

DRAFT

PRESENT: Richard P. McDermott, Chairman; Larry M. Smith, Vice-Chairman; Maryann Kasprzak, Selectwoman; Lori A. Ruest, Town Administrator; Susan H. Ayer, Secretary.

**CONSERVATION CHAIRMAN SHAWN HANSON – FOREST MANAGEMENT PLAN
RASPBERRY FARM CONSERVATION LAND AND ADJOINING TOWN FOREST –
UPDATE**

Mr. Hanson said he has been provided estimates on the harvesting of timber in the town forest, but is also following up on a question of where proceeds of timber harvest would be deposited. He said he has learned that towns with a town forest usually have a dedicated maintenance account, but that his research has not found evidence that the Town ever officially designated what is called the “town forest” as such.

It was noted that the Raspberry Farm has a Conservation easement, and revenue generated from that land can go into the Conservation fund.

Discussion took place re: the process of officially designating the land as a Town Forest. L. Smith stated he liked the idea as it would allow the Town to better maintain and use the land. S. Hanson said it was discussed at the Conservation Commission meeting, and that Commission was in favor of establishing the land as a Town Forest under RSA 31:110. This would not change anything except what is done with proceeds.

The timing of the designation was discussed, with emphasis on how funds received from a harvest in January would be handled since the actual establishment under RSA 31:110 would not be official until voted on at the Town Meeting in March.

All agreed that the plan for harvesting should go forward in January if weather allows. L. Ruest will work with Town Counsel about the designation and the fund, and also see about setting up the fund so that it can include all proceeds for the year.

The estimates of harvesting proceeds were discussed, as well as where cutting would likely take place and where it would be avoided. S. Hanson said that the property lines are not all marked, and that this is something the forester can be asked to do. It will add to the cost, but ensure no cutting is taking place on land not belonging to the Town.

L. Smith emphasized that no permanent right-of-way would be established. S. Hanson said that the minutes of the Conservation meeting are very specific on that subject, that there will be no formal right-of-way.

FINANCIAL REPORTS – GENERAL FUND BALANCE \$1,505,150.30

ACCOUNT PAYABLE / PAYROLL / TREASURER WARRANTS

MOTION: To approve the following warrants as presented by the Bookkeeper and Treasurer:

Payroll check warrant	#320	\$11,606.71
Payroll check warrant	#321	\$13,625.39

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Accounts payable warrant	#491	\$2,785.95
Accounts payable warrant	#493	\$36,209.86
Accounts payable warrant	#494	\$102,421.93
Treasurer's Check Warrant	H	\$9,811.55

MOTION: M. Kasprzak

SECOND: L. Smith

UNANIMOUS

HAMPTON FALLS MEDIA SCHOLARSHIP FUND/SCHOLARSHIP COMMITTEE

Members of the Scholarship Committee were present to discuss the Hampton Falls Media Scholarship Fund and the Comcast contract.

L. Smith addressed the Committee members, informing them that the Town has received legal opinions from two attorneys, first from Stephen Buckley of the NH Municipal Association and then from Kate Miller of Donahue, Tucker & Ciandella. The attorneys are in agreement that the use of Comcast franchise fees for scholarships was an improper use of funds and should never have been allowed. State law states that Towns do not have the authority to take public funds and use them for private purposes. Also, with regard to the Comcast contract, it was not legal to confer that power onto the Town.

L. Smith said that a Warrant Article will be presented to dissolve the account. He added that scholarships already awarded and due to be paid in January 2016 will be honored.

Tracy Healey-Beattie asked the Board why this is happening after 15 years, and said that at the time the fund was established, S. Hanson had questioned Counsel Bart Mayer and was told that if the Comcast money was given to the Town as a gift, it could be used as scholarship money.

L. Smith said that the money is not a gift; it is a payment to the Town for franchise fees. He said the law is quite unequivocal about this, that scholarship money was an improper use of franchise fees.

