

**BOARD OF SELECTMEN  
MEETING MINUTES  
DECEMBER 28, 2009**

**PRESENT: JAMES L. STEWART, CHAIRMAN; PRISCILLA R. LINDQUIST, SELECTMAN; RICHARD H. HARTUNG, SELECTMAN; SALLY THERIAULT, ADMINISTRATIVE ASSISTANT, TINA HARRINGTON, RECORDING SECRETARY**

Chairman Stewart called the regular meeting to order at 7:02 pm

Present at the meeting: P. Williams, J. Worthen, Chief Beaudoin, J. Forbes, R. Gaudette, B. Goode, K. Colbert, N. Emerson and Attorney Dowd.

**Public Announcements**

- Wednesday January 6, 2009 there will be a H1N1 Clinic held at the Hampstead Middle School for anyone that wants to receive the shot. Hours are 4:30-7:30 pm and the cost is free
- Saturday, January 9<sup>th</sup>, there will be Christmas tree disposal at Kent Farm from 8:00 to 4:00 p.m. no sticker is required.
- Tuesday, January 12<sup>th</sup>, Election for State Representative to be held at the Hampstead Town Office from 8 a.m. to 8 p.m. It is also the final day to accept petition warrant articles (25 signatures are needed).
- Wednesday, January 13<sup>th</sup> 7:00 p.m. Public Hearing on the budget to be held at the Town Office meeting room.
- Waste Oil, fluorescent light bulbs, car batteries and thermostats are collected at the Town Garage on the first and third Saturdays of the month. Books may be dropped off at anytime.

**Visitors Comments**

J. Forbes- Mrs. Forbes asked to speak on several subjects. She had a concern with a change in how the trash is picked up. She thanked those that came forward to speak their thoughts and thanked the Selectmen for having an open forum. She stated that she sees new faces voicing their concerns, but doesn't see the number of people volunteering and stepping up, especially considering the population. She stated that curbside pick up was voted by the Town. A few years ago the Trustees of the Trust Fund met with the Attorney General's office regarding an old capital reserve fund for the ambulance that was purchased by the Town. Once the funds were expended from the account, there needed to be a formal closing of the account by the legislative body. Town meeting vote needs to be followed and if it is to be altered, then it needs to go back to town meeting. Chairman Stewart stated that going to a Pay as You Throw format is not altering the curbside pickup, because it is still happening. Mrs. Forbes stated that it changes the intent. Chairman Stewart noted that the RSA states may go, not must go. Mrs. Forbes agrees that there is too much allowed curbside and the town has a limit and they should enforce the limits. The Town is under no obligation to pick up more than what is allowed. She also noted that it might be inefficient and cumbersome to educate the voting public, but it is part of the process. She stated that she can understand that it is frustrating when there are those that don't abide. Imposing will on people doesn't always work. She went on to explain that self government and town meeting encourage people to participate. She feels that we are moving from a self government to a class of government consumers of services rather than as providers. She would like to see people participate in government.

Selectman Lindquist agreed with Mrs. Forbes and stated that the history of trash pickup and recycling pickup have been voted by the legislative body at town meeting and believes that any question on PAYT should also go on the ballot. **Selectman Lindquist motioned to rescind the vote taken at the November 23, 2009 meeting.** Selectman Hartung stated that he would want to review this some more and doesn't believe that there will be any plan for 2010. He also stated that he likes the stimulation that the subject has created. **Chairman Stewart seconded the motion for discussion.**

Chairman Stewart stated that he has thought long and hard if the Selectmen should make the decision. The current contract is up in December of 2010 and if we wait until Town Meeting in March of 2011, what happens to the months before that with the vendor. He wondered if it would require a special Town Meeting, which Selectman Lindquist stated has been done before. Chairman Stewart stated that going to Selectmen school the role of RSA 41:8, was explained as managing prudential affairs of the town and to do what is necessary to do the votes of town meeting. It was agreed that education is an important component. Mr. Emerson asked to speak

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and stated that he had a petition with 75 signatures asking that if the Town moves to PAYT that there be 1 free bag given out. Chairman Stewart stated that there is currently a lot of misinformation out there right now. He believes that the task of the Selectmen is to look at all the options that are out there. He knows of at least three different programs, PAYT as one of the three. He stated that he has not seen a recommendation come from the Solid Waste Committee to have the Selectmen formally take a vote and that he is not convinced that PAYT is the way to go. Single stream is happening in a lot of towns. He stated that he would like to see from the Solid Waste Committee all the options that have been looked at and that PAYT is the best approach for Hampstead.

