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**PRESENT:** R. P. McDermott, Chairman; M. Kasprzak, Vice Chairwoman; C. P. Graham, Selectmen; L. Ruest, Town Administrative Assistant; Abigail Tonry, Acting Secretary

Meeting began at 6:00pm.

**IMPACT FEES:** William Hickey from SAU#21 discussed an opinion letter from the School Board's attorney Robert Casassa. C. Graham is concerned about the risk and consequences to the town should the legislative actions not succeed. Mr. Hickey stated that the products that they are looking to pay for with impact fee money are things that will have value in the future. C. Graham stated that the Board did not want to exceed their authority resulting in the town having to pay back the fees. Robin Ratigan stated there is no case law regarding impact fee allowed uses. She felt Casassa's letter and the DRA have provided sufficient assurances. C. Graham was not confident in Casassa's letter. M. Kasprzak stated that this is the first year that the Board has to account to Concord how the money was spent. She asked if impact fees could be applied to the Winnacunnet bond. Mr. Hickey said they could but they preferred to use it for this project. Charyl Brown stated that the RSA states that if the town has not approved the use of funds the money may not be spent and must be returned. C. Graham posed the question if the voters do not approve the construction in the March election what becomes of the money that has already been spent? He does not want to see an additional burden placed on the voters. C. Graham asked if the Board's attorney were to render an opinion could the School Board wait until after Thanksgiving for the money. L. Ruest stated that the amount requested on September 12 was \$27,950 and October 30 was \$60,500 totaling \$88,450. It was decided to have the Board's counsel render an opinion as soon as possible before any money is disbursed. A copy of the opinion will be provided to Mr. Hickey.

**MOTION:** To authorize C. Graham to contact Upton & Hatfield to obtain clarification of the impact fee opinion.

**MOTION:** R. P. MCDERMOTT

**SECOND:** M. KASPRZAK

**UNANIMOUS**

**CAPITAL IMPROVEMENT PROGRAM:** Peter Robart spoke to the Board. He explained the Capital Improvement Program is to address issues that are 1. outside normal budget, 2. over \$5000, 3. non-recurring and/or 4. needing bond financing. There was discussion regarding the Old Library siding project. As there is are heating issues, mold spreading in the building, a need for vapor barrier would it be more economical to address insulating and other issues before siding. P. Robart explained that the highest priority was awarded to items of life safety. It was pointed out that the offsetting State Highway Block Grant has been reduced. The landfill closure is a looming problem requiring money for sometime in the future. The library is looking for \$6,000 for exterior deterioration repairs. C. Graham expressed his thanks to the committee for their thoughtful analysis and for getting the information to the Board in such a timely fashion.

**NEW HAMPSHIRE COMMUNITY PLANNING CHALLENGE:** Dylan Smith updated the Board on the status of the re-visioning sessions for the Route 1 corridor. He stated that the Planning Board had good turnout at its last meeting and got a lot of feedback from business owners and other townspeople. The grant includes meeting with Seabrook to discuss possible public water and sewer. R. McDermott stated that he believes Seabrook may want water that Hampton Falls could share with them in exchange for sewer. He pointed out that the Route 1 widening is proposed to have only 2 lanes through the center

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of town and changes to the current light patterns. D. Smith said the grant requires them to reach out to the non-participating population of the town. There is no report needed as each process ends. The public asked about the DOT widening of Route 1, answer: 12 feet on each side; was there to be a back road access, answer: potentially on each side of Route 1 and would the widening cause a bottleneck in the center of town, answer: the changes in lights is intended to alleviate the current situation. R. McDermott stated that Route 1 is a 2 mile stretch and that Hampton said many years ago that they would not provide Hampton Falls with sewer hook-up. M. Kasprzak asked about setbacks being reduced in the business area if storm water runoff is properly managed.

**MOTION:** To suspend and recess the Board of Selectmen's meeting and to resume after the Public Hearing.

**MOTION:** C. P. GRAHAM.

**SECOND:** M. KASPRZAK

**UNANIMOUS**

R. McDermott opened the Public Hearing.

**COMCAST RENEWAL:** Attorney Kate Miller was present. She stated that the state requires a public hearing for renewal of this contract. She outlined the changes to the contract. There are improvements to the town's authority of the public right-of-ways. The town does have the right to impose a tax on Comcast for the use of its right-of-way. That Federal and State laws are weighted in favor of Comcast unless they violate the provisions of the contract. That an educational channel is an option. That free basic cable will be added to the Historical Museum. That should there be any competition that the town could award a second franchise. That the town will receive a 3% fee from Comcast. That the contract is for 5 years but can be extended for up to 5 more years without full renewal process. That local access channel is not allowed for this 5 year period but the contract could be amended if needed. The cost of the return line from Town Hall to Exeter at \$10-20g/mile would be very costly. She then passed out a side letter that discussed the senior discount for low income citizens and the educational connections. When asked about repair issues she stated that the Town is still the best facilitator of repairs as the first point of contact. Beverly Mutrie asked how citizens would find out about the senior discount, answer: by the website. K. Miller then stated that although the Town had authorized \$8g for legal fees her current bill is just under \$6g. She stated it has been a pleasure to work with the Board and would be happy to provide them more legal assistance if needed. R. McDermott closed the public hearing.

