

DRAFT

PRESENT: E. B. Beattie, Vice Chairman; L. Gargiulo, Selectman; M. R. Lane, Selectman;
L. A. Ruest, Town Administrator; L. A. Jordan, Town Secretary

**RFP COLLECTION OF SOLID WASTE (MSW) AND RECYCLABLES & DISPOSAL OF
SOLID WASTE AND RECYCLABLES**

PUBLIC COMMENT: Three members of the public, Gaylee Robinson, Andy Brubaker and David Allen presented opinions on the competing proposers:

Gaylee Robinson stated reservations about hiring E.L.M. and strongly preferred Pinard due to differences in experience, equipment and business infrastructure despite E.L.M.'s lower proposal cost. Additionally, the E.L.M. proposal included permanently storing trucks at the Town Brush Dump, which presents a possibility of water source contamination for both Hampton Falls and Seabrook. E.L.M. is the only vendor where the town would subsidize part of insurance cost. Pinard services many towns, but E.L.M. has not worked in years and services no municipalities. Further, Salem, Peabody (JRM) references indicate they have never heard of E.L.M. Gaylee Robinson applauded Pinard on the previous five years of service to the Town, and urged the Board of Selectmen to rehire them.

Andy Brubaker inquired as to why the Board of Selectmen did not follow the original Waste and Recycling Committee's recommendation. E. B. Beattie replied that the original numbers were incorrect and revisions were required. Andy Brubaker also commented that E.L.M. had an advantage from speaking at the April Board of Selectmen Work Session and that the other proposers did not realize they could amend proposal prices. He suggested starting over with a new RFP. E. B. Beattie commented that Casella was allowed to revise proposal pricing as well as the other proposers. The current numbers are now accurate and he feels comfortable making a decision now. As a closing point, Brubaker additionally asked the Board of Selectmen to review the Town's March 2018 amendment regarding Groundwater Protection. There are six items listed. Two items might be affected by E.L.M. truck storage at the brush dump. The dump is over a water source. He requested the Board of Selectmen to specifically address Article III, 3.5. He shares the concerns for Seabrook and Hampton Falls water source contamination with Robinson.

David Allen raised complaints about trash sitting out and getting missed by Pinard, whom he states had consistently poor pickup service this past winter on Hillcrest Drive. He expressed concerns over the pandemic hurting taxes. He implored the Board of Selectmen hire E.L.M. due to having the best proposal price and save the town money.

MOTION: To close public comment at 6:34 p.m.

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

MOTION: To select E.L.M. Services, LLC. As Solid Waste (MSW) and Recycling Collection Contractor for a five and one-half year term with a one and a half-year opt out option.

MOTION: M. R. LANE
SECOND: L. GARGIULO

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DISCUSSION:

M. R. Lane stated he felt the first recommendation of the Waste Committee to share services between Pinard and E.L.M. was dead on arrival because E.L.M. did not agree to share. The second recommendation was to postpone a decision by six months, which is not ideal. M. R. Lane believes the Board of Selectmen now has enough information to decide at the current meeting. M. R. Lane commented he was most impressed by Casella's professionalism. However, they are \$300,000 more than E.L.M. which is prohibitively expensive. The lowest costs were proposed by E.L.M., then Pinard. Pinard has more experience than E.L.M., but he likes that E.L.M. is a resident of the town. Further, E.L.M. will only serve Hampton Falls with no other towns. He likes the flexibility and creativity of E.L.M. During the election, he received a consistent message from constituents to lower the taxes. The E.L.M. proposal cost is \$200,000 less than that of Pinard over five and a half years. The COVID-19 crisis makes revenue prediction unstable. M. R. Lane proposes offering the contract to E.L.M.

