

**BOARD OF SELECTMEN
TOWN OF HAMPTON FALLS**

**MAY 3rd, 2023 – 6:00 PM
TOWN HALL**

FINAL

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

Chairman Beattie called the Board of Selectmen's meeting to order at 6:00 PM.

OLD BUSINESS

Financial Reports: General Fund Balance: **\$729,199.54** K. Anderson commented that the Town's cash flow is getting very low, and tax bills will be going out in a few weeks.

Executive: Payroll Warrant, Accounts Payable, Escrow Warrant: K. Anderson presented the Payroll, Accounts Payable, and Escrow Warrants for consideration by the Selectmen, as follows: Payroll Warrant #600 dated April 26, 2023, in the amount of \$32,140.95; Accounts Payable Warrant #839 dated April 26, 2023, in the amount of \$82,105.89; and Escrow Warrant #29 dated April 26, 2023, in the amount of \$ 306,746.71. She explained that the Escrow Warrant is the deposit for the Fire Truck and will be funded from the Ambulance Special Revenue Fund and the Fire Vehicle Fund.

MOTION: To approve payroll warrant #600 dated April 26, 2023, in the amount of \$32,140.95; Accounts Payable Warrant #839 dated April 26, 2023, in the amount of \$82,105.89; and Escrow Warrant #29 dated April 26, 2023, in the amount of \$ 306,746.71.

MOTION: L. GARGIULO

SECOND: M. LANE

UNANIMOUS

Other Selectmen's Old Business: K. Anderson reported on the Electric Rate, which locked in yesterday. The Town participates in a co-mingled conglomerate purchase with the Rockingham Planning Commission (RPC) together with four or five additional towns and the Library to purchase the electric rate as a group. The rate locked yesterday was 0.0923 per kilowatt for 100% of use through November 2024. By comparison, the Town of Exeter obtained a rate of 0.158, so Hampton Falls obtained a very attractive rate. E. Beattie thanked K. Anderson for her due diligence.

Old Business Public Comment: There was no public comment on Old Business.

NEW BUSINESS

Executive: Perambulation with Kensington: K. Anderson stated that this is a legislative requirement that has been around for hundreds of years, that towns are required to perambulate their bounds with their neighbors every ten (10) years. The Town of Kensington is asking the Selectmen to designate someone, and they have put together some dates to perambulate the bounds between Hampton Falls and Kensington. K. Anderson said that R. Webb has volunteered for the task. The choice of dates are: May 9th, May 10th, May 23rd, May 24th, June 6th, June 7th, June 20th or June 21st. Chairman Beattie thanked R. Webb for volunteering and asked that the Selectmen be notified of the date chosen, in case they might be available to participate. *R. Webb subsequently informed K. Anderson that May 23rd will work and will follow-up with the Town of Kensington to coordinate the details.*

FINAL

Highway: Stard Road Trash: The illegal dumping of trash on Stard Road has increased. Coca-Cola representatives have reached out to offer to adopt Stard Road to help Hampton Falls by picking up trash (Hampton Falls to supply the trash bags) and gathering larger items into a pile to make it easier for collection by the Hampton Fall's trash vendor. Most recently a large aquarium was dumped, which appears to have come from a business, and a truck full of tires was collected by the Road Agent and appropriately disposed. K. Anderson said that Coca-Cola already does the same roadside trash collection on the southerly end of the road for the Town of Seabrook. Chairman Beattie requested of K. Anderson that a note be sent to Coca-Cola thanking them for their efforts. He recalled at one time there was someone who was concerned about the roadside trash on Stard Road and she obtained bags from the Town and walked that section of road picking up trash. K. Anderson reported that she had spoken with Karen Ayers today who informed her that two (2) weeks ago Stard Road had been cleaned up as part of Earth Day, and that it was already right back to being trashed again. M. Lane said that there should be a sign on the road stating that littering is not allowed, with a fine. Chairman Beattie said that there is a sign with a fine up to \$1,000 that has not deterred anyone. M. Lane said that perhaps cameras should be installed, and L. Gargiulo said that you could catch someone then you would go to court. Chairman Beattie said that the full \$1,000 fine should be imposed and then the word would get out. He said that maybe the development of the Brush Dump as a Transfer Station with the addition of more frequent White Goods Days on the first Saturdays (six-months per year) will accommodate some people, but he thinks that the people littering Stard Road may be from other towns.

