

**BOARD OF SELECTMEN
TOWN OF HAMPTON FALLS**

**FEBRUARY 15, 2023 – 8:00 AM
TOWN HALL**

FINAL

PRESENT: Mark R. Lane, Chairman; Ed B. Beattie, Vice Chairman; Lou Gargiulo, Selectman
Karen Anderson, Town Administrator; Rachel D. Webb, Assistant Administrator.

GUESTS: Ryan Venio, Police Chief; Russ Hilliard, Road Agent;
Mark Sikorski, Building Inspector.

Chairman Lane called the Board of Selectmen's meeting to order, and opened the Public Hearings.

PUBLIC HEARINGS:

1) To take comments from the public in regard to Article 13 – 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 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 ballot vote required) **No amount from taxation.**"*

K. Anderson explained that the proposed Lafayette Road Sewer Study was previously discussed by the Selectmen at the Public Hearing for the Budget and Warrant Articles, and an additional hearing is required because this is being considered a bond, although the Town does not intend to move forward with the appropriation unless it is approved by the voters March 14th for the 100% loan forgiveness. The payment of any interest would be one year after substantial completion of the project.

Open for public comment: There was no public comment.

L. Gargiulo stated that he thought that it was a great idea, and both Chairman Lane and E. Beattie agreed. Chairman Lane stated that he hopes the public reads the language carefully on the ballot. E. Beattie said that it is important for everyone to understand that this is loan forgiveness without any issues.

2) To take comments from the public in regard to the acceptance of a grant in the amount of \$21,345 from the Department of Justice for portable radios for the Police Department.

Chief Venio was available to respond to questions and/or comments.

Open for public comment: There was no public comment.

Chairman Lane closed the Public Hearings.

MOTION: That the Board accept the funding from the 2022 Congressionally Directed Spending grant in the amount of \$21,345 for portable radios.

MOTION: E. BEATTIE

SECOND: L. GARGIULO

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UNANIMOUS

K. Anderson stated that Fire Chief Lord is working on an Aid to Firefighter Grant application to replace the Fire Department radios. The Departments are doing a fabulous job identifying and receiving grants.

POLICE DEPARTMENT / ANIMAL CONTROL MONTHLY REPORT: Police Chief Ryan Venno reported that he had to reschedule the February “Coffee with a Cop” to March 10th at 10:00 AM at the Library, as the original day scheduled in February happened to fall on a Snow Day.

Chief Venno reported that the Lieutenant and himself met with the faculty of LAS talking about lock-downs and answering any questions regarding Police response and how to handle certain scenarios. He thought that the meeting went very well.

Chairman Lane requested an update on the Hiring of a Police Officer, and Chief Venno responded that the Police Department has found someone, and they are currently in the lengthy process of completing the background check. Chief Venno said that he checked with the Police Academy to see if the new hire could “test out” of the Police Academy Training, or just do a reduced version of only the law section, but the response was that if the applicant has been out of police work for three or more years then they need to participate in the Police Academy training. Chief Venno said that if the background check goes smoothly that he believes this will be a great hire and a good fit for the Town.

ROAD AGENT MONTHLY REPORT: R. Hilliard reported that 2023 started with lots of work left over as a result of the Winter storm at the end of 2022, in the form of many trees and brush brought to the Brush Dump. He continued that the light snow and rain gave him the opportunity to burn all of the brush at the Brush Dump, so that it is ready for Spring, for residents to fill it back up. Chairman Lane asked how long it took to burn the brush pile, and R. Hilliard responded that it took a couple of days to burn, and then he put snow on it, and it continued to smolder for a week.

Culverts and streams are flowing well throughout town, with a couple of trouble spots from beaver dams. R. Hilliard said that the worst of the beaver problem is located at Curtis and Blake’s Lane in the middle where it is a Class VI road.

There is one culvert on Old Stage Road that is starting to back up. It is a roadside drainage culvert that has had problems in the past. R. Hilliard said that he is waiting for the water to recede so that he can inspect it in greater detail.

R. Hilliard questioned whether the Town was going to need to invoke the Frost Ban this year, because there is no frost under the roads. He said that the Town would probably need to have an Arctic blast for a week to warrant putting the Frost Ban in place. K. Anderson stated that the Frost Ban is later on the agenda for pre-approval without a date, so that R. Hilliard can insert the date if necessary, and not have to wait until next the Selectmen’s meeting for approval.

