

**BOARD OF SELECTMEN
TOWN OF HAMPTON FALLS**

**September 18, 2019
TOWN HALL**

FINAL

PRESENT: L. Smith, Chairman; E. Beattie, Vice Chairman; L. Gargiulo, Selectman; L. Ruest, Town Administrator.

The meeting was called to order at 4:02pm.

Motion to enter Nonpublic Session made by E. Beattie seconded by L. Gargiulo

Specific Statutory Reason cited as foundation for the nonpublic session:

 X 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.*

 X RSA 91-A:3, II(e) *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against this board or any subdivision thereof, or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled*

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|----------------------------------------------------------------------------|---|
| Roll Call vote to enter nonpublic session: Larry M. Smith, Chairman | Y |
| Edward B. Beattie, Vice Chairman | Y |
| Louis Gargiulo, Selectman | Y |

Entered nonpublic session at 4:05 p.m.

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

Motion: PASSED

Public session reconvened at 4:09 p.m.

Motion seal the minutes of the September 18, 2019 nonpublic session.

Motion made by L. Gargiulo, seconded by E. Beattie, because it is determined that divulgence of this information likely would

 X Affect adversely the reputation of any person other than a member of this board

FINAL

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|----------------------------------------|----------------------------------|---|
| Roll Call Vote to seal minutes: | Larry M. Smith, Chairman | Y |
| | Edward B. Beattie, Vice Chairman | Y |
| | Louis Gargiulo, Selectman | Y |

Motion: PASSED

SECTION 1 – PUBLIC COMMENT

Alan Ganz (Surrey Ln.) remarks that he heard from several residents that there are concerns about the contractor being hired for snow removal. He states it would be helpful to know how the Selectmen feel about this contractor.

David Allen (Hillcrest Dr.) expresses numerous concerns about Bailey Landscaping LLC being awarded the contract for snow removal. Based upon the information he has reviewed, he feels the company lacks experience and also has a history of safety and driving violations that could be a liability risk to the town and residents.

Gaylee Robinson (Brown Rd.) states that Bailey Landscaping LLC is qualified for snow removal and adds, ~~She states~~ that Bailey Landscaping LLC is the lowest bidder by a 35% margin and is willing to complete all of the pre-qualifications as required by the town and the town's RFP.

Tony Franciosa (Old Stage Rd.) stated he reviewed the package that Mr. Bailey has presented to the town and feels that there may be insufficiencies in this proposal. He references RFP sections and inquiries if this information has been provided by Bailey Landscaping LLC. L. Smith lets T. Franciosa know that that information will be provided to the town before any contracts are signed.

T. Franciosa inquires about the insurance policy for Bailey Landscaping LLC. L. Gargiulo clarifies that the requirement as stated in the RFP specifies that at the time of the signing of the contract, the bidder has to provide the town with the additional information referenced in T. Franciosa's comment; the RFP does not say this information needs to be provided prior to that point. If the information is not acceptable, the town will not move forward with the contract.

Hearing no additional public comment, L. Smith closes the public comment.

FINAL

RFP 2019-02: SNOW REMOVAL

L. Smith opens discussion to Board Members. E. Beattie expresses concern about Bailey Landscaping LLC's safety and driving records. L. Gargiulo states it does not feel appropriate to potentially hold the company responsible for something that occurred several years ago if the company has made amends and resolved that legal violation. L. Smith adds that this information has been provided to town counsel and based upon advice, a violation from several years ago is not something that can be used to disqualify a bid. He also notes that Bailey Landscaping LLC is the lowest bidder by roughly a 30% plus margin and saving these funds would help the town address road maintenance that has been deferred due to previous years' budget restrictions.

MOTION: To award the winter road maintenance contract RFP 2019-02 to the lowest bidder, Bailey Landscaping LLC.

MOTION: L. SMITH

SECOND: L. GARGIULO

2 IN FAVOR, 1 OPPOSED, PASSES.

Road Agent- Core Services/Invoice Monthly Report

No questions on the monthly invoice.

Status of Assigned Work

R. Hilliard presents a number of Non-Emergency Highway Department worksheets identifying the areas and costs associated with removal of storm debris and notes that the most important roads to take care of before snow plowing this winter are Sanborn Road and Coach Lane. L. Smith stated the Board will take that information under advisement.

The relocation of signs on Janvrin and Woodlawn has been completed. The additional sign needed for Curtis has been ordered. R. Hilliard is still discussing the improvements to potholes/low areas of PSB. In regards to the beaver leveler on Curtis, R. Hilliard is currently draining the pond and has the piping and materials to install once drained.

R. Hilliard presents two additional Non-Emergency Highway Department worksheets for Nason Road relating to the removal of roadside brush and a low shoulder on the right side. The board took this under advisement.

Beverly Mutrie (Brown Rd.) is in search of two bronze signs on the bridges that cross Route 95. After discussion, the location of the signs were identified as being inset in concrete in the lower corners of the bridge abutments.

FINAL

Fire Chief, Ambulance, Emergency Management – Monthly Report

The Board acknowledged the Fire Department report for August. No comments or questions were heard.