**MOTION:** To resume the Selectmen's meeting.

**MOTION:** M. KASPRZAK

**SECOND:** C. P. GRAHAM

**UNANIMOUS**

**MOTION:** To adopt the recommendation of counsel and to enter into a 5 year renewal contract with Comcast.

**MOTION:** C. P. GRAHAM

**SECOND:** M. KASPRZAK

**UNANIMOUS**

**FACILITIES IMPROVEMENT COMMITTEE - LINCOLN AKERMAN SCHOOL**

**RENOVATIONS:** Speaking on behalf of FIC were Stacy Kinnally and Eileen Baker. The Board was

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told the present capacity of the school is 300 students; current enrollment is 283 or 95%. Enrollment has doubled since 1987. That the 1-4 grades are capped at 20 students and the 5-8 grades at 25 students. They stated that a project manager has been hired and they are interviewing a design/build firm. That they are conducting interviews to find out what the town's people know about the project and what they would like to see. Their focus is to remain positive, be fact based and respectful to the community. They are currently sending out flyers once a month, holding public meetings and discussions at the library and other town facilities. Discussion ensued regarding the e-mail list. They were informed that the e-mail list is in fact Richard McDermott's personally not the town's. R. McDermott stated that he personally solicited town's peoples' e-mail addresses and that he carefully scrutinizes what he sends via e-mail. What they would like from the Board is 1. the selectmen to participate as town representatives, 2. use of the e-mail list, and 3. personal support from each selectperson. R. McDermott stated that he has always felt the disconnect between the school and the town. He had hoped having a selectmen's representative attend the school board meetings would help bridge that gap. S. Kinnally stated that she is excited by the project and hopes renovations could rekindle school and town relations. It is hoped the town could hold meetings or use the gym facilities. Frank Stricter, the FIC chairperson, has been to each town committee to present the proposal. C. Graham was concerned that the past renovations did not employ architectural review. He reminded the committee that they have been warned of potential roof failures. Tom Maynard stated that they chose design/build since they did not want to spend \$500g in design only to have the voters reject the proposal. As it is they have currently spent \$70g. He said the proposed design/build firm has created 70-80 projects similar to this one. C. Graham stated that the School Board has put off renovations for years in view of a new school. Robin Ratigan stated that it is because of the good maintenance of the school's systems that they are still working as well as they are. M. Kasprzak congratulated the committee for their work on the proposal. She felt they are working responsibly to build the best that can be managed without going overboard. She did feel that using the facility for town purposes was probably optimistic in light of opening/closing, janitorial and heating issues. Public comment included Rita Nydam who wanted to know why if the selectmen could make the school better by allowing the use of the e-mail list why should it not be used. Greg Parrish stated that he felt the solicitation of the e-mail addresses was done on behalf of the town and that the selectmen should review the possession and use of the list. Ann Lane said the new website looks great and wanted to know how many people had signed up for e-mail notification, answer: 64 since October 15. Tony Franciosa stated that the school board needs to communicate better and that the Board of Selectmen missed a great opportunity on October 24 to be enlightened on the project and to meet the project manager. Eileen Baker will be attending selectmen meetings to provide updates as needed.

• **OLD BUSINESS**

**FINANCIAL REPORTS - GENERAL FUND BALANCE \$226,070. Accounts Payable \$29,800.77; Payroll \$26,473.83**

**MOTION:** To accept the Accounts Payable and Payroll Warrants.  
**MOTION:** M. KASPRZAK  
**SECOND:** C. P. GRAHAM  
**UNANIMOUS**

**SELECTMEN'S ACTION ITEMS:** No action items.

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**UTILITY APPRAISAL PROPOSAL:** The appraisal does not include the poles. It was discussed that the assessment of poles invites a lawsuit. There will be no return on money spent in the same year tax. It was decided to discuss this issue at the budget work session.