L. Gargiulo stated, based on decades reviewing contracts, it has been learned that efforts and metrics are the best way to evaluate. He referenced the questions he asked (which are organized in a table in the May 13, 2020 Board of Selectmen Work Session Minutes). He reread those May 13 Work Session questions for the public's reference. After reviewing the metrics, he respectfully disagreed with M. R. Lane's recommendation to hire E.L.M. Compared to all other proposers, E.L.M. has zero years recycling experience, few employees, trucks, etc. Further, all other proposers could cover own insurance, except E.L.M., who would charge Hampton Falls. Finally, he believes the future of trash collection will be automation. Casella is the sole proposer offering automation. Despite being a fiscal conservative, L. Gargiulo stated he is a realist and chooses Casella, followed by Pinard and objects to hiring E.L.M.

E. B. Beattie: He states that number of trucks owned by a company is less important than how many trucks are dedicated to the Town. For example, Pinard has 57 trucks but still missed trash one day due to a truck issue. The other 56 trucks were assigned to other towns and did not solve the issue for Hampton Falls. E. B. Beattie brought up the current fiscal state of affairs in the Town, and revenue issues. Two years ago, he worked to lower the tax rate to \$19.90/\$1,000 when the unreserved funds were approaching one million dollars. In 2020, the tax rate now is \$22.12/\$1,000. E. B. Beattie is in favor of E.L.M. getting the contract because of the price. The town is facing money issues. Additionally, he stated the contract will be negotiated beyond what is discussed tonight.

VOTE: 2 IN FAVOR, 1 OPPOSED, PASSES.

A draft agreement will be prepared for Board of Selectmen review as well as review and input from Town Counsel.

ROAD AGENT – CORE SERVICES/INVOICE MONTHLY REPORT

NON-EMERGENCY HIGHWAY DEPARTMENT PROJECT WORKSHEET (BURN BRUSH):

The Road Agent R. Hilliard seeks authorization to burn brush early.

MOTION: To authorize Road Agent to burn brush at the Brush Dump for 10 hours with equipment at a cost of \$850, paid from budget account #4323-390.

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**MOTION: M. R. LANE
SECOND: L. GARGIULO
UNANIMOUS**

NON-EMERGENCY HIGHWAY DEPARTMENT PROJECT WORKSHEET (PATCH HILLCREST DR.): A portion of the entrance at Hillcrest Drive is crumbling. The Road Agent requests authorization to repair the first 13 feet Hillcrest Drive in order to prevent more damage. E. B. Beattie asked if this was part of the overall master highway project, and stated that the Town is holding off on the highway project for now.

MOTION: To authorize Road Agent to cut, patch and pave the first 13 feet of Hillcrest Drive at a cost of \$2,425.

**MOTION: M. R. LANE
SECOND: L. GARGIULO
UNANIMOUS**

NON-EMERGENCY HIGHWAY DEPARTMENT PROJECT WORKSHEET (CULVERT WORK): Structural damage related to beaver dams remains a consistent issue. E. B. Beattie advises to maintain the culvert because it will be more expensive long term if neglected. L. Gargiulo confirmed with R. Hilliard that this work was within his department's existing budget. L. Ruest stated \$13,000 of the \$20,000 Highway Department budget has been spent through the month of April. E. B. Beattie asked the Road Agent what other business is urgent. R. Hilliard replied that the Curtis Culvert is in poor shape, and that he has, as a temporary measure, placed road plates there. Also, the culvert at Brown Road needs attention. L. Ruest suggested to take this worksheet under advisement with other projects and consider it with capital reserve money if needed. R. Hilliard commented that logistically, the best time to do culverts is end of July through the beginning of August.

The Board of Selectmen took the Highway Department Project Proposal to "clean out existing culvert and build and install a beaver gate" at the cost of \$2,200 under advisement and have scheduled discussion of the project for a future Work Session due to budget concerns.

WINTER ROAD MAINTENANCE SERVICES 2019-2020: The Board of Selectmen acknowledged the report submitted by the Road Agent.

APRIL 22, 2020 HIGHWAY DEPARTMENT WORK SESSION FOLLOW-UP

KING STREET CULVERT: Jones & Beach is working with the Road Agent on this project proposal.

PAVING PRICES, CRACK SEALING: The Board of Selectmen reviewed a proposal with pricing to be considered at a future work session.