Selectman Hartung asked Mr. Emerson a bag a week a month- it isn't clear. The article in the paper stated that there would be a bag a month. Mr. Emerson stated a bag a week.

Selectman Lindquist stated that currently the residents are allowed 4 barrels or 8 bags and that these limits need to be reduced. She also stated that the Solid Waste Committee is expected to contact Bestway Disposal to have them come in and discuss some of the options. There was also a suggestion of a having a tag system for items that a resident can't get to the transfer station. The tag system would require purchase of stickers at the Town Clerk's office.

**The vote on rescinding the previous vote on PAYT passed unanimously. Previous vote stated that the Selectmen would make any change to the current curbside pickup rather than go to Town Meeting vote.**

Mr. Gaudette stated that people in town don't know what is going on. He stated that the vote by the Selectmen was perceived as that the Selectmen knew what was best for the Town. He also noted that the PAYT program has been in the news a lot, but there is very little information regarding the budgets. He stated that there needs to be a way to let people know what meetings are coming up and what they are about. Selectman Hartung noted that some communities do a newsletter and it does seem to work for them. There are additional costs and work with doing a newsletter. Mr. Gaudette emphasized that if something doesn't work, then you change it. A lot of people he talks to state that they don't know what is going on. Selectman Hartung stated that there is an Area Selectmen's Meeting on January 14<sup>th</sup> and he would like to see what other towns are doing to keep the citizens informed. He would also like to see how many towns have committees and boards that meet on Saturday. Mrs. Forbes stated that the information is available to those who want to participate. The Selectmen's minutes and agendas are posted on the website, but people need to participate. She explained that if you are waiting to consume, then you wait for someone to get you the information to you. In self government, responsibility is on the citizen, as their duty. It is not the Board of Selectmen's job to lead the people. She emphasized that people need to avail themselves of the information.

### Department Heads

#### Recreation Commission- Mr. Goode and Mrs. Colbert-

Mr. Goode and Mrs. Colbert explained that they researched the companies that sent in proposals, whereas they weren't familiar to them and after speaking with the low bidder, Atlantic Coast Fence, which has been in business for 38 years, they asked the Selectmen to award the bid to them at a cost of \$5988.00. They asked for the funds to come from the following accounts 1001-45202-51000 \$3,000 and account 1001-41948-43002 for \$2,032.25.

Selectman Hartung motioned to accept the recommendation from the Recreation Commission to award the proposal to Atlantic Coast Fence and to encumber the funds. Selectman Lindquist seconded the motion and the motion passed unanimously.

Mrs. Colbert noted that the Recreation plans on having a warrant article, but is still working on it.

#### Police Department- Chief Beaudoin

Chief Beaudoin asked if a detail officer would be needed for the clinic at the Middle School. School policy states that any outside school function requires a detail officer. Selectman Hartung stated that there wasn't one when the clinic was held at the Timberlane Regional High School for their clinic. They agreed that if it is required, then a detail officer will be provided, and Mrs. Theriault will contact the school for confirmation. Selectman Hartung suggested that if it is required, there might be funding for it.

#### Highway Department- Jon Worthen

Mr. Worthen wanted to point out to the Selectmen that over the last 3 or 4 years, he has returned funds to the town, but this year he is over (currently \$20,267 over).