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E. Beattie asked if R. Hilliard was happy with the work happening at Glenwood, to which R. Hilliard responded that there will be a lot of clean-up work in the Spring. K. Anderson said that there are financial retainers that the Town has held back, and that it was JAMCO's intent to return in the Spring to clean things up. R. Hilliard said that it is very rough. K. Anderson continued describing that there is one resident with water in their basement who said that they never had water in their basement previously. E. Beattie said that there are people all around town who have water in their basements now who never had it for forty years, but because of all of the rain in January without the ground being frozen, has caused water problems for people who previously never had water problems.

K. Anderson said that the resident had twenty (20") inches of water in their basement and the Fire Department helped pump it out. R. Hilliard said that many residents of that neighborhood have sump pumps, and he wondered if this resident's Sump Pump stopped working and that maybe that is why the water came in.

MOTION: To approve the Road Agent's monthly January 2023 Core Services bill in the amount of \$7117.08

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANIMOUS

BUILDING INSPECTOR, CODE COMPLIANCE, HEALTH OFFICER MONTHLY REPORT:

Mark Sikorski, Building Inspector reported a fairly quiet month of activity in January. He added that both the Zoning Board and the Planning Boards in February may have some applications on their agendas. Permitting activity is steady and of the three (3) houses under construction, one will be given a CO Certificate of Occupancy this month, so then there will be only two (2) houses under construction.

K. Anderson thanked M. Sikorski for his help during the recent cold snap of weather as Town Hall's furnace froze, and between the two of them using a blow torch and a blow dryer, they were able to thaw the frozen condensation pipe. Even with the ample precautions taken of putting a small heater in the attic space where the furnace is located, and leaving interior doors open with the heat on, did not prevent the furnace condensation pipes from freezing. In the future, K. Anderson continued, that they may come to the Selectmen with a request to box and insulate the furnace area in the attic because it is located on an exterior wall.

K. Anderson thanked M. Sikorski for his help another day, when there was no water at Town Hall, and he went to the basement and turned some valves and the water came on. They think the lack of water had to do with the Museum work across the street where that building was having water service removed from one room and had some plumbing work done, but are not 100% sure why Town Hall lost water on that day. E. Beattie said that the weather has never been as cold as it was that weekend when he saw minus-twelve degrees on his property.

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FIRE / AMBULANCE / EMERGENCY MANAGEMENT MONTHLY REPORT:

Jay Lord, Fire Chief was not in attendance. Chairman Lane asked if there were any comments on the report sent by Chief Lord, and there were none.

OLD BUSINESS

Financial Reports: General Fund Balance: **\$3,792,947.72:** K. Anderson reported the General Fund Balance as \$3,792,947.72.

Executive: Payroll Warrant and Accounts Payable: K. Anderson presented the Payroll Warrant #594 dated February 1, 2023, in the amount of \$29,497.71; and the Accounts Payable Warrant #834 dated February 1, 2023 in the amount of \$819,096.24.

MOTION: To approve payroll warrant #594 dated February 1, 2023, in the amount of \$29,497.71; and Accounts Payable Warrant #834 dated February 1, 2023 in the amount of \$819,096.24.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANIMOUS

Other Selectmen's Old Business: L. Gargiulo asked K. Anderson if the letter went out regarding House Bill 44. K. Anderson sent it to the local delegation, and Representative Porcelli also wrote an additional letter to the same Committee. K. Anderson continued that fortunately, House Bill 44 is not something that would affect Hampton Falls if it were to pass, but it would be taking away local control. L. Gargiulo said that he thinks there is a big push on it. K. Anderson said that it would allow a single-family to become a four-family, if the property was located on sewer and municipal water. It would be taking away the Planning Board's right to approve, it would be permission by right. E. Beattie stated that he knows how important local control is to NH municipalities and that he cannot believe that HB 44 is being proposed.

