

**BOARD OF SELECTMEN
TOWN OF HAMPTON FALLS**

**MARCH 01, 2023 – 6:00 PM
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: Jay Lord, Fire Chief

Chairman Lane called the meeting of the Board of Selectmen to order at 5:59 PM.

PUBLIC HEARINGS:

1)Public hearing on: Cable Franchise Agreement: The Public Hearing is to take comments from the public regarding renewing the franchise agreement between Comcast and the Town of Hampton Falls. The renewal is for a five-year period, expiring on November 6, 2027. In accordance with Section 622 (b) of the Cable Act the financial commitment of Comcast is capped at 5% of its Gross Annual Revenue plus the non-exempt PEG contributions whether in-kind or cash payments; and the marginal cost to Franchisee to provide the in-kind cable drops and services as enumerated within Exhibit A, provided to the Selectmen. In all other respects, the Renewal Cable Television Franchise Agreement is not amended and remains in full effect. Technically it is the second amendment to the November 7, 2012 agreement. Chairman Lane stated that the Town receives approximately \$8,000 each quarter as a result of this agreement. Chairman Lane asked if there were any questions, and E. Beattie stated that the document looked like the same one seen previously with renewed dates.

PUBLIC COMMENT: There was no Public Comment.

MOTION: To approve the Renewal Cable Television Franchise Agreement as amended and extended to November 6, 2027.

MOTION: E. BEATTIE

SECOND: L. GARGIULO

UNANIMOUS

MOTION: To close the Public Hearing on the Cable Franchise Agreement.

MOTION: E. BEATTIE

SECOND: L. GARGIULO

UNANIMOUS

MOTION: To open the Public Hearing on the Local Emergency Operation Plan (LEOP) grant in the amount of \$4,000.

MOTION: E. BEATTIE

SECOND: L. GARGIULO

UNANIMOUS

2) Public hearing on: Local Emergency Operation Plan (LEOP) grant in the amount of

\$4,000: Chief Lord has been approved for a grant to update the town's Local Emergency Operations Plan. This Public Hearing is to take comments from the public regarding the acceptance of the grant. Chief Lord stated that this Local Emergency Operation Plan is very similar to the Hazard Mitigation Plan approved a couple weeks ago, in that it defines roles between the Police and Fire Departments and is a required component to be eligible for other Federal grants. Chief Lord explained that the Town has had the LEOP in the past, and this is a five-year update of that plan that will be completed. He stated that Homeland Security will pay

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for the plan; and, although part of the local match is money, another part of the local match is time spent over four or five meetings to develop the plan. He said that he needed signatures of the Selectmen and asked if there were any questions, and there were none.

MOTION: The Select Board, in a majority vote, accepted the terms of the Emergency Management Performance Grant as presented in the amount of \$4,000.00 for updating the local emergency operations plan. Furthermore, the Board acknowledges that the total cost of this project will be \$8,000. In which the Town will be responsible for a 50% match (\$4,000.00). Further, Karen Anderson, Town Administrator is authorized to sign all documents related to the grant.

MOTION: M. LANE

SECOND: E. BEATTIE

UNANIMOUS

CLOSE PUBLIC HEARING

MOTION: To close the Public Hearing on the Local Emergency Operation Plan (LEOP) grant.

MOTION: E. BEATTIE

SECOND: L. GARGIULO

UNANIMOUS

OLD BUSINESS

Financial Reports: General Fund Balance: \$2,094,578.31: Karen Anderson reported that the General Fund balance is \$2,094,578.31

Executive: Payroll Warrant, Accounts Payable, and Escrow Warrant:

Chairman Lane requested a motion to approve Payroll Warrant # 595 dated 02/15/2023 for \$26,939.81; and Accounts Payable Warrant # 835 dated 2/15/2023 for \$118,393.74.

MOTION: To approve Payroll Warrant # 595 dated 02/15/2023 for \$26,939.81

Accounts Payable Warrant # 835 dated 2/15/2023 for \$118,393.74.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANMOUS

Authorization to Sign Grant Paperwork: The Board of Selectmen has previously signed the agreement for the grant that Police Chief Venno was able to get for new radios in the amount of \$21,345.50 and the Public Hearing for that grant was held at the last Selectmen's meeting February 15, 2023. The authorization for the Town Administrator to sign the subsequent grant documents and reports is needed.