Police Chief, Animal Control- Monthly Report

The Board acknowledged the Police Department report for August. No comments or questions were heard.

Building Inspector, Code Compliance, Health Officer- Monthly Report

The Board acknowledged the Building Department report for August. L. Smith asks for a status update on the Avesta Housing project and M. Sikorski provided details. M. Sikorski also provides detail on the code enforcement (violations of Article IV, Section 4.2) portion of his monthly report.

SECTION 2- PUBLIC COMMENT: No public comments were heard at this time.

OLD BUSINESS

Consent Agenda

1. Monthly Financial Reports of Bookkeeper, Treasurer, Tax Collector
2. NH DOT Transportation Projects Hearings
3. Trick or Treat, October 30, 5 to 7 p.m.

FINANCIAL REPORTS – GENERAL FUND BALANCE \$1,303,160.27

**ACCOUNTS PAYABLE/PAYROLL/TREASURER/TRUSTEES OF TRUST FUNDS
WARRANT(S):**

| | | |
|-------------------|------------------------------------|---------------------|
| Bookkeeper | Payroll Warrant #471 | \$19,812.77 |
| Bookkeeper | Accts. Payable Warrant #676 | \$789,483.24 |

MOTION: To approve the warrants above as presented.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANIMOUS

Electricity Aggregation (RFP) Signature Due September 25th

L. Smith gave an overview of the general details of the RPC electricity aggregation contract with Constellation, as recommended in writing by a representative of the Rockingham Planning

FINAL

Commission. The contract is for three years and Kilowatt Per Hour prices will be locked in for that duration of time. Total saving estimates are roughly \$2,900 for town and \$698 for Library.

MOTION: To authorize the town administrator to coordinate with a library representative to sign the electricity aggregation contract on September 25, 2019.

MOTION: E. BEATTIE

SECOND: L. GARGIULO

UNANIMOUS

Select Board Rules and Procedures Amendments

The Board reviewed amendments to the Town of Hampton Falls Select Board Rules and Procedures which are listed below (additions in both bold and underlined):

- Section B. - Meetings of the Town of Hampton Falls Select Board shall be held on the first **at (6:30pm)** and third Wednesdays **(at 4:00pm)** of every month and begin at 6:30pm and **4:00pm**, unless otherwise noticed, or continued to a specific date and time.
- Section D.1. Annually, at the first meeting of the Select Board after Town elections, the members thereof shall choose, from among their number, a Chair and a Vice Chair. **The position of Chair does not necessarily go to that member in their third year as Selectman, but to whomever the board feels will be the most capable chair.**
- **Section D.II. Because a person holding the position of Chair of the Board of Selectmen while holding a major contract (\$50,000/year or greater) in the Town has the potential for an unreasonable number of conflicts with various Town Officials who may have supervisory responsibility over that contract, such a contract holder shall not be elected as Board Chair.**

MOTION: To adopt the **Select Board Rules and Procedures** as amended.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

UNANIMOUS

Annual Highway Project Policy

The board reviewed the Annual Highway Projects Policy.

MOTION: To adopt the Annual Highway Project Policy as written.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

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FINAL

Solid Waste Ordinance (Amendment)

The Board reviewed amendments to the Town of Hampton Falls Select Board Rules and Procedures which are listed below (additions in both bold and underlined):

- Section II.B. - STUMPS, COMMERCIAL, INDUSTRIAL, CONSTRUCTION, DEMOLITION AND HAZARDOUS WASTE. Stumps, commercial and industrial waste, including hazardous materials, disposal is prohibited curbside as well as household solid waste collection day(s) sponsored by the Town. **A dumpster will be provided at the spring household waste collection day only for minor demolition, construction and remodeling debris. Quantity will be limited to that deemed reasonable (less than ½ pickup truck load) by the Selectmen on site.** (See Appendix, page 3)
- Section II.E. - DEMOLITION, CONSTRUCTION AND REMODELING DEBRIS: Demolition, construction and remodeling debris is prohibited at curbside collection and **limited at the Brush Dump household waste spring collection day.** It may be disposed of through a building or solid waste contractor. **No construction debris will be permitted during Fall Collection Day.** (See **Section II.B and** Appendix, page 3).
- Section II.E - WHITE GOODS: The Board of Selectmen shall announce the day and time for the collection of bulky items such as white goods (refrigerators, dryers, washing machines, water heaters, kitchen stoves) to take place in the spring and fall of each year. White goods must be delivered to the proper container(s) at the Brush Dump **and may be limited to goods accepted in the compactor.**
- Appendix A- METHODS OF SOLID WASTE DISPOSAL AND FEES, BULKY WASTE: The town of Hampton Falls **holds two household solid waste collection day(s)** each year. A fee, per disposal trip, will be charged in conjunction with proof of residency. Residents are to bring these items to the Hampton Falls Brush Dump, located at the corner of Parsonage and Drinkwater Roads, on the dates and times provided to the public in the spring and fall.
 - Bulky waste items include, but are not limited to: sofas, chairs, televisions, rugs, air conditioners, mattresses.
 - White Goods items include, but are not limited to, refrigerators, dishwashers, stoves, washing machines, clothes dryers, hot water heaters. A fee will be charged for each appliance containing Freon which brought to the Hampton Falls Brush Dump.
 - **During Fall Collection Day, only bulky waste accepted by the compactor will be accepted.**
- Appendix A- METHODS OF SOLID WASTE DISPOSAL AND FEES, ELECTRONICS RECYCLING: A fee per electronics item recycled at Town sponsored household solid waste collection days will be charged for computers, computer monitors,