### New Business

#### Snow and ice removal - Atty. Dowd for the Emerson's

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Attorney Dowd thanked the Selectmen for allowing him to speak. He appreciated the level of cooperation between the Selectmen and the residents. He stated that he was here tonight as a legal representation, not for legal confrontation. He stated that he is asking for relief by the Town continuing to sand and salt Emerson Park. He stated that he agreed with how the Board of Selectmen determined the factor used. He agrees that it should not be based on how much property tax is paid, or on how long the service has been provided. He is requesting relief and the reason is that Emerson Village has a community center, which has bathrooms, a kitchen, elevator and a generator (which runs the electric, sewer and water). There is a quick conversion with Hampstead Area Water Company, when needed. There are flu clinics held at the community center for all residents as well as foot clinics and blood pressure clinics. The Emerson family does not charge for the use of the center for these functions and the organizations pay for the clinics. There is also a high pressure fire hydrant located in the park for the use of the fire department when needed. For further public benefits, the former EMD, Dan Brickett asked if the Emerson family would allow the community center to be used as a shelter. Mr. Dowd stated that until last year, he wouldn't have thought there would be a need for it, but it easily could have been an overflow shelter and then able to take on being the shelter once the one at the school closes for school to be in session. He noted that other parties have asked for a Quid Pro Quo, such as the local churches and he is asking the same for Emerson Village. Again it is for sand/salt only. They handle snow plowing the park themselves. Mr. Dowd stated that he believes that Mr. and Mrs. Emerson would always accept anyone, when the need arises, but that they are asking for consideration on this matter. He emphasized three points, Public Safety- the fire hydrant needs to be maintained. Second the health and welfare of the citizens and the third is that it is a small price for what is given in return. Chairman Stewart asked how many it would be allowed to hold. It is about 4500 square feet and Mr. Emerson stated that about 150 people could fit in the building and that the capacity is beyond just the Emerson Park community. Mr. Emerson explained that when he was approached by Mr. Brickett, it was to have separate areas in town that could accommodate people, without having to interfere with the school during open hours. Emerson Village was self sustained during the storm. He stated that there were about 40 people there for up to 11 days and they did not need to ask the EMD for anything. Selectman Lindquist asked if anyone from outside the park was there. Mr. Emerson stated that towards the end there were a few. Chairman Stewart stated that the people in the park pay fees in their rent that pays for the center to be open. He also asked if there was a direct road in to the community center, which the response is yes, Parklane Road. Mr. Emerson stated that there are 2 clinics held there twice a month for every month of the year. The VNA asks for donations, but the Emerson's ask for nothing and host it for free. Attorney Dowd stated that he sees the logic in asking about the direct road, but hasn't seen that logic applied to any of the other properties that requested a Quid Pro Quo. For example he used the Congregational Church, which the Town plows the whole parking lot, not just the 3-4 spots needed for the museum. Chairman Stewart stated that all the other properties granted a Quid Pro Quo were non profit agencies, this is a for profit business. He is concerned with getting into that mix because it is hard to see what else is coming. Attorney Dowd reminded the Chairman that it would take compelling information to approach the Selectmen. Selectman Hartung stated that Attorney Dowd stated his case clearly and that there is a value to the Emergency Management program to have the center as a location and that he can only think of one other entity in town with a community facility that it might be considered. Selectman Lindquist asked Mr. Emerson if the community center is required by the State. Mr. Emerson responded that it is not.

Chairman Stewart asked for Attorney Dowd and Mr. Emerson to prepare a letter and to list the reasons for a Quid Pro Quo.

Encumber funds from 2009 Budget:

- o Fencing Depot Road Fields – Recreation \$5,988.00
- o Fire Turnout Gear – Fire Department \$39,600 and the Town Share of the Emissions grant of \$3,125
- o Utility Assessment Contract – Board of Selectman \$30,000
- o Welder – Highway \$3,000
- o Air Quality Testing – PD \$ 1,725.00

There was also a request to have the funding for the Beach Erosion Study be encumbered from 2009 funds. The cost is at \$4,900 which is down from the original estimate of \$14,000. When the draft proposal was reviewed, it was noted that there was a lot of processes that were included, but not needed and the cost was reduced to \$4,900. Selectman Lindquist was concerned because this brought the cost under the \$5,000 limit that requires an RFP. Mrs. Theriault and Chairman Stewart explained that SFC Engineering was asked to help draft a proposal for a survey and design to do the work on the Town Beach erosion issue. Chairman Stewart stated that

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the proposal was there for their review and while looking it over it was noted that there were items not needed such as a permit process.