MOTION: To authorize the Town Administrator, Karen Anderson, to execute any documents which may be necessary in conjunction with the Department of Justice grant in the amount of \$21,345.50.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANMOUS

OTHER OLD BUSINESS: There was no Other Old Business.

OLD BUSINESS PUBLIC COMMENT:

State Representative Susan Porcelli reported an update on proposed House Bill 44 that would require Towns to permit single-family homes to become four-units if located on sewer and municipal water. S. Porcelli reviewed the proposed bill and wrote a letter of opposition. On February 23, 2023, there was a House roll call and the status is “*Inexpedient to legislate*” so the bill was killed. Thank you to the Selectmen for writing a letter opposed to the proposed legislation.

NEW BUSINESS:

Abatement Application: K. Anderson reported that the Assessing Agent has recommended an abatement for Map 8-84-005-01. This is new construction that was posted for no trespassing, so the Assessing Agent had to estimate the features of the property and land. The applicant subsequently appealed the assessment and allowed a physical inspection. The recommended abatement reduces the assessed value from \$1,170,300 to \$838,500 resulting in an abatement of \$331,800 in assessment. With the equalization rate currently being low (at 64%) – the revised value reflects a fair market value of \$1,140,360.

MOTION: To approve the abatement for Map 8-84-005.01 in the amount of \$6,965 plus interest of \$70.22 for 2022 property taxes.

MOTION: M. LANE

SECOND: E. BEATTIE

Chairman Lane asked if there was any discussion on the motion, and L. Gargiulo said that it sounds like an awful big abatement. E. Beattie said that the problem is that the Town is at 64% equalization rate, and K. Anderson said that the Re-valuation process has started.
UNANIMOUS

Frying Pan Lane Fund: K. Anderson reported that the allocation for 2023 to the Frying Pan Lane Fund is going to be \$46,236.00, that is approximately 5% less than last year. The Board has already allocated the preservation of windows for Town Hall and the Historical Museum from that amount (deposits had already been made) which leaves \$35,000 available to be allocated. K. Anderson prepared a spreadsheet for the Selectmen to show where funds have been spent since 2020 and the current balance. The appropriate departments and organizations have been notified to send their requests to K. Anderson for consideration by the Board of Selectmen for funding.

K. Anderson received two (2) requests for funding:

- 1) The Town Clerk has requested \$7,000 to continue the preservation of permanent records.
- 2) The Historical Society has requested \$5,000 to change the kitchen to create an Archival Room at the Museum.

Chairman Lane said that if those two requests were approved, then that would leave approximately \$23,000. K. Anderson requested the Selectmen to not allocate all the Frying Pan

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Lane funds to allow for a funding cushion to allow for any unforeseen contingencies that may arise with the historic window restoration projects at the Museum and at Town Hall.

L. Gargiulo asked for specific guidelines for consideration of the expenditure of the Frying Pan Lane funds, and K. Anderson responded: historic preservation, literacy, conservation, patriotic activities, town beautification, and the arts and cultural activities, accessible to all. She added that the Trustees of the Trust Funds (and the Auditors) confirm that the requests submitted to the TTF are what the Board of Selectmen approve.

MOTION: To approve the request of the Town Clerk in the amount of \$7,000 for the preservation of permanent Town records, to be funded by the Frying Pan Lane funds.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANIMOUS

MOTION: To approve the request of the Historical Society in the amount of \$5,000 for the conversion of the Historical Society Museum's former kitchen area to an Archival Room, to be funded by the Frying Pan Lane funds.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANIMOUS

E. Beattie said to consider asking the people who requested/obtained funding in prior years from the Frying Pan Lane fund, if they may be interested in submitting their requests again.

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

NEW BUSINESS PUBLIC COMMENT: Susan Porcelli, 7 Taylor River Road, asked how the Wreaths Across America program might be able to request funds for December 2023 from the Frying Pan Lane funds, and L. Gargiulo stated that the program would not need to make that request because they are all set, as he believes that all wreaths are covered. Chairman Lane responded to S. Porcelli's question and said that requests for funding from the Frying Pan Lane fund would be made to K. Anderson, and she would bring the request to the Selectmen for consideration.