CATCH BASIN CLEANING: The Road Agent reported that he has scheduled the Catch Basin Cleaning for 2020.

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ROADSIDE MOWING/BRUSH CUTTING: The Board of Selectmen reviewed the quote from Sewall for road side mowing and brush trimming as marked on the 2020 Town Map at a cost of \$9,500, which falls within the budget.

MOTION: To authorize Road Agent to initiate the work with Sewall for \$9,500.

**MOTION: M. R. LANE
SECOND: L. GARGIULO
UNANIMOUS**

SHOULDERS/DRAINAGE PRICING: The quoted rate varies from \$35 to \$60 per yard for shoulder material. The more purchased, the less it costs. After 400 yards, the price drops to \$35. That is 8,000 feet of road. If Brown, Towle Farm, Drinkwater, Nason roads are serviced, that meets the 8,000 foot minimum. The quote for that is \$17,000. The Board of Selectmen agrees to consider this at the next Work Session.

STRIPING/STOP BARS PRICING: R. Hilliard had previously discussed with Chief of Police R. Dirsra what he felt were the most dangerous intersections in Hampton Falls. They marked up the ten most dangerous intersections. A quote was for \$1,500 for ten intersections, \$4,614.50 for entire the Town. L. Gargiulo proposes to proceed with the \$1,500 job.

MOTION: To authorize the Road Agent to initiate the work with Kaz's Fine Lines to paint the ten (10) intersections referenced for \$1,500.

**MOTION: L. GARGIULO
SECOND: M. R. LANE
UNANIMOUS**

TREE WORK COSTS (SCHEDULE ONE FULL DAY): The Road Agent referred the Board to a list of at-risk trees. E. B. Beattie discussed working on putting together a larger project plan in line with budgeting. The Board authorized one full day as recommended and listed.

OTHER: The Road Agent informed the Board of a beaver damn on private property which is causing problems. The Town will need to discuss with this with the land owner. L.A. Ruest will compose a letter to the landowner, and R. Hilliard and will put a proposal together.

FIRE CHIEF, AMBULANCE, EMERGENCY MANAGEMENT – MONTHLY REPORT: The Board of Selectmen acknowledged the report submitted by Jay M. Lord, Fire Chief. He reported there are two upcoming Fire Department blood drives. The Seabrook Station drills have been moved back by a few months, but will happen. The new fire engine arrives this weekend, then goes to Rochester to be outfitted. It will be in employ mid-June.

POLICE CHIEF, ANIMAL CONTROL – MONTHLY REPORT: The Board of Selectmen acknowledged the April report submitted by Robbie E. Dirsra, Police Chief.

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BUILDING INSPECTOR, CODE COMPLIANCE, HEALTH OFFICER – MONTHLY REPORT:

The Board of Selectmen acknowledged the April report submitted by Building Inspector Mark Sikorski.

CONSENT AGENDA:

1. Monthly Financial Reports of Bookkeeper, Treasurer, Tax Collector
2. 2019 Town Audit - Final

The Board acknowledged the items in the Consent Agenda items.

OLD BUSINESS

FINANCIAL REPORTS – GENERAL FUND BALANCE \$944,835.73

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

Bookkeeper	Payroll Warrant #502	\$17,783.30
	Accounts Payable Warrant #714	\$761,255.91

MOTION: To approve the warrants as presented above.

MOTION: L. GARGIULO

SECOND: M. LANE

UNANIMOUS

OLD BUSINESS PUBLIC COMMENT: No comments were heard at this time.

NEW BUSINESS

TAX COLLECTION:

PROPERTY TAX REFUND #699 Map 8, Lot 18:

MOTION: To approve Property Tax Refund #699 Map 8, Lot 18.

MOTION: L. GARGIULO

SECOND: M. LANE

UNANIMOUS

PROPERTY TAX ABATEMENT #698 Map 2, Lot 11; Map 3, Lot 29; Map 3; Lot 34:

MOTION: To approve Property Tax Abatement #698 Map 2, Lot 11; Map 3, Lot 29; Map 3, Lot 34.