M. Kasprzak said that originally, the scholarship use was written into the Comcast contract. When it was renewed in 2012, the language no longer appeared in the contract. When the subject came up and was looked into, it was found that the use of the funds was not legal.

S. Hanson rejoined the meeting and said that when he first joined the Board of Selectmen he was curious about the use of cable funds and inquired how they came to be used for the scholarships. He was told this had been voted in at a Town meeting; still seeing this as private use, he was told by Town Counsel that the only way the money could be used in this way is if it were seen as a gift.

L. Smith repeated that the Town has received opinions from two attorneys that the franchise fees are received like any other public funds and should be put in the general fund.

T. Healey-Beattie asked if the Selectmen had talked with town Counsel Bart Mayer to clarify his reasoning. R. McDermott said this was not necessary as there are two opinions telling the Board the money is not a gift and can't be used in this way.

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L. Smith agreed, saying there are two legal opinions, from the Municipal Association and from the attorney working with the contract, and the Town needs to abide by their advice.

Questioned on whether the money could be deemed a gift and thereby usable for scholarships, L. Smith said that this is not a gift, it is a negotiated contract.

Beverly Mutrie asked if there might be another solution, that the Town might donate to the Scholarship Committee in the way it gives to other not-for-profits. She said she is not asking the Town to go against legal opinion, just to see if it can donate to the fund through another means.

Tim Samway said that all Town Warrants are reviewed by Town Counsel. He said that the question on the original Warrant was whether the residents wanted a scholarship fund to be established, and the answer was yes. T. Samway said he felt the Town should go back to the attorney involved in 1997.

T. Samway asked how this is different than how the Town funds hospice or the SPCA, for example. He said that the funding of scholarships received 90% approval from Town voters; the mistake was tying in with Comcast.

M. Kasprzak said she felt this argument has merit and should be explored.

It was agreed to take this under advisement.

MOTION: In response to the legal opinions from Stephen Buckley, Attorney at the Local Government Center, and Attorney Katherine Miller, move to propose a Warrant Article to be placed before the 2016 Town Meeting, to dissolve the Hampton Falls Media Scholarship Trust Fund and to return the funds in this trust to the General Fund.

MOTION: L. Smith

SECOND: M. Kasprzak

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MOTION: To propose a Warrant for \$12,500 for a Hampton Falls Scholarship Fund.

MOTION: L. Smith

Discussion on this point identified the need to do further research. Motion was not seconded or voted on.

MOTION: To authorize the Town Administrator to contact Town Counsel B. Mayer to obtain input relating to appropriating general funds for the purpose of scholarships or charitable organizations.

MOTION: M. Kasprzak

SECOND: L. Smith

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2016 DRAFT WARRANT – DRA AND TOWN COUNSEL REVIEW

The Selectmen reviewed the updated Warrant.

There was a discussion of the proposed new doors for the Town Hall. L. Smith suggested that the Article should read “to include but not limited to ADA approved handicapped accessible doors and a new security system.” Firm numbers are still needed on the door project.

In draft Article 16, it was identified that the amount should read \$180,000 in both places.

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PROPOSED FIREWORKS ORDINANCE- ACCEPTANCE FOR PUBLIC HEARING

The Board considered the draft ordinance as prepared by the Fire Chief, Police Chief and Town Administrator. The Selectmen had no questions. L. Ruest will verify if it is required to print the entire ordinance in the Warrant.

MOTION: To hold a Public Hearing on the proposed Fireworks Ordinance at the next meeting, December 16, 2015.

MOTION: M. Kasprzak

SECOND: L. Smith

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2016 SALARY PAY PLAN

The Selectmen reviewed recommendations relating to the full time salary step plan.

MOTION: To approve the recommendations relating to the 2016 Pay Plan as presented.