Executive: Seabrook Application for Large Groundwater Withdrawal Permit (LGWP): The Town of Hampton Falls has been notified by the NH Department of Environmental Services (DES) that the Town of Seabrook has applied for a Large Groundwater Withdrawal Permit (LGWP) for two new wells to be located on Weare Road, on a 21-acre parcel. Weare Road is the Seabrook/Hampton Falls town line. Concurrent with the well application, the Town of Seabrook is developing the site as a Disc Golf frisbee course, with a small parking lot, because the land was donated to the Town of Seabrook with the condition that the land be used for recreation use.

The State DES required that a copy of the LGWP permit application be sent by certified mail to the Town of Hampton Falls, and that was received on April 25th. The Town has 14 days to request a public hearing through NH DES to better understand the proposed impact.

The radius of the anticipated well impact extends into Hampton Falls as far as Lafayette Road and many residential neighborhoods in the Kensington Road area. There are approximately 162 private wells in Hampton Falls that are within the preliminary area of impact. The area extends through Wellington Farms, Birch Road, Crank Rd, even to the Town Common. The application is for the two wells to be used for Seabrook's municipal water distribution. Based on their preliminary testing, the wells are expected to yield 280,000 gallons-per-day or 200 gallons-per-minute. The proposed wells are located in the aquifer for the Winkley Brook complex as well as the Hampton River complex.

By requesting the Public Hearing, the engineers will attend the public hearing and explain the tables and numbers in the report. The Public Hearing will be required to be held in the town

FINAL

requesting the hearing within 30-days of the request, so it will be held in Hampton Falls. Following the public hearing, there will be a 45-day comment period for those impacted to submit written comments to NH DES.

K. Anderson stated that the Town of Kensington is also going through the same process with a request for water from the Town of Exeter/Exeter Academy, impacting Kensington's water table.

K. Anderson recommends that the Hampton Falls BOS requests NH DES to schedule a public hearing in Hampton Falls.

L. Gargiulo asked if the Town should have a professional involved assessing the data in the report. K. Anderson responded that R. Webb and herself had been discussing having a peer review (at Seabrook's expense) and requesting that review at the public hearing. L. Gargiulo asked if the data in the report is regarding possible impact on the wells (in Hampton Falls) and K. Anderson responded that the report states minimal impact. She continued that the report states that *selected* wells will be tested for preliminary impact, but that Hampton Falls could request at the Public Hearing that *all* the wells be tested for preliminary impact. She said that she discussed the well proposal with Fire Chief Lord whose concern is Whittier Pond which is a prime source of fire protection for the Town. K. Anderson stated that the Town could require that Whittier Pond be monitored for impact and/or require a fire hydrant connected to the water system be installed to insure fire protection in that area.

L. Gargiulo asked how will the people (162 wells), who are located within the impact area, know about the Public Hearing when it is scheduled? K. Anderson responded that there is a sample letter in the report to send to property owners, and there is a Map and Lot list of property owners in the report (that will be updated). She added that the Town could request that certified notifications be sent to all properties potentially affected.

Chairman Beattie said that the aquifer in the Weare Road area is the largest aquifer in Hampton Falls. K. Anderson stated that no one owns the water underground. Chairman Beattie said that a reference to the Planning Board Chairman may be useful, because perhaps the Town may want to consider having a land use attorney look at the proposal and any options available to the Town. Chairman Beattie continued that it was his opinion that the proposal was not a positive for Hampton Falls and would only contribute to Seabrook developing Route 1 more intensely. He stated that he was not in support of the proposal. He said that water may be the most important resource now, and it was his opinion that legal options should be explored and that the Planning Board should be made aware of the proposal. He said that he agreed with Fire Chief Lord that Whittier Pond could be affected negatively, in addition to wetland areas.

K. Anderson responded that there are environmental concerns, and there are individual well concerns. Typical procedure would be to have wells tested to identify current capacity and flow, before the two wells in Seabrook get approved, to determine if there would be any impact. M. Lane responded saying that wouldn't it be too late then? K. Anderson said that the Town could require a stipulation be added to the permit approval to identify remediation measures to impacted well-owners, such as dig another (deeper) well. Chairman Beattie stated that the

FINAL

number of wells impacted represent approximately 20% of the wells in Hampton Falls (162 wells of approximately 800 homes).