Monthly Reports: Selectmen's Representative Reports:

Planning Board: E. Beattie reported that the Ordinance and Regulations Committee of the Planning Board discussed a renewed commitment to tighten-up regulations and compliance along Route 1. There may be a need for further regulations, but the Ords & Regs Committee will be working on that this year, to bring to Town Meeting for next year.

5 Kensington Rd was before the ZBA in February for Variances that were granted, so that will be before the Planning Board in March for their Subdivision into three (3) lots. The ZBA agreed with the Building Inspector that a well is a structure.

E. Beattie said that most of the Planning Board meeting was centered on issues of enforcement of potential violations that occur after construction, and after the deeds are recorded. He said that the Planning Board consulted their Land Use Attorney and determined that the particular issue from their previous meeting really was a civil matter, and would not be worth pursuing in court.

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This brought to light the larger question of follow-up, and how there needs to be a process for handling complaints or enforcement issues regarding approved Planning Board plans. There were some examples in the past year of things that were required to be done that were not done, so the issue is compliance with what is built compared with what was approved. The Planning Board is going to bring forward a form to help process requests for enforcement, and will refer to Selectmen for action that could be fines, penalties, or fees, as authority rests with the Selectmen for enforcement. There currently is an “As-Built plan” requirement for applicants, that was added last year, that will assist with these type of enforcement actions.

Chairman Lane asked if this will help with the situation where someone may not have pulled a permit, when they should have? E. Beattie responded that they do not want to be the “Planning Board Police”, but there are people who call Town Hall to report a suspicion, and the Building Inspector investigates the inquiry. What the Planning Board was discussing was applicants who go through the review process with the Planning Board and still do not follow-up with the things that were designed to be accomplished.

Library Trustees: E. Beattie reported that the last meeting he attended was the prior month, and that he missed the more recent meeting due to the weather. K. Anderson reported that the Library Director spoke with her earlier today regarding a possible desire of the Library Trustees to schedule a Work Session with the Selectmen to discuss the roof work at the Library. L. Gargiulo asked if the Library Trustees have an engineer on which to rely for technical direction, because the Selectmen are not qualified to make recommendations on roofing decisions. E. Beattie responded that it is a confusing situation because they thought they had the solution, spent the money and there was additional leaking, subsequently found lots of rot, and are questioning whether the cupola is the potential problem. L. Gargiulo recommended that the Library Trustees get an engineer to make a study of the problem and then come to the Selectmen with a recommendation for resolution; however, he was not certain about jurisdictional issues, and whether the Selectmen, in fact, have jurisdiction over the Library building. K. Anderson indicated that the Selectmen have no jurisdiction over the Library building. E. Beattie said that he thought he had explained to the Library Trustees that the Selectmen’s jurisdiction ends at the Library’s door. He continued that the Library Trustees need to get a couple of quotes, an inspection, and an engineer, summarizing that this has unfortunately been an on-going issue.

The Library had a good book sale recently, so other than the roofing issue, things are good at the Library.

Chairman Lane asked about the 12 Lafayette Rd proposal and whether the Planning Board is the approval board for that proposal, or is it the Zoning Board that ultimately needs to approve the requests for the Variances and/or Special Exceptions needed. E. Beattie explained that the applicant initially went to the Planning Board for a Design Review and received a response from the Planning Board to reduce the proposed building height from five-stories to three-stories. He stated that the applicant was amenable to three-stories, and they would need to return to the Planning Board with a full Site Plan application. E. Beattie stated that he asked the applicant when this would come to fruition, and the response was not until next year. L. Gargiulo asked if the Sewer issue need to go to Town Meeting in Seabrook first? E. Beattie said that he has heard three different answers to that question since he has been involved in this. R. Webb clarified that

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it was her understanding that the applicant first needed to get approvals from the ZBA for any required Variances and/or Special Exceptions before going to Planning Board for final Site Plan review. E. Beattie said that there are many issues with the site to do with wetlands and required mitigation that may be considered hurdles to overcome, but look at Tuscan Village in Salem, NH to get an idea of where their concept is coming from.