The Road Agent would like to get a welder that is estimated at around \$3,000, but the Highway Department budget is already over budget so it was agreed that the expense will have to be in 2010.

The \$30,000 for assessing is for the contract to assess the utilities. This is money to be spent to make more money for the town. This did go out for proposal and the Selectmen voted to accept the proposal at prior meeting. Air Quality testing at the Police Department needs to be done because of complaints from some employees.

There is a proposal from a company that does air quality testing and it was determined that this needs to be done as soon as they can.

Meeting House- Selectman Lindquist would like to encumber \$4,000 from the funds remaining in the budget for the work being done on the Meeting House. Now that they have found someone, he has been working right along on the Meeting House.

Exhaust System- Chief Carrier has been talking about using surplus money in his budget to purchase turnout gear at a cost of \$39,600. The Fire Department was approved for a grant for the exhaust system at the Central Fire Station and the Town portion of the grant is \$3,125.00

Selectman Lindquist motioned to approve encumbering the following:

Account 1001-45202-61000 \$3,000 and 1001-418-43002 \$2,988 for the fencing at Depot Road

Account 1001-42201-77001 \$39,600 for the Turnout Gear for the HFD

Account 1001-42208-43000 \$3,125 for the exhaust system at Central Fire Station

Account 1001-41521-31201 \$30,000 for the Utility Assessment Contract

Account 1001-42107-43000 \$1,725 for the Air Quality Assessment at the HPD

Account 1001-41946-41000 \$4,900 for the Engineering at the Town Beach

Account 1001-41943-43000 \$4,000 for the work at the Meeting House

For a total of \$89,350. Selectman Hartung seconded the motion and the motion passed unanimously.

2010 Default Budget review

Mrs. Theriault presented the default budget to the Selectmen with the current proposed budget at \$5,230,829.68 and the default budget at \$5,264,091.55. She read the definition of a default budget and explained how she came up with some of the default numbers. There is no COLA included in the default budget. There are some lines that had questions and the Selectmen agreed to take it under advisement and to have it on the agenda for the January 11<sup>th</sup> meeting.

ACO to transfer to Police Department

Chairman Stewart suggested that this needs a formal action to have the Animal Control Department report to the Police Chief. Chief Beaudoin is ready for the change to take place. There is no change in the department personnel, only that instead of reporting to the Selectmen the ACO will now report to the Police Chief and Lieutenant.

Selectman Lindquist moved to transfer the Animal Control Department to work under the authority Chief of the Police Department effective January 1, 2010, this is to include the ACO budget and for the Chief to approve all expenditures. Selectman Hartung seconded the motion and the motion passed unanimously.

Old Business

Liaison Report

Selectman Lindquist

Solid Waste Committee-Selectman Lindquist explained that at the last meeting of the Solid Waste Committee there were residents present to voice their concerns. There was discussion about the limits allowed and having a tag or sticker system for bulk items. Chairman Bracken is trying to contact Bestway Disposal to resolve some issues that have come up and to have them come in to speak to the committee about some of the ideas the committee has had about PAYT. She felt that if the limits are reduced for curbside, then the residents should recycle more. Selectman Hartung stated that with all the discussion on trash recently, he has driven around to see how things are looking and noticed that there are a fair amount that don't seem to recycle at all. It was also noted that recycling should not be placed into a rubbish bag and closed up, even if separated from the trash. The company will not open trash to determine if it is recycling or not. Mr. Emerson stated that people don't know what the rules are, which is part of the lack of communication. Mrs. Harrington stated that about a year ago,

every home that receives the Tri Town News was sent a flyer that explained what is recycled as well as what goes to Kent Farm Transfer Station and the limits.

#### **Selectman Hartung**

EMD- On December 19<sup>th</sup> there were volunteers from Hampstead at the H1N1 Clinic held at Timberlane Regional High School which served about 470 people in 3 hours. He stated that they had 15-20 dispensing stations and could have handled 800 people. There will be a clinic in Hampstead at the Middle School on January 6<sup>th</sup> from 4:30 pm to 7:30 pm. It is free to the public and no one will be turned away.

