

*DRAFT*

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

**Call to order:** 6:30 pm

R. McDermott introduced the Board to new Librarian Barbara Tosiano. Ms. Tosiano will be taking over from retiring Librarian Judy Haskell on December 19<sup>th</sup>.

**PUBLIC HEARING – PROPOSED FIREWORKS ORDINANCE**

Fire Chief Jay Lord reviewed the background of the proposed ordinance, saying that it began in the summer when the Board received several requests and concerns about fireworks issues. At that time, the Selectmen asked him to research possible ordinances or regulations. He contacted the Fire Marshall's office and forwarded 4 proposals to the Board:

1. The Fireworks Noise Ordinance model
2. The Fireworks Restricted Use Ordinance model
3. The Fireworks Prohibition Ordinance model
4. The Permissible Fireworks Ordinance model

After work sessions with the Police Chief and the Selectmen, with discussions about animals, veterans, injuries, fire and liability, the Selectmen settled on the current draft which follows the Restricted Use model. It has been reworked for specific Hampton Falls issues.

The proposed Ordinance is written to permit fireworks use from July 2<sup>nd</sup> to July 5<sup>th</sup> from 1:00 PM to 11:00 PM, and New Year's Eve from 1:00 PM to 1:00 AM New Year's Day.

J. Lord noted that the State of NH now allows anything but specific firecrackers, sparklers, and a couple of very large shells.

R. McDermott asked the Police Chief what he encounters when he gets a call about a fireworks complaint. Chief Robbie Dirsa said that typically, he finds that people are acting within their rights, on their own property, but someone else is being bothered by the activity. He tries to mediate a solution between the right to have fireworks and the right to peace and quiet and safety of persons, property and animals. He added that right now he is in a difficult position, as he can't do much aside from mediate as the Town does not have a local ordinance. Making matters worse, the fireworks in use now are larger, brighter and louder than those in the past, as the State laws have changed, and complaints are increasing. L. Smith said that when the discussion was begun, he thought that after having fireworks for 100 years, the Town can't start restricting them, but changed his mind when the Board heard from people with farm and companion animals that are impacted by fireworks. He said that is a real problem, and feels that the proposal on the table is a good compromise.

L. Smith reminded the public that this is a proposal that must go before the Town for a vote. For those that wanted a total ban, such a proposal might not pass, where a compromise might be accepted.

M. Kasprzak agreed, and said that in this way, farm owners have the opportunity to protect their animals, knowing fireworks can only be used on those few days.

**PUBLIC COMMENT**

Jim Ziolkowski of Drinkwater Road said he feels the compromise is "ludicrous at best" and posed a series of questions to the Board and Fire and Police Chiefs:

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What are the specific concerns, fires? In last 10 years, how many fires have resulted directly from fireworks?

How many individual complaints have there been?

R. Dirsa said that each complaint is a separate call, and there have been about 10 over the course of the year. R. McDermott of Coach Lane said that he has been bothered by fireworks but never called the police, making the point that not everyone will call in a complaint.

What is the basis of the complaints received? L. Smith said that most are from the agricultural community, saying that their animals react very badly.

J. Ziolkowski then wanted to know if they react any differently to gunfire. He also wanted to know if this was initiated because of the complaints of one person, and was told that there have been several complaints.

A show of hands showed that the public present was split between those in favor and those against.

J. Ziolkowski then said he has a petition signed by at least 50 people who feel the proposed ordinance is too extreme.

Sue Veilleux of Drinkwater Road asked J. Ziolkowski if he has any livestock. He said no, and she said he does not know what they go through, stampeding, potentially causing injury to themselves, property and owners. She added that gunfire is muffled as opposed to the noise of fireworks.

Dick Robinson of Brown Road said that he has 16 horses in a barn, and has been asked why he can't keep them inside with curtains drawn. He said they will panic and try to get out and are apt to break a leg. He said they are expensive animals, and that everyone should read #4 on the ordinance, which states that a person may be held liable for damages to another's property.

D. Robinson also said that he felt the ordinance is a step in the right direction, as the fireworks size and use has escalated.

L. Brown-Kucharski of Taylor River Road agreed, and said that consideration should be given to pregnant mares, who may be caused to abort due to the fireworks being so much louder. She added that horses are worth a lot of money.

Paula Hilliard of Drinkwater Road spoke in opposition to the ordinance, saying that it seems people are putting animals ahead of people, and that people have rights. She said the police came to her house 3 times this summer. She said she felt under the radar, and might be held liable for a broken leg caused by something else.

The point was made that current NH law states that a person can be held liable for damages caused by fireworks.

Another resident, Rita Nydham of Victoria Drive, said she agreed with those opposed to the ordinance, feeling that it puts livestock before human enjoyment. She cited a neighbor who has target practice on his property and that she called the police about it and they took care of the problem.

Discussion continued on the difference between firing guns and shooting off fireworks.

A resident said that this is not only about noise, but fire hazards; he said that he can't get a burn permit due to dry conditions, but someone can shoot off fireworks.