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**MOTION: L. GARGIULO
SECOND: M. LANE
UNANIMOUS**

PROPERTY TAX WARRANT \$5,382,322 (FIRST HALF TAX DUE JULY 7, 2020): Board of Selectmen acknowledged this for the first half tax due July 7, 2020 and authorized signature of the Tax Collector's Warrant.

YIELD TAX WARRANT (MAP 6, LOT 20)

MOTION: To approve signing of Yield Tax warrant and bill.

**MOTION: L. GARGIULO
SECOND: M. LANE
UNANIMOUS**

PROPERTY TAX INTEREST – COVID-19: The Board of Selectmen reviewed and discussed the Tax Collector Report, which stated that Governor Sununu declared local municipalities could decide to waive interest on property tax or not. No other New Hampshire municipality has waived tax interest at this time. Subsequently, the Board of Selectmen decided not to waive interest.

SOLAR ENERGY SYSTEMS EXEMPTION APPLICATION (MAP 4, LOT 1-5):

MOTION: To approve Solar Energy Systems Exemption Application (Map 4, Lot 1-5).

**MOTION: L. GARGIULO
SECOND: M. LANE
UNANIMOUS**

GENERAL ASSESSING SERVICES REQUEST FOR PROPOSALS DRAFT: The Town's five-year contract is expiring, and there is a request to proceed with the RFP process. E. B. Beattie mentioned that a complaint was made that under-assessing was costing the Town revenue. L. A. Ruest will proceed with the processing of this RFP.

FIELD INSPECTION POLICY DURING COVID-19 (ASSESSING): The Board of Selectmen acknowledged the letter about Assessor honoring COVID-19 protocols and not entering homes.

ACCEPTANCE OF GRANT FUNDS RE: COVID-19 (FEMA, GOFERR, OTHER): Fire Chief J. Lord discussed the Town is entitled to \$54,000 in GOFERR funds from the State for infrastructure, computers, unemployment, election needs. The funding is based on population. Additionally, FEMA funds can reimburse cleaning supplies and other things. FEMA pays 75% of cost. Today it was confirmed the remaining 25% can come out of the GOFERR. If not utilized, GOFERR funds are returned to the state general fund. L. Ruest is seeking Board of Selectmen authorization to allow L. Ruest and J. Lord to sign

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for related purchases to these grant funds. J. Lord mentioned that through FEMA there are federal funds to pay for about 50% of the Town's culvert replacement and maintenance cost.

MOTION: To accept unanticipated revenue from the Coronavirus Relief Fund Grant in accordance with RSA 31:95-b and RSA 21-P:43 and authorize the Town Administrator to sign documents as required.

MOTION: L. GARGIULO

SECOND: M. LANE

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MOTION: To accept unanticipated revenue from FEMA Declaration #4516-DR-NH relating to COVID-19 in accordance with RSA 31:95-b and RSA 21-P43 and authorize the Emergency Management Director to sign.

MOTION: L. GARGIULO

SECOND: M. LANE

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SELECTMEN'S PERMIT APPLICATIONS (PARKS AND RECREATION COMMISSION)

Lyn Stan, Chair of Parks and Recreation Committee, presented three Selectman's permits to be signed:

Castleberry Fairs and Festivals would like to hold the eventss from July 4 to 5, 2020 and from September 19 to 20, 2020. It had been postponed from Mother's Day weekend due to COVID-19. The vendor inquired about running water and drainage for hand washing stations on the Town Common.

L. Gargiulo asked if the event conforms to the Governor's COVID-19 directive. E. B. Beattie does not think a hand washing station will work on the Town Common due to drainage etc. L. Ruest recommends conditional approval based on verifying the Governor's permission. It is requested that the vendor return with documented State approval that craft fairs are allowed by the June 3, 2020 Board of Selectmen's meeting.

Bandstand Concerts on the Common are currently scheduled for June 25th through August 27th. The Board of Selectmen discussed social distancing techniques, drive-in cars, etc. L. Gargiulo referred to the Governor's list of what would be allowed. This will be added to the June 3, 2020 agenda.