L. Gargiulo said that there is another proposed bill affecting the State Housing Appeals Board, that allows the state to overstep the Planning Board. K. Anderson said that the NH Housing Appeals Board can be a benefit to the towns. Prior to the NH Housing Appeals Board, when someone had a denial by the Planning Board they would go to Superior Court, and the town would incur more expenses than the option of going through the NH Housing Appeals Board. In addition, she continued that the NH Housing Appeals Board is more experienced in land use, compared to a potential judge at Superior Court who may not be well versed in land use or housing law. She added that the NH Housing Appeals Board is not very active, and there have not been many cases before it.

L. Gargiulo stated that his concern was that the State Housing Appeals Board favored developers. Additionally he stated that he did not think that taking away the Planning Board's autonomy was in the best interests of the town. E. Beattie said that it does look like there is an orchestrated effort by the State to remove local control. E. Beattie continued that he knows some Planning Board members with whom that concept would not sit well. Planning Board members are elected officials, who were elected to implement the rules and ordinances enacted by local government. He said that he would rather rely on the Town's Building Official, the Rockingham

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Planning Commission's Circuit Rider Planner, and the elected officials on the Planning Board who know the Town's ordinances, and, while he understands the economic appeal of the State Housing Appeals Board, he would rather have people go to court to remedy their appeal of a local land use board's decision

L. Gargiulo said that he believes the whole rationale behind it is to force as much housing into communities as possible into areas that may not be appropriate nor at the comfort level of the town residents. He does not agree with the concept of usurping all of the planning and zoning codes to allow four units where one unit is allowed where there is sewer and municipal water. He said that he understands the motivation and he is for development, but it has to be what the town wants.

Chairman Lane asked if the State Housing Appeals Board is designed to reverse the town's decision, or are they trying to interpret the town's decision? L. Gargiulo responded that it is supposed to be an expedited process with the State Housing Appeals Board, but he said that Superior Court is more deliberative, takes a longer time, and it costs more, and it is his opinion that an applicant gets a better hearing at Superior Court. Towns like Hampton have the proposed development on Liberty Lane of 450 units, and that town wants that development, but the idea of hypothetically putting 400 or 800 units on Applecrest Farm in Hampton Falls is probably not what residents of Hampton Falls want.

Chairman Lane does not understand how the State can have a board to overrule a Town's decision. E. Beattie said that for good government to work, he believes that local control does work, and that locally elected Planning Board members still have to answer to those who elected them, by seeing them around town and being responsive to them regarding decisions made. He said that the State is not going to be as responsive as local elected officials, and the Planning Board has a wide range of experience with great representation. L. Gargiulo said that he would rather put his faith in the hands of a judge.

OLD BUSINESS PUBLIC COMMENT: There was no Public Comment.

NEW BUSINESS

Appointment renewals to Boards & Committees: The Town Clerk has prepared the renewals for the residents appointed to various Boards and Committees.

MOTION:

To re-appoint James Hasenfus to the Zoning Board of Adjustment.

To re-appoint Catherine Golas to the Conservation Commission.

To re-appoint Robert Wiener to the Conservation Commission.

To re-appoint Mary Ann Hill to the Heritage Commission.

To re-appoint Robert Woodes to the Highway Safety Committee.

**To re-appoint Neal Casale, Brad Von Haden, Bruce Preston, Barry Newcomb,
as Part Time Police Officers.**

**To re-appoint Daniel Barrette, Jackson Crouse and Paul Michael
as Part Time Animal Control Officers.**

To re-appoint Lyn Stan to the Recreation Commission.

To re-appoint Beth Forgione to the Recreation Commission.

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To re-appoint Elizabeth Blankenship as Town Clerk/Tax Collector Assistant.

To re-appoint Abigail Tonry as Deputy Town Clerk/Tax Collector.

To re-appoint Bobby Hudson, Alexis Garrant, Jeremy Poder, Dan Barrette, Shane Bateman, Christy Brodeur, Scott Buchanan, Dan Calderwood, Dan Champney, Jackson Crouse, Russ Davies, Rob Garrant, Alex Gheri, Tara Harris, Kristen Haughton, Jack Healey, Jenna Jacobs, Tom Keefe, Dan Lamontagne, Ralph Martinese, Jack McEachern, Paul Michael, Walter Moulton, John Mounsey, Chris Nesbitt, Don O'Brien, Matthew Polasek, Robert Regan, Mark Thompson, Chris Trueman, Jeromy Waterman, and Chuck Weinhold as Firefighter and/or EMT's.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANIMOUS

K. Anderson stated that the Town Clerk has readjusted these appointments (except for the part-time Police officers) so that they read, "until someone is appointed in their stead", so that they don't need to get reappointed every year.

