additional details of the proposed collective bargaining agreement in terms of the cost to the taxpayer, that it would be a total of \$178,000 in year one, \$116,000 in year two, \$103,000 in year three, and \$95,000 in year four, but he did not know how much the reduction in the Warrant Articles offset that amount in year one. E. Beattie encouraged people to attend both Deliberative Sessions (Town and School) so that they are informed and hear the rationale behind the proposed budgets.

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Chairman Lane asked if there was any **Public Comment**.

Tracy Healey-Beattie, Drinkwater Road, said that she is a Grange member and went upstairs in Town Hall to evaluate the materials there, left-over from the Grange's use of that meeting room and kitchen, and she remarked on how lovely the room looked having been recently cleaned. She reported that most of the materials in the corner can go to the White Goods day. She said that she will work, with the current Chairman of the Grange, to go through everything that is left in the closet, to decide what items to save, to donate to the Town, to dispose of, or to recycle. She anticipated that work to take approximately one (1) month.

The other topic Ms. Healey-Beattie raised was the subject of fencing at the Brush Dump, and the hope that the Town could put up some sort of fence or Arbor Vitae shrubs (although they are costly and the deer eat them) to screen the sight of the Brush Dump from Drinkwater Road. Chairman Lane said that the subject was recently discussed by the Selectmen at the last one or two meetings prior, and discussed potentially re-bidding the project because the bids were so expensive last time. Chairman Lane said that perhaps there is the Drinkwater side to focus on first, and do the other side later, to approach the project in phases to spread out the cost. E. Beattie said that if the Brush Dump is going to start holding materials temporarily (like a transfer station) then he believes the Town should secure the property. E. Beattie said that the Town should issue that bid, and K. Anderson agreed. B. Mutrie asked how much the first bid for the fencing was, and E. Beattie responded \$32,000 for Drinkwater Rd around the corner including Parsonage Road.

L. Gargiulo said that last year there was a Candidates Night held, to give the candidates an opportunity to introduce themselves, and he would like to repeat that event prior to the March 14<sup>th</sup> Voting Day and wanted to pick a date. He said that even if no one is running in opposition, it is still a nice event to get people out for an hour. K. Anderson stated that the sign-up period ends on Friday this week (3:00 to 5:00 pm), and as of this time there were no contested races, but a date can be chosen to move forward that event. She added that there were people signed-up to run for each position except for the Trustees of the Trust Funds where there is a vacant position. K. Anderson said that the event was very well received, and it was broadcast, people could watch it at home at their leisure, and it was done at no cost to the Town. E. Beattie said that he heard nothing but positive comments about that event. C. Schutte commented that it was great to match faces with names and to learn who everyone was by viewing the Candidates Night last year.

**REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: January 18, 2023**

**MOTION:** To approve the minutes of January 18, 2023, as written.

**MOTION:** E. BEATTIE

**SECOND:** L. GARGIULO

**UNANIMOUS**

**Motion to enter Nonpublic Session** made at 6:50 PM.

Motion by L. Gargiulo, and seconded by E. Beattie.

**Specific Statutory Reason** cited as foundation for the nonpublic session:

**RSA 91-A:3, II (a) Personnel:** *The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the*

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*employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.*

**Roll Call vote** to enter nonpublic session: Mark R. Lane, Chairman Y  
Edward B. Beattie, Vice Chairman Y  
Lou Gargiulo, Selectman Y

**Entered nonpublic session** at 6:50 p.m.

Review of personnel matter.

**Motion to leave nonpublic session** and return to public session by E. Beattie, seconded by L. Gargiulo.

**Motion: PASSED**

**Public session reconvened** at 7:15 p.m.

**ADJOURNMENT:**

**MOTION:** To adjourn the Selectmen's Meeting at 7:15 PM.

**MOTION:** L. GARGIULO

**SECOND:** E. BEATTIE

**UNANIMOUS**

Next Selectmen's Meeting is Wednesday, February 15, 2023, at 6:00 PM

Minutes prepared by Rachel D. Webb, Assistant Administrator