FINAL

printers/copiers/scanners/fax machines and televisions; a separate fee will be charged for each projection television. Keyboard/mouse, stereos, VCR/DVD players and the like are disposable at no charge. A fee, per disposal trip, will be charged in conjunction with proof of residency and residents must bring electronic items to the Brush Dump on the designated day in the spring only.

- Appendix A- PROHIBITED OVERALL:
 - *An exception to this is a minimum amount of (less than ½ pickup truck load) household renovation debris that is acceptable for disposal at the spring only Household Waste Collection Day.*
 - Disposal of stumps, commercial, industrial, construction, remodeling or demolition waste of any kind is prohibited from curbside disposal with a minimum amount of construction debris permitted at the spring only household waste collection day (See Section II.B. and Appendix A) sponsored by the Town of Hampton Falls. Resident should contact waste removal services or seek other outlets for proper disposal.

MOTION: To adopt the Solid Waste Ordinance as amended.

MOTION: L. SMITH

SECOND: L. GARGIULO

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E. Beattie addresses residents' requests to have the Brush Dump open later or earlier in the year for disposal of brush; the Board agrees to take this request on a case by case basis.

Other Selectmen's Old Business: No other old business was discussed at this time.

Section 3- Public Comment:

Beverly Mutrie (Brown Rd.) asks the Board to explain the Resolution related to Energy Innovation and Carbon Dividend Act of 2019, as well as give additional information related to the purchase of computers.

Town of Hampton- Resolution re: Energy Innovation and Carbon Dividend Act of 2019

Board members review the resolution recommended by the Town of Hampton.

MOTION: To adopt the resolution as written and have the Town Administrator submit signed copies of the resolution to the President and Vice President of the United States, to the speaker of the House of Representatives, to the Majority Leader of the Senate, and to each U.S. Senator and Representatives from the State of NH in the Congress of the United States and to send a letter of thanks to the Hampton Board of Selectmen for bringing to this Board's attention.

FINAL

**MOTION: L. SMITH
SECOND: E. BEATTIE
UNANIMOUS**

Selectmen's Permit Application - Road Race (LAS PTO Fundraiser)

The Town Administrator informed the Board that there is one additional route this year, compared to previous years. Police Chief Dirsa comments that the road race will require an extra officer or two, but he has no concerns about this.

MOTION: To approve the Lincoln Akerman School's PTO Selectmen's Permit Application for a road race on November 23, 2019.

**MOTION: L. GARGIULO
SECOND: E. BEATTIE
UNANIMOUS**

Purchase of Computers (Tax Collector and Assessor) & Software Needs

The Town Administrator gives some background information on the computer/software needs. Board members discuss the Town Communication fund.

MOTION: To authorize the purchase of the proposed computers with funding to come from the Town Communication fund.

**MOTION: L. SMITH
SECOND: L. GARGIULO
UNANIMOUS**

Beverly Mutrie (Brown Rd.) expresses concern over the lack of money in next year's proposed budget for software and computers.

Other Selectmen's New Business: No other new business was discussed at this time.

Review and Approval of Previous Minutes: September 4, 2019

MOTION: To approve the meeting minutes from 9/4/2019 as written.

MOTION: E. BEATTIE

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**SECOND: L. GARGIULO
UNANIMOUS**

Public Comment: No public comments were heard at this time.

Motion to enter Nonpublic Session made by E. Beattie seconded by L. Gargiulo.

Specific Statutory Reason cited as foundation for the nonpublic session:

 X 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 nonpublic session: | Larry M. Smith, Chairman | Y |
| | Edward B. Beattie, Vice Chairman | Y |
| | Louis Gargiulo, Selectman | Y |

Entered nonpublic session at 5:20 p.m.

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

Motion: PASSED

Public session reconvened at 5:39 p.m.

Motion seal the minutes of the September 18, 2019 nonpublic session.

Motion made by L. Gargiulo, seconded by E. Beattie, because it is determined that divulgence of this information likely would

 X Affect adversely the reputation of any person other than a member of this board

| | | |
|---------------------------------|----------------------------------|---|
| Roll Call Vote to seal minutes: | Larry M. Smith, Chairman | Y |
| | Edward B. Beattie, Vice Chairman | Y |
| | Louis Gargiulo, Selectman | Y |

Motion: PASSED

**BOARD OF SELECTMEN
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FINAL

MOTION: To adjourn the meeting at 5:40 p.m.

MOTION: L. GARGIULO

SECOND: E. BEATTIE

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*NEXT SELECTMEN'S MEETING – WEDNESDAY, OCTOBER 2, 2019 at 6:30 P.M., TOWN
HALL*