R. Dirsa said that once a resident's activities impact people beyond his or her property line, something needs to be done. This ordinance will allow for action to be taken. Without it, there is not avenue to correct.

J. Ziolkowski said that he felt it was more fair to limit during fire hazard times and by a permit process.

R. McDermott said that this the first proposal being presented; a revised proposal will be written and brought to the voters. The decision will be made by the Town, not the Selectmen.

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J. Lord said that commercial fireworks have their own restrictions and that those using them need to be licensed annually by the Fire Marshal. This proposal covers private use of fireworks.

J. Lord also gave the information that 8 towns in New Hampshire have banned private fireworks completely, one of them being Hampton.

Discussion continued on the hours proposed, a permitting process, number of permits allowed for one person, and ways to handle the animal problems. The Board decided to revisit the matter.

L. Smith said that there will be another public hearing after another workshop with the Fire and Police Chiefs. He said that while work shop meetings are not participatory, they are open to the public.

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

The Selectmen acknowledged the report submitted by the Building Inspector covering the dates of November 18<sup>th</sup> through December 8<sup>th</sup>, 2015.

The Selectmen discussed the lease of Building Inspector permitting software, Municipal Geographic Management System by Business Management Systems, Inc. (BMSI). Asked what year he will start with, Building Inspector Mark Sikorski said that he will likely update files as they are accessed to initiate new permits, and in addition, as time allows, get the files online cabinet by cabinet.

**MOTION:** To authorize the Chairman to sign the BMSI software lease on the recommendation of the Building Inspector and Town Administrator and proceed with the BMSI software program.

**MOTION:** L. Smith

**SECOND:** M. Kasprzak

**UNANIMOUS**

**ROAD AGENT – MONTHLY REPORT**

D. Robinson submitted his monthly billing and the Selectmen accepted it after review.

**WINTER ROAD MAINTENANCE SERVICES – READY FOR THE SEASON?**

He said that the WRM contractor should be ready; he has additional equipment now. D. Robinson will be meeting with WRM contractor J. Ziolkowski this week.

**OUTSTANDING 2015 HIGHWAY PROJECTS – STATUS**

A brief discussion revealed that for the most part, all 2015 projects have been completed, or identified to be put off until 2016.

**FIRE CHIEF, AMBULANCE, EMERGENCY MANAGEMENT – MONTHLY REPORT**

The Selectmen acknowledged the monthly report of the Fire Chief.

J. Lord reported that he had a meeting with the State Department of Transportation (DOT) and R. Dirsra about the possibility of a turnaround on this side of State Route 95 when the construction project now underway is completed (in 3 or 4 years). In general, the DOT is in favor.

**LOCAL EMERGENCY OPERATIONS PLAN**

The Local Emergency Operations Plan (LEOP) for the Town has been completed.

**MOTION:** To authorize the Chairman to sign the LEOP for Hampton Falls.

**MOTION:** M. Kasprzak

**SECOND:** L. Smith

**UNANIMOUS**

**POLICE CHIEF, ANIMAL CONTROL – MONTHLY REPORT**

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The Selectmen accepted the monthly report of the Police Chief.

R. Dirsra reported that the garage project on the Public Safety building is 98% complete.

• **OLD BUSINESS**

**FINANCIAL REPORTS**

**General Fund Balance: \$3,296,326.**

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

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

Payroll check warrant	#323	\$18,361.97
Accounts payable warrant	#496	\$1,188,058.81
Accounts payable warrant	#497	\$6,512.71
Treasurer's Warrant	I	\$600.00

**MOTION:** M. Kasprzak

**SECOND:** L. Smith

**UNANIMOUS**

**HAMPTON FALLS MEDIA SCHOLARSHIP FUND**

L. Smith spoke to the issue of the scholarship fund, reporting that the Town Administrator had had a conversation with Town Counsel Bart Mayer. Attorney Mayer said he had not been the attorney on the original drafting of the Agreement or Warrant Article for the fund, but did say he is in agreement with the two attorneys consulted on the matter at this time: The Town cannot raise and appropriate funds for education. The Town cannot do a Warrant Article for a scholarship fund because it cannot raise public money for individual use.

Attorney Mayer also confirmed that franchise fees are not gifts, and so do in fact have to be returned to the General Fund.

A lengthy discussion ensued, with regard to the difference between the scholarship fund and charitable organizations the Town allocates money to, and how the Town might fund scholarships in a legal manner.

L. Ruest will consult with Counsel once more, to ask specifically about placing money in a trust before being distributed, and if that is a permissible use of the Town's funds.

M. Kasprzak said that she would like the Board to educate itself on how other towns have handled this issue.

**LEASE RENEWAL (ONE YEAR) – HISTORICAL SOCIETY, 45 EXETER ROAD**

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The Warrant Article for a 5 year lease for the Historical Society at 45 Exeter Road has been removed from the draft Warrant. The Board will pursue a one year lease to follow the current lease's April 2016 expiration.