#### **Administrative Assistant Report**

##### **Update on Health Insurance and Prescription Plan**

In the month of December there were two meetings for employees with the Local Government Center to provide an overview of each health plan that the Town provides. Employees have been advised that their prescription plan is changing; this change will shift a greater burden onto the employees to pay more for their prescriptions. The change is across the board and also includes the Medicare supplemental plan.

As a result of these meetings, employees have expressed an interest in having a debit card. The debit card is used for co-pay deductibles and other out-of-pocket expenses. This is to be used in conjunction with the Flexible Spending Account. The cost of the debit card \$18.00 per year, some towns opt to pass this cost onto the employees while other towns absorb the fee. The BOS were asked if they would be interested in offering this to the employees. It was agreed that it is a convenience to the employee and should be paid by the employee.

Selectman Hartung motioned to approve the issuance of an individual debit card attached to the FSA and the employee to pick up the cost. Selectman Lindquist seconded the motion and the motion passed unanimously.

There was another inquiry that has come forward from an employee about the 457 (b) plans. The 457 (b) plans is a voluntary retirement plan funded solely by the employee. Mrs. Theriault spoke with the company offering the plan who said that any fees imposed are passed on to the employee by way of "maintenance fees" within mutual funds, etc. No cost is passed on to the employer. There is only the administrative time that would be incurred if the Board allowed employees to participate in the plan. Administrative time would include setting up payroll deductions and issuing payments to the company holding the 457 (b) plans. This administrative task is very similar to the administration of the AFLAC plan.

She contacted LGC to find out if the Town would be considered financial liable should the Town only have one company from which the employees could chose for their 457 (b) plan. According to LGC, the Town is merely sponsoring the plan and not advising employees as to how much they should invest, whether or not to participate, or advise anyone on asset allocation. It is entirely the employees' own decision. The Town doesn't make any investment decision and therefore is not liable. In fact, LGC has a 457 (b) plan available for its employees.

Mrs. Theriault also asked LGC, that since the Town put this on the warrant last year and it was turned down, does the Town again have to put it on the warrant.

The answer was no, according to the legal department at the Local Government Center, if there are no fees/costs incurred by the Town, then there is no appropriation; therefore it does not have to be on the warrant. Just because it was on the warrant in 2009 doesn't mean it has to go onto the warrant in 2010. Also, no means no only for that one year.

Selectman Lindquist was concerned with how a company would be chosen. Mrs. Theriault stated that they would need to interview a few different companies and see what they offer and go from there. Selectman Lindquist suggested it be added to the action list.

Chairman Stewart wants a letter from Town Counsel verifying that there is no liability to the town. Mrs. Theriault was asked how many people are interested and she responded about 5.

#### **Grant**

The State has approved the 2009 Mosquito Grant in the amount of \$2,383.50.

### Minutes

The following public meeting minutes have been reviewed and are ready for approval:

October 12, 16, and 26, 2009

November 9, 17, 23 and 30<sup>th</sup>, 2009.

Selectman Lindquist motioned to approve the minutes of October 12<sup>th</sup>, 16<sup>th</sup>, 26<sup>th</sup>, November 9<sup>th</sup>, 17<sup>th</sup>, 23<sup>rd</sup> and 30<sup>th</sup> as amended. Selectman Hartung asked that they be placed on the website and the motion passed unanimously.

### Mileage Rate

The IRS has announced that the mileage reimbursement rate is at .50 for 2010. This is a decrease of \$.05 from the 2009 rate.

Selectman Hartung motioned to accept the IRS rate for mileage reimbursement for 2010 at \$.50. Selectman Lindquist seconded the motion and the motion passed unanimously.

### Action Items

- o Disposition of Municipal Records –Moving forward to meet in 2010
- o Atkinson perambulation – Paperwork needs to be sent to the State
- o Road Agent Handbook –Mrs. Theriault is finishing up the corrections
- o Town website –Much improved, but needs to have minutes added to it. The town report takes a while to open, need to see if it can download instead. Mrs. Theriault will talk to Virtual Town Hall.
- o Utility Assessment- The contract was signed tonight by all three members.