Lincoln Akerman School (LAS): Chairman Lane reported that the LAS has been very busy, with several good activities. There was a Holocaust Survivor speaker who came to speak to the eighth grade, which was an excellent presentation. There have been a variety of activities going on, such as teacher student basketball games, and sports returning to normal, post-COVID. There is the beginning of work on a “Literary Trail” through the woods, building on the survey work done some months ago.

L. Gargiulo stated that he thought the new sign on the side of the LAS building looks horrific, totally out of character for the town, an abomination, and that it looks like Hampton Beach. E. Beattie said that several people have called him about the sign, and Chairman Lane said he has received calls, as well, about the sign. E. Beattie said that the Governor Weare House (across the street from the sign) is an important structure in town, and that the owners probably should not have to look at an orange tiger leaping out at them. E. Beattie said he had to educate a few residents that the Planning Board has certain signage zoning requirements, but the School is not bound by the Town’s zoning requirements as a school entity. What is disappointing to E. Beattie is that a conversation could have been held at the outset, to discuss the intent of the sign before it was designed and installed, without resulting in the negative comments that have been made. The sign now shuts off at night. Chairman Lane said that there may be some things that the LAS school could do to adjust the sign to make it less objectionable, such as determine which messages really need to flash, and is it possible to tone down the brightness of the lights. If there is an important message to convey, then that should be the message, not flashing. Chairman Lane continued that the sign is big, and it is not in the best spot. He continued that it would be better if the new sign was a little smaller and if it was in the location of the former sign.

Chairman Lane reported that the LAS thanked the Fire Department for training school staff on the AEDs, and they are proud to say that close to 100% of their teachers are certified on the use of AEDs at this point. Fire Chief Lord said that there is one more class coming up, to teach First Aid.

Additionally, Chairman Lane reported that the frozen pipes at the LAS school resulted in a water leak that flooded an area of the school. Insurance will pay for a good portion of the damage as well as the abatement.

Recreation Commission: Chairman Lane reported that the Recreation Commission has been very busy. He stated that it was announced at their recent meeting that the Governor Weare Park is now under the purview of the Town. And there are still some adjustments to be made as to what the Recreation Commission does, in terms of understanding roles and responsibilities but it has come a long way toward improved understanding, which is good.

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The Ice Rink did not have a great year because of the warm weather. The Recreation Commission is looking for a solution to store the Ice Rink materials in non-Winter months as the church is no longer a solution.

There are a number of activities in the planning stages by the Recreation Commission:

- Family Field Day, in conjunction with the Home Run Derby
- Meditation
- Adult Chair Yoga
- Programs for Seniors
- Studio To Go, truck

There are also some proposed Bylaw changes proposed at their most recent meeting.

Heritage Commission: L. Gargiulo reported that the Heritage Commission is looking to have a Barn Survey done, and then a Barn Tour of the Hampton Falls barns, as they are interested in preserving as many barns as possible in the community.

Conservation Commission: L. Gargiulo reported that there is a big push for Summer 2023 for the two (2) Summer Interns to work on continued eradication of invasive plant species on Town-owned properties, such as Raspberry Farm.

Other Selectmen's New Business: L. Gargiulo said that he would like to request the Selectmen to hold a brief Non-Public Session at the end of the meeting.

REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: February 15, 2023

MOTION: To approve the minutes of February 15, 2023, as written.

MOTION: E. BEATTIE

SECOND: L. GARGIULO

UNANIMOUS

MOTION to enter Non-Public Session made by L. GARGIULO, seconded by E. BEATTIE.
Specific Statutory Reason cited as foundation for the Non-Public Session;

*RSA 91-A:3, II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, **other than a member of this board**, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.*

Roll call vote to enter Non-Public Session: **MARK LANE** Yes

ED BEATTIE Yes

LOU GARGIULO Yes

Entered Non-Public Session at 6:45 PM.

Other persons present during Non-Public Session: K. Anderson, Town Administrator.

MOTION to leave Non-Public Session and return to the Public Session by L. GARGIULO, seconded by E. BEATTIE.

MOTION: PASSED

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Public Session reconvened at 7:05 PM.

ADJOURNMENT:

MOTION: To adjourn the Selectmen's Meeting at 7:06 PM.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANIMOUS

Next Selectmen's Meeting is Wednesday, March 15, 2023, at 8:00 AM

These minutes prepared by Rachel D. Webb, Assistant Administrator