M. Lane said that it is important to have a professional look at the report on behalf of the Town of Hampton Falls because how do the Selectmen know how much water 288,000 gallons is, nor how quickly water is replaced or recharged in the aquifer. K. Anderson said that that may be the type of information to be learned at the Public Hearing. L. Gargiulo reiterated his earlier request for an independent peer review of the proposal by an engineer on behalf of the Town. He continued that if the proposal results in some people's wells being destroyed, then there has to be some language with a provision that something will be done about the damage, such as if drilling a deeper well does not result in a viable well, then that house would need to be connected to the water system.

Chairman Beattie said that what is important is the access to the water and the quality of the water, so the proposal is of concern on many fronts. K. Anderson said that the first step is to request the Public Hearing from NH DES. L. Gargiulo said that the peer review person should be present for the Public Hearing. Chairman Beattie said that the proposal has been a ten-year goal of Seabrook to add wells to their water capacity; in fact, an earlier proposal many years ago was to trade water for sewer. Chairman Beattie described that at the time of that proposal that he and the Planning Board Chairman made it clear to the Seabrook Selectmen that Hampton Falls was not going to trade water for anything. Chairman Beattie agreed with L. Gargiulo that the Town should have representation so that there is not singular reliance on the State. Chairman Beattie said that he was pleased that NH DES required Seabrook to notify the Town of Hampton Falls. L. Gargiulo said that he did not want to jeopardize Hampton Falls residents for Seabrook's development. He asked if it would be possible to restrict how much water to extract, but someone needs to tell the Town what that number is?

Susan Porcelli, State Representative for District 19 Hampton Falls and Kensington, spoke on how interesting it is that two towns (both Kensington and Hampton Falls) are experiencing the same type of application for a Large Groundwater Withdrawal Permit (LGWP). She reported that Kensington is being potentially impacted by the Town of Exeter/Exeter Academy for their request, and Kensington has conducted an independent review of the applicant engineer's report. She said that the most important question raised was what happens if there is an adverse impact, as it is hard to determine adverse impact. And there were no good answers from NH DES. She continued that it is critically important to have public comments on this issue, and to have an independent review.

MOTION: To instruct the Town Administrator to seek an engineering firm to represent the Town of Hampton Falls in this process, to review the proposed permit application for the Weare Road Seabrook's LGWP, and to have that engineer present at the NH DES scheduled Public Hearing (date TBD).

MOTION: L. GARGIULO

SECOND: M. LANE

UNANIMOUS

FINAL

MOTION: That the Town of Hampton Falls request that NH DES hold a public hearing in the Town of Hampton Falls to gain information regarding the proposed impact of the Town of Seabrook's Large Groundwater Withdrawal Permit Application for two (2) wells to be located on Weare Road.

MOTION: L. GARGIULO

SECOND: M. LANE

UNANIMOUS

PUBLIC COMMENT: Chairman Beattie asked if there was any public comment.

Stephen MacLeod 167 Exeter Road, stated that he did some research online and found that 10,000 gallons per month for a family of four (4) is a normal amount. So the proposed 200 gallons per minute proposed is a lot of water and will have a big impact. Chairman Beattie said that there is no question that this is commercially driven. Carol Schutte requested a copy of the LGWP document and R. Webb agreed to post the document to make it available. Chairman Beattie stated that the Planning Board would want a copy of the report as well. He said that it would be good to educate everybody, and that it would be good to get a lot of people at the Public Hearing because NHDES needs to hear the town's concerns.

Executive: Summer Meeting Schedule: K. Anderson presented that the Selectmen have historically met once per month during the Summer months and have adjusted their schedules to accommodate that calendar of meeting dates. To plan for project deadlines and vacations she presented a Summer calendar with typical twice per month meeting dates listed for discussion.

The normal schedule for the Selectmen's meetings in June, July and August, would be the following 1st and 3rd Wednesdays:

June 7 @ 6 PM and June 21 @ 8 AM

July 5 @ 6 PM and July 19 @ 8 AM

August 2 @ 6 PM and August 16 @ 8 AM

Sept. 6 @ 6 PM

K. Anderson said that she is requesting input from the Selectmen as to their Summer meeting schedule for 2023. Chairman Beattie stated that he recalled having the once per month scheduled meetings during the Summer, but that occasionally they had to schedule special meetings to accommodate time-sensitive decision-making in between, and K. Anderson said that that option would remain. She pointed out that the first Wednesday in July is July 5th and that may not be a good date, so the Selectmen may want to consider July 12th for their July meeting and then keep July 19th if needed. The adjusted schedule agreed by the Selectmen was June 7th, July 12th, and August 9th all at 6pm.