**EMPLOYEE BENEFITS: 2013 Health/Dental/ST&LT Disability/Life Premiums**

**MOTION:** To authorize Chair to sign on behalf of the Board.

**MOTION:** M. KASPRZAK

**SECOND:** C. P. GRAHAM

**UNANIMOUS**

**CRANE WETLAND CROSSING:** L. Ruest stated that she believes the discrepancy came in the use of a previous plan that showed the demarcation of shrubs. Charlyn Brown stated that there was no mention in the Planning Board minutes about the size of the shrubs and that she felt the Town would not win if this issue were brought to court.

**MOTION:** To release funds after all fees are paid to the Town for additional engineering review.

**MOTION:** C. P. GRAHAM

**SECOND:** M. KASPRZAK

**UNANIMOUS**

**2013 PROPERTY LIABILITY INSURANCE RENEWAL:** L. Ruest provided the Board with the renewal request which shows an overall increase of 7%.

**HEALTH OFFICER APPOINTMENT:**

**MOTION:** To execute the State application form for Health Officer Mark Sikorski.

**MOTION:** C. P. GRAHAM

**SECOND:** M. KASPRZAK

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**HURRICANE SANDY:** L. Ruest stated that the Governor has declared the state a Class B disaster area, meaning that towns can be reimbursed for preparation. It is hoped that the state might upgrade to Class A which means the town could be reimbursed for debris removal. J. Lord will be submitting the Town's request to FEMA once he has D. Robinson's invoice for debris removal. R. McDermott will check on the work needed on roadside debris removal.

D. Robinson will prepare a report of future tree and road work for budgeting purposes.

**PUBLIC COMMENT:** Beverly Mutrie asked about the copier status and if the Board was interested in a copier she has to trade. The Board will be working out the copier financing at its budget meeting based on bids received.

• **NEW BUSINESS**

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**NEXT MEETING:** It was the consensus of the Board that November 21<sup>st</sup> meeting should begin at 6:00pm and hopefully will be brief since the Selectmen will be meeting with each department head at the budgeting meetings scheduled for November 14 and 15 from 9:30am-12pm.

**PREAMBULATION WITH TOWN OF KENSINGTON:** No decision was made regarding who would walk the town lines with Kensington.

**DEPT. OF TRANSPORTATION REQUEST -15 KENSINGTON ROAD:** After reviewing the e-mail from Doug DePorter regarding trees in the state right-of-way it was decided that R. McDermott and Charlyn Brown, on behalf of the Planning Board, would meet with the owners on site. L. Ruest will arrange the date.

**REQUEST FOR STREET SIGNS:** After discussion on a request for a 'Slow Children Playing' sign on Taylor River Road the consensus of the Board was that since sign placement requires enforcement that this would not be a good idea. The request for 'Blind Person' sign was approved. D. Robinson will address.

**SOUTHEAST REGIONAL REFUSE DISPOSAL:** L. Ruest presented the Board with a letter from Rye to the SERRD requesting that they put the disposal costs out to bid with other providers and requesting that other towns do the same. L. Ruest said a Request for Proposal has been prepared by SERRD based on information in their meeting minutes.

**SELECTMEN'S REPRESENTATIVE REPORTS:** R. McDermott said he was kicked off the Fire Department and the Library discussed the budget. M. Kasprzak said the Planning Board discussed three proposals. The Heritage Committee has an ad hoc group calling themselves Friends of the Merrill House who are providing information to the School Board regarding saving the house. C. Graham missed the School Board meeting and the Energy Committee did not meet.

C. Graham reminded the Board of its recommendation to meet with all town employees at least once a year. It was decided to hold a two way informal meeting on Thursday, December 13 at 4:30pm at the Safety Building. L. Ruest will prepare an invitation and agenda to include introducing new employees, new administrative functions and retirement of the tax collector.

**PUBLIC COMMENT:** Sam Hemond addressed the Board. He held a spaghetti dinner fundraiser for his Eagle Scout badge. His project is to provide the library reading garden with a paver path and to replace the existing plants with low maintenance plants and shrubs. He is expecting to start by November 17. When asked if it was not too late in the season to plant anything he stated that the nursery had assured him it was not.

**REVIEW AND APPROVAL OF PREVIOUS MINUTES (10/17)**

**MOTION:** To approve the minutes of the October 17 meeting as written.

**MOTION:** M. KASPRZAK  
**SECOND:** C. P. GRAHAM  
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- L. Ruest provided the Board a letter of thanks to the Compensation Committee for signature.
- L. Ruest provided the Board an application for Tiger Trot road race for signature.
- L. Ruest provided the Board with a draft help wanted ad for tax collector.

**MOTION:** To adjourn at 10:00pm.

**MOTION:** M. KASPRZAK

**SECOND:** C. P. GRAHAM

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