MOTION: L. Smith

SECOND: M. Kasprzak

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NH DIVISION OF HISTORICAL RESOURCES (CERTIFICATES)

TOWN HALL AND (OLD LIBRARY) HISTORICAL SOCIETY MUSEUM

The Town has received the letter and certificates stating that the NH Division of Historical Resources has approved the Town Hall and Historical Society Museum for placement on the State Register of Historic Places. These will be framed for display in each building.

LEASE RENEWAL – HISTORICAL SOCIETY, 45 EXETER ROAD

Historical Society President Cindy Wojcicki addressed the Board about the lease renewal for the Historical Society at 45 Exeter Road. She said she has rewritten the lease. The Selectmen determined there is not enough time to hold work sessions in this regard in order to finalize it for the 2016 Warrant. For this reason, she suggested renewing the lease for one year, which can be approved at a Selectmen's meeting.

Question was raised as to whether the Board has authority to change the terms of the lease based on a one year renewal. L. Ruest will check with Counsel.

As there are changes to the contract, C. Wojcicki was advised to bring the revised contract to the Selectmen in February so that there will be time to have Town Counsel review it before the old contract expires in April.

PUBLIC COMMENT

T. Samway asked about the Christmas tree lighting that is to take place on Sunday, December 6 at 6:30 P.M. at the Bandstand, and requested information be sent to website subscribers.

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In reference to the limitations proposed on fireworks usage, B. Mutrie asked what will happen if, for example, the Town would like to have fireworks for the Tercentennial celebration. J. Lord said that such a display would be commercial, and so not covered under the proposed Fireworks Ordinance.

- **NEW BUSINESS**

2016 HOLIDAYS OBSERVED BY THE TOWN OF HAMPTON FALLS

The Selectmen reviewed the 2016 holidays listing, and agreed that it should remain as presented, including December 26th as a holiday.

SOLAR AND WIND GENERATION EXEMPTIONS - VALUE

T. Hayward has asked for direction on how to value solar and wind systems, as they are not currently being assessed. The Selectmen agreed to direct the Assessor to value solar and wind generation systems at net cost.

Upon reviewing information supplied by Assessor Todd Hayward, the Selectmen made the following decisions on abatement and tax exemption requests:

TAXPAYER ABATEMENT APPLICATION (MAP 4, LOT 37-6)

MOTION: To deny the request for abatement Map 4, Lot 37-6, 19 Surrey Lane, as the value of solar panels was never added into the assessed value of the property.

MOTION: L. Smith

SECOND: M. Kasprzak

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APPLICATION FOR PROPERTY TAX EXEMPTION (MAP 4, LOT 37-6)

APPLICATION FOR PROPERTY TAX EXEMPTION (MAP 2, LOT 4-5)

MOTION: To approve the applications for solar energy systems property tax exemptions for Map 4, Lot 37-6, 19 Surrey Lane and Map 2, Lot 4-5, 32 Crystal Drive, on the condition that the property owners will provide the value of the exempted systems.

MOTION: L. Smith

SECOND: M. Kasprzak

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SECURE SHREDDING SERVICE

L. Ruest brought the Selectmen's attention to the usage of the secure shredder located in the vestibule of the Town Hall. The project the shredder was initially brought in for is completed, and the container has not been emptied for a year.

Pointing to costs of emptying the bin (\$79.95 for one pick-up, as it has been so long; \$44.95 if scheduled regularly going forward), L. Ruest asked if the Selectmen would like to keep the bin. It was decided to keep the bin and reach out to Town departments to let them know it is available.

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PUBLIC HEARING NOTICE – 2016 BUDGET PROPOSAL (1/6/2016 7 PM) – was signed by the Board for posting.

HEALTH AND DEPUTY HEALTH OFFICER APPOINTMENT RENEWALS were signed by the Board.

MOTION: To reappoint Mark Sikorski as Health Officer and Hy Hubbard as Deputy Health Officer for 3-year terms.