Financial: Tax Deeding: The Tax Collector is scheduled to execute tax deeds on May 11th. At this time there is one (1) property scheduled to be deeded. It is likely that the unpaid taxes will be paid prior to that date, however the Board needs to vote to accept the deed and authorize the Tax Collector to execute the deed for unpaid property taxes. Prior to the execution of the deed, the Tax Collector can accept one (1) year of the unpaid taxes to avoid deeding. After the execution of the deed, the property owner must pay all three (3) years of the unpaid taxes to redeem the property.

FINAL

Chairman Beattie asked the Selectmen if they wanted to go into Non-Public Session to discuss this issue further, or if they were comfortable moving forward, and the consensus was to move forward, citing the statutory process in place for this procedure, and that there should be no exceptions to the process.

MOTION: To accept the tax deed and authorize the Tax Collector to execute the Tax Deed for unpaid property taxes.

MOTION: L. GARGIULO

SECOND: M. LANE

UNANIMOUS

Financial: Request of Frying Pan Lane Funds: The Cemetery Trustees and Library Trustees are requesting \$600 from the Frying Pan Lane Fund to co-host a presentation about the historic town cemeteries by Graveyard Girls. This is a follow-up to the successful program that was presented during the Tricentennial that had over fifty (50) people attend. The program is planned for ninety (90) minutes duration in October 2023. Chairman Beattie said that he heard many positive comments about the program and that it was well received during the Tricentennial last Summer. L. Gargiulo commented that the Frying Pan Lane fund is not money coming from the taxpayers, it is a separate fund bequeathed to the Town with specific purposes, and this request meets the purpose of the fund expenditure, and is appropriate.

MOTION: To approve the request for \$600 from the Frying Pan Lane Fund for the Graveyard Girls presentation.

MOTION: L. GARGIULO

SECOND: M. LANE

UNANIMOUS

Administrative: Permit Request – Hawkers & Peddlers Permit Application: Sunrun has requested a permit for door-to-door sales from 9:00am to 8:30pm offering solar systems. An insurance certificate has been provided. K. Anderson discussed this request with Police Chief Veno and his comments were that the vendor would need to check-in with the Police Department daily, to inform the Police on which streets Sunrun were going to be located each day. L. Gargiulo asked if the Selectmen were required to approve this request, and K. Anderson responded no. M. Lane said that he recalled the Selectmen being consistent in refusing this request in the past, and said that they should remain consistent and deny the request, and the other two Selectmen agreed. Chairman Beattie said that even though there is great communication, something usually happens and there is an issue; he said that he was not sure that anyone likes hawking and peddling, and L. Gargiulo agreed with him.

MOTION: To reject the request for a Hawkers & Peddlers Permit Application by Sunrun, for door-to-door sales in Hampton Falls.

MOTION: L. GARGIULO

SECOND: M. LANE

UNANIMOUS

Other Selectmen's New Business: K. Anderson reported that Lisa Brown-Kucharski (Planning Board member) brought a large oil painting of a seascape for consideration as a donation to the Town, if the Selectmen were interested in accepting it, and if there is a place in Town Hall to

**BOARD OF SELECTMEN
TOWN OF HAMPTON FALLS**

**MAY 3rd, 2023 – 6:00 PM
TOWN HALL**

FINAL

hang it. The painting was completed by Lisa Brown-Kucharski's mother, Clara Brown, and it is one of the largest paintings that she did. There was discussion of where the painting could be hung in the meeting room and potentially relocating two proclamations on either side of the grandfather clock to be symmetrical.

MOTION: To accept the donation of the oil painting (oceanscape) by Clara Brown, donated by Lisa Brown-Kucharski, to be hung in the Town Hall Meeting Room.

MOTION: L. GARGIULO

SECOND: M. LANE

UNANIMOUS

Monthly Reports: Selectmen's Representative Reports:

Heritage Commission: L. Gargiulo reported that the Heritage Commission is working on a Barn Survey documenting barns with photos. The Heritage Commission is also developing a Barn Tour.