Art in the Common is proposed to be held Saturday, October 3, 2020 instead of June 6, 2020.

Summer Camp Program overseen by Stacy Bellan was discussed. S. Bellan is uncertain about having the camp and she is cancelling. M. R. Lane does not think they can use the school and it would have to be outside. The Scouts cancelled their summer camp program due to COVID-19 as well.

Memorial Day Services have been officially cancelled; however VFW Post 35 will be doing a small ceremony 9 am on Monday morning, which will be semi-private with taps and a wreath lay. The event will have 10 or less people. They requested it to be posted on the town website, but to the Board of Selectmen's regret, they cannot authorize this in defiance of the Governor's COVID-19 directive. It was discussed how beloved the Memorial Day services are to the Town.

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PRIVATE ROAD SUBDIVISION (MARINERS WAY): MAP 8, LOT 84-5 & AP 8, LOT 84-5-1:

The Planning Board has conditionally approved this project. Agreement is here tonight for signing by Board of Selectmen for recording at the Registry.

MOTION: To enter into a Private Road Agreement with James Mitchell, Trustee of the Shabiki Realty Trust.

MOTION: E. B. BEATTIE

SECOND: M. R. LANE

UNANIMOUS

OTHER SELECTMEN'S NEW BUSINESS: The Board of Selectmen reviewed copy of a posting notice for September Primary Election. L. Gargiulo commented that it is not established where the voting will held or how it will be coordinated in response to the COVID-19 social distancing requirements. L. Gargiulo mentioned the school as a possible location. Posting for Primary needs to be done on June 3, 2020. The election is September 8, 2020. The Board of Selectmen discussed details of booths, voter rolls, and directing voter traffic if using the Town Hall, etc. They will schedule a Work Session concerning election logistics. L. A. Ruest added that related items will need to be purchased in advance. It was determined that the Primary Election will be held at the Town Hall. M. R. Lane will serve on the Capital Improvements Committee this year per T. Santora.

NEW BUSINESS PUBLIC COMMENT

Todd Santora, Linden Road, discussed tax assessing. He commented that he feels property assessed too low is bad due to reduced revenue, but if assessed too high (generally in excess of 95% of the appraised value of a property), the town gets flooded with abatement requests and it counteracts the revenue increase.

A first analysis of flow analysis of Route 1 sewer was completed and submitted to the Town from Jones & Beach. Jones & Beach supplied a number of 600 gallons per day as Route 1 is currently developed. If Route 1 were to be built out to maximum infrastructure, the number increases to around 300,000 gallons per day, which is a very heavy use number. The third calculation for realistic flow as the Town tends to develop is 20% of the heavy use number added to the current number, which is 60,600 gallons per day. When this report is finalized it should go to the Route 1 Sewer Committee. Jones & Beach is the firm that built out all of Seabrook's Route 1 strip.

M. R. Lane and E. B. Beattie discussed how to improve Town Hall streams so that people can hear better. L. Ruest is working with Cisco WebEx and Town Hall Streams to meld them. E. B. Beattie mentioned that home devices might interfere with accesibility and that is a factor the Board of Selectmen cannot control.

REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: May 6 & May 13, 2020

MOTION: To approve May 6 and May 13, 2020 minutes as written.

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MOTION: L. GARGIULO
SECOND: M. R. LANE
UNANIMOUS

NONPUBLIC SESSION:

Specific Statutory Reason cited as foundation for the nonpublic session:

 X RSA 91-A:3, II(b) *The hiring of any person as a public employee.*

 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(l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

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

Entered nonpublic session at 9:05 p.m.

MOTION: To leave Nonpublic Session and return to Public Session.

MOTION: L. GARGIULO
SECOND: M. R. LANE
UNANIMOUS

Public session reconvened at 9:15 p.m.

MOTION: To adjourn the meeting at 9:15 p.m.

MOTION: L. GARGIULO
SECOND: M. R. LANE
UNANIMOUS

NEXT SELECTMEN'S MEETING – WEDNESDAY, JUNE 3, 2020, 6:00 P.M., TOWN HALL