**TOWN FOREST FUND**

The 2016 Warrant will include an article to formally name the Town Forest at Map 4 Lot 7, and establish a fund from proceeds of winter harvests conducted before and after the Town meeting in March 2016.

**2016 WARRANT – SELECTMEN VOTES**

		<b>Dept. Head</b>	<b>Selectmen</b>	<b>Selectmen</b>	<b>Selectmen</b>
	<b>2015</b>	<b>2015</b>	<b>2015</b>	<b>Vote</b>	<b>Vote</b>
<b>Art.</b>	<b>Description</b>	Proposals	Recommend	<b>Yes</b>	<b>No</b>
5	Operating Budget proposal	2,501,025	Y	3	0
6	Modify property tax exemption for the elderly		Y	3	0
7	Modify property tax exemption for the disabled		Y	3	0
8	Heritage Commission	2,000	Y	3	0
9	Liberty Elm Fund	1,000	Y	3	0
10	Tercentenary Celebration Capital Reserve Fund	1,000	Y	3	0
11	Town Hall Capital Reserve Fund	25,000	Y	3	0
12	Old Library Building Improvement Capital Reserve Fund	14,000	Y	3	0
13	Police Cruiser Capital Reserve Fund	22,000	Y	3	0
14	Police Department- computer hardware equipment and software	5,000	Y	3	0
15	Fire Truck Capital Reserve Fund	50,000	Y	3	0
16	Fire Department Vehicle Replacement Fund for replacement ambulance	180,000	Y	3	0
17	Highway Maintenance Capital Reserve Fund	250,000	Y	3	0
18	Library roof replacement	28,500	Y	3	0
19	Library Improvement Capital Reserve Fund	6,000	Y	3	0
20	Master Plan Capital Reserve Fund	6,000	Y	3	0
21	Mosquito Control Program	30,000	Y	3	0
22	Hampton Falls Media Scholarship Trust Fund – discontinue		Y	3	0
23	Establish Town Forest/Maintenance Fund		Y	3	0
24	To transact any other business as may come before this meeting		Y	3	0

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L. Smith asked that the wording of Article #11 be changed to read, "... to include, but not limited to, two commercial grade ADA compliant doors with electronic push pad door openers and a new card security system." In Article #22, L. Smith asked to add "and are therefore not permitted" at the end of the final section in parentheses.

**APPOINTMENT OF ANN HAGGART AS HERITAGE COMMISSION MEMBER**

**MOTION:** To appoint Ann Haggart as a regular member on the Heritage Commission through March, 2018.

**MOTION:** M. Kasprzak

**SECOND:** L. Smith

**UNANIMOUS**

**CHRISTMAS EVE, DECEMBER 24-- TOWN HALL HOURS**

At present, the Town Hall is scheduled to be open all day on Christmas Eve.

**MOTION:** To close the Town Hall at noon on December 24, 2015.

**MOTION:** R. McDermott

**SECOND:** M. Kasprzak

**UNANIMOUS**

**XFINITY PRICE ADJUSTMENTS EFFECTIVE 12/20/2015**

**PERCENTAGE OF TAX WARRANT COLLECTED**

93% of the tax warrant was collected through December 8<sup>th</sup>, 2015.

**ASSESSOR**

**VETERANS' CREDIT APPLICATION**

An application reviewed by the Assessor requires signatures of the Board to approve the request.

**EQUALIZATION RATE – 94%**

**JUDY HASKELL RETIREMENT**

A letter of appreciation for retiring Librarian Judy Haskell was signed by the Board.

**REVIEW AND APPROVAL OF PREVIOUS MINUTES: 12/2/2015**

L. Smith proposed the following amendments to the minutes of December 2, 2015:

Begin the final paragraph above Financial Reports on page one with:

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“S. Hanson mentioned that due to water in a portion of the Town Forest where harvesting is to be done, access would be best accomplished by crossing the abutter’s land. The abutter has agreed and asked the Conservation Commission that he have access to a portion of his land by crossing the easement at the Raspberry Farm.”

On page 2, second paragraph under Hampton Falls Media Scholarship:

Third sentence to read: “State law does not grant Towns the authority to....”

On page 3, first sentence to read: ....attorney working with the contract on the Town’s behalf, and....”

**MOTION:** To approve the minutes of 12/2/2015 with amendments.

**MOTION:** L. Smith

**SECOND:** M. Kasprzak

**UNANIMOUS**

**MOTION:** To go into non-public session at 9:24 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

**UNANIMOUS**

**MOTION:** To go out of nonpublic session and resume in public session at 9:26 PM.

**MOTION:** M. Kasprzak

**SECOND:** L. Smith

**UNANIMOUS**

**MOTION:** To seal the minutes of the non-public session of 12/02/2015.

**MOTION:** L. Smith

**SECOND:** R. McDermott

**UNANIMOUS**

**ADJOURN**

**MOTION:** To adjourn at 9:28 P.M.

**MOTION:** M. Kasprzak

**SECOND:** L. Smith

**UNANIMOUS**