Conservation Commission: L. Gargiulo reported that the Conservation Commission reviewed an interesting proposal for the installation of a pond on Brown Road, that will be all natural, and allow swimming. The Con. Comm has hired a couple of Interns for the Summer to work on irrigating invasive plant species located in the conservation areas of Hampton Falls.

Lincoln Akerman School (LAS): M. Lane reported that the eighth-grade class went to Washington DC this month and it was the first trip to be able to go since Covid. The graduation class is planning their dance here at Town Hall in June. The space at the LAS impacted by the water leak/flood plans to reopen following school vacation week.

Recreation Commission: M. Lane reported that there are three (3) Castleberry fairs planned for the Town Common this Summer: 1) May 13-14 (Mother's Day weekend), 2) July 1-2 (4th of July weekend), and 3) September 16-17 weekend. He commented that last year there were four (4) events and this year there are only three (3). L. Gargiulo said that the Town should try to find another event to schedule in October, as there is great traffic with apple-picking in town.

M. Lane reported that there was some damage done (that is being repaired) to the Governor Weare Park (GWP) field, when the storage container was recently delivered. Jason Farias has offered to donate labor toward improvements to fix the wooden storage shed at GWP. M. Lane commented on the in-field of GWP being filled with weeds. K. Anderson stated that the New England Baseball (NEB) has an agreement with the Town that they maintain the baseball field in exchange for using it, so she said that she would reach out tomorrow to NEB about the weed problem.

L. Gargiulo asked about the sign at the LAS, and if there was something to do to reduce the overall impact of the electronic sign. M. Lane agreed to speak with J. Farais to see if there were additional adjustments to be made to the sign. M. Lane reviewed some of the adjustments already made to the sign as follows: 1) the background color has been changed to a dark color, from the initial bright background, 2) the speed at which the copy changes on the sign has been reduced or slowed down, 3) the overall brightness of the sign has been dimmed, 4) and the sign

**BOARD OF SELECTMEN
TOWN OF HAMPTON FALLS**

**MAY 3rd, 2023 – 6:00 PM
TOWN HALL**

FINAL

is shut off at 7:00pm. L. Gargiulo said that there could be fewer colors, and the listing of all social media did not need to be on the sign. M. Lane said that he did not disagree, and the purpose of the sign is to allow citizens to get information from the sign, not just school information, but also town information. Community announcements like the Castleberry Fairs and the Farmers Market information should be included on the LAS sign.

L. Gargiulo mentioned that Memorial Day is approaching at the end of this month, and that the landscapers need to have the cemeteries in great condition for that holiday. Tracy Beattie said that the Cemetery Trustees have a meeting tomorrow morning and can discuss the lawn mowing schedule then. Chairman Beattie said that the landscapers may need to adjust their schedule to do more frequent lawn mowings in May (as was done last year), and then fewer lawn mowings in the middle of Summer when grass growth slows due to the heat.

Library Trustees: Chairman Beattie stated that he did not attend the most recent Library Trustees meeting. He knows that the Library Trustees are going ahead with the Graveyard Girls program approved tonight.

Planning Board: Chairman Beattie reported that the 5 Kensington Road Subdivision application for a shared well was continued to the next meeting.

Other New Business: There was no other new business.

REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: April 19, 2023 –

MOTION: To approve the minutes of April 19, 2023, as written.

MOTION: L. GARGIULO

SECOND: M. LANE

UNANIMOUS

PUBLIC COMMENT: State Representative Susan Porcelli, District 19 Kensington and Hampton Falls, reported that the State has thirty-five-million-dollars in an Emergency Energy Assistance program for qualified NH residents, and the deadline is approaching. It is a one-time program for people on fixed incomes who meet eligibility requirements. S. Porcelli offered her assistance to any residents who need help completing the application. Chairman Beattie asked where people would go to access this opportunity, and K. Anderson responded that it is an online application.

ADJOURNMENT:

MOTION: To adjourn the meeting at 6:55 pm.

MOTION: L. GARGIULO

SECOND: M. LANE

UNANIMOUS

Next Selectmen's Meeting is Wednesday, May 17, 2023, 8:00 AM
These minutes prepared by Rachel D. Webb, Assistant Administrator