### Appointments

There are 4 new members of the Hampstead Fire Department that need to be appointed. They have gone through the process of meeting the Chief and the Board of Engineers.

Selectman Lindquist motioned to appoint Harold Bearden, Jonathan Houde, Ryan Earhardt, and Garrett Gelineau as call firefighters/EMT for the Hampstead Fire Department. Selectman Hartung seconded the motion and the motion passed unanimously.

### Correspondence

Greater Haverhill Chamber of Commerce- They are requesting a representative from Hampstead to be at an upcoming meeting. Hampstead has generally worked with the Greater Salem Chamber, but will send regrets that no one is able to attend.

Neil Lynch- Wash Pond Road- Mr. Lynch sent a letter to the Selectmen, the Chairman of the Historic Commission, Chairman of the Cemetery Trustees, Mrs. Theriault and Mrs. Harrington regarding the rock wall at the Lakeview Cemetery. He stated that when the stonewall was taken down at Lakeview Cemetery during the work on the addition, the public was told that the stone wall would be reassembled to replace the fence that runs along Kent Farm Road. He is asking when that is going to happen. There were changes in the law protecting stone walls and he wants to know what the plan is. Mr. Emerson, one of the Trustees was present and he stated that it is legal to remove a stonewall within your land, such as the one they took down. The rocks were moved to the transfer station until they can be assembled on Kent Farm Road. The cost to do a stone wall is costly and right now it is more important to get the work in the cemeteries done. It was suggested to see if there is any grant money out there to help, or a volunteer.

RECD- There is a request from the Rockingham Economic Community Development group for updated goals. Selectman Lindquist will review the information and see if it should be the Selectmen or the Planning Board to respond.

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Neil Emerson- Mr. Emerson asked what was going to happen to all the private roads that are currently plowed by the Town as of January 1<sup>st</sup>. He stated that there are about 18 roads that he is aware of that have not been accepted by the Town and are being maintained. He stated that at a previous meeting the Selectmen stated that effective January 1<sup>st</sup> no private roads would be plowed, sanded or salted. He stated that until the roads are resolved, the Town should continue the current practice. It was agreed that there are about 18 roads and in order to get them accepted a public hearing would need to be held prior to any acceptance. This meeting will be continued to Tuesday January 4<sup>th</sup> at 3:00 pm to review the roads and schedule a public hearing for January 25<sup>th</sup>.

Future Agenda Items

- Hampstead Senior Committee
- Town Manager form of Government

RSA 91A:3 II (a and c) employee matters and/or reputation

Selectman Lindquist motioned to enter in a non public session under RSA 91A: 3, IIa, employee matters at 9:58 pm. Selectman Hartung seconded the motion.

Roll call vote, Selectman Hartung, yes; Selectman Lindquist, yes; Chairman Stewart, yes

Guest Non public #1

Neil Emerson- Mr. Emerson left at 10:13pm

Guest Non public #2

Chief Beaudoin came in at 10:15 pm

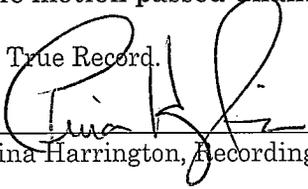
Selectman Lindquist motioned to come out of non public session at 10:45 pm. Selectman Hartung seconded the motion.

Roll call vote, Selectman Hartung, yes; Selectman Lindquist, yes; Chairman Stewart, yes

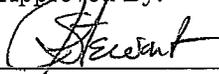
Selectman Hartung motioned to seal the minutes of the non public session. Selectman Lindquist seconded the motion and the motion passed unanimously.

Selectman Lindquist motioned to adjourn at 10:45 pm. Selectman Hartung seconded the motion and the motion passed unanimously.

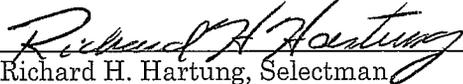
A True Record.

  
Tina Harrington, Recording Secretary

Approved By:

  
James L. Stewart, Chairman

  
Priscilla R. Lindquist, Selectman

  
Richard H. Hartung, Selectman