MOTION: L. Smith

SECOND: M. Kasprzak

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SELECTMEN REPRESENTATIVE REPORTS

Selectman McDermott - Library

R. McDermott was unable to attend the November Library Board meeting.

Selectman Smith - School Board, Recreation Comm., Energy Comm.

L. Smith reported that toward the end of a long School Board meeting a motion was approved to move forward with a \$3.4 million building project and capital reserve fund for the 2016 Warrant. L. Smith said he spoke during Public Comment on the subjects of property taxes, the lack of clear definition of the plan, and impact fees. He told the School Board that there will be no impact fees available for Lincoln Ackerman School, and that they should be taken off the agenda.

Selectwoman Kasprzak – Planning Board, Heritage Commission

M. Kasprzak reported that the Planning Board is working on the Avesta Senior Housing application. In November they went over the two areas of traffic and environmental impacts. Another issue that came up was the well and any possible effect it will have on the neighboring properties' wells.

OTHER

DRAGON MOSQUITO - PERMIT FOR 2016

MOTION: To authorize the Chairman to sign the Dragon Mosquito mosquito control special permit for 2016.

MOTION: M. Kasprzak

SECOND: L. Smith

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TOWN ADMINISTRATOR – VACATION TIME

The Board authorized a buy-out of unused vacation time as requested.

SOLID WASTE COLLECTION – COMPLAINTS

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In response to a resident complaint about recycling being picked up by a trash truck, Pinard Waste Systems director Tony Belanger has asked that customers be informed that Pinard has two trucks that look alike, one for trash and one for recycling.

SPEEDING ISSUES – ROUTE 84

Complaints have been received about traffic speeding on Route 84. The possibility of placing the Police Department's electronic speed sign on the road was discussed.

WREATHS ACROSS AMERICA

J. Lord informed the Board that Wreaths Across America will be coming through the area around 2:30 on Monday December 7th. The Town will have fire trucks on the overpasses to salute them.

PUBLIC COMMENT

T. Samway commented that after Comcast representatives attended a Town meeting and talked about internet speed being affected by the length of driveways, he called Comcast to inquire about his home computer speed. He said they sent out a technician who was able to triple the speed without entering the house. He said he would not have known this if the representative had not shared this information at a past Selectmen's meeting.

REVIEW AND APPROVAL OF PREVIOUS MINUTES: NOVEMBER 19, 2015

L. Smith asked that the following corrections be made to the minutes of these two sessions:

- In the first paragraph of the minutes of the Fireworks work session, the first sentence should read: "J. Lord said he had been tasked with providing information for implementing regulation relating to the use of fireworks."
- On page 1 of the November 19 Board of Selectmen minutes, under Road Agent, the second paragraph should begin: "A beaver trapper has been hired to trap beavers at the beaver dam at the Sanborn Road culvert."

MOTION: To approve the minutes of the November 19, 2015 Fireworks work session, and the November 19, 2015 Selectmen's meeting, with amendments.

MOTION: M. Kasprzak

SECOND: L. Smith

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MOTION: To go into non-public session at 8:25 P.M., in accordance with RSA 91-A:3 II (e): Consideration or negotiation of pending claims or litigation.

MOTION: L. Smith

SECOND: M. Kasprzak

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MOTION: To go out of nonpublic session and resume in public session at 8:32 PM.

MOTION: M. Kasprzak

SECOND: L. Smith

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MOTION: To seal the minutes of the non-public session of 11/19/2015.

MOTION: L. Smith

SECOND: R. McDermott

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SOLID WASTE COLLECTION – WASTE MANAGEMENT

L. Ruest informed the Selectmen that she has received a letter from Upton & Hatfield, to the effect that Waste Management will not be pursuing any claims against the Town. This allows the Town to bring the Northside matter to a close.

MOTION: To adjourn at 8:36 PM.

MOTION: M. Kaspzak

SECOND: L. Smith

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