March-April 2023 Town Newsletter -

MOTION: To approve the March-April 2023 Town Newsletter for distribution.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANIMOUS

Bicycle Ride Permit: This is a permit request from End ALZ New England for their annual bike ride on June 3, 2023. The ride is primarily on State roads. Chief Veno has spoken with them and is fine with the proposed permit and no detail is required.

MOTION: To approve the application from End ALZ New England for a charitable bike ride on June 3, 2023 in Hampton Falls, NH.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANIMOUS

Frost Ban Notice: This is the annual notice to authorize the Road Agent to determine when a Frost Ban should be placed on town roads to prevent damage from heavy vehicles.

MOTION: To sign the Frost Ban Notice, without a date, and to authorize the Road Agent to notify the Board when he determines it is appropriate to initiate the Frost Ban, if needed.

MOTION: E. BEATTIE

SECOND: L. GARGIULO

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Other Selectmen's New Business

Phone System Quotes: K. Anderson reported that the Town has received three (3) quotes for a new phone system. This would be a VOIP system that is Cloud-Based. Stellar, the Town's current IT vendor has quoted a server-based system utilizing the same phones that have been quoted by Crexendo and Vonage. The details were provided to the Selectmen, comparing various aspects of the systems. Stellar is the Town's current IT vendor and knows the Town's server and needs. The upfront cost would be \$2,601 with a monthly fee of \$142.63 and annual cost of \$265 for the software; Crexendo would have an upfront cost to own the phones of \$1,351 and a monthly cost of \$136.62; Vonage only leases the phones so upfront cost is limited to \$300 and a monthly cost of \$196.58

Currently the Town is contracted with First Light and pays \$426 per month and owns the phones that need to be replaced. K. Anderson's recommendation is Crexendo.

L. Gargiulo asked for clarification of Crexendo's quote that it is voice over internet, and K. Anderson confirmed that it is voice over IP. He followed up and asked if there is enough bandwidth to support it, and K. Anderson responded yes, that that has been checked, and that there are only eight (8) phones, and there will be no increased capacity beyond what is currently being used. She further clarified that the current system is voice over internet now.

E. Beattie asked what the Police Department is paying now, for their phones, and K. Anderson responded that Police pays \$189 per month for four (4) lines, and Town Hall pays \$496 per month for eight (8) lines, so there will be a savings of \$300 per month if utilizing the lowest bidder. Added features will be that Staff will be able to retrieve their voicemails remotely, will have Caller ID, will be able to transfer calls within the building, 100% easier. The current system can only hold a maximum of ten (10) voicemails and then the caller gets a message saying that the mailbox is full, so those problems will be resolved with a new system. K. Anderson stated that the current phones are thirteen (13) years old, and are done. E. Beattie said that he likes that the new phones would be cloud-based, and would be a huge savings over what is currently paid.

MOTION: To authorize the Town Administrator to move forward with the Crexendo bid to replace the phone system with the expense coming from the Communication Fund.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANIMOUS

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

REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: February 1, 2023:

MOTION: To approve the minutes of February 1, 2023, as written.

MOTION: E. BEATTIE

SECOND: L. GARGIULO

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PUBLIC COMMENT: There was no Public Comment.

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L. Gargiulo brought up a reminder about **Candidates Night, scheduled for February 22, 2023 at 6:30 PM at Town Hall.** E. Beattie mentioned that there was a very strong response on the success of Candidates Night last year. This year all positions are uncontested. K. Anderson stated that there is no candidate running for the position of Trustee of the Trust Funds, so there is a Vacancy of that position, and there is one person interested in it as a write-in candidate. E. Beattie said that the two non-running Selectmen will supply light refreshments, and will provide the opportunity to have a conversation about things in town.

ADJOURNMENT:

MOTION: To adjourn the meeting at 8:45 am.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANIMOUS

Next Selectmen's Meeting is Wednesday, March 1, 2023, at 6:00 PM
Minutes prepared by Rachel D. Webb, Assistant Administrator.