

**BOARD OF SELECTMEN  
MEETING MINUTES  
JANUARY 25, 2010**

**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 7:00 pm  
Present at the meeting: P. Williams, B. O'Brien, R. Clark, S. Wentworth, J. Beaudoin, J. Worthen, C. Dudgeon

**Public Announcements**

- Friday, January 29<sup>th</sup> is the last day for sign-up for elective office. The Town Clerk/Tax Collector's Office has extended its hours and will be open from 3:00 to 5:00 p.m. that day.
- Wednesday, February 3<sup>rd</sup>, the Department of Transportation will be holding a hearing regarding the intersection of Route 111 and West Road. The hearing will take place in the meeting room of the Town Offices at 7:00 p.m.
- Friday, February 5<sup>th</sup>, 2010, the Deliberative Session will start at 7:00 p.m. at the Hampstead Middle School.
- The Solid Waste Committee will be giving a recycling class on February 17<sup>th</sup> from 7-8 pm and February 18<sup>th</sup> from 10- 11 am both at the Library. They will also answer questions and give an introduction on PAYT program.
- Saturday, February 27<sup>th</sup>, 2010, the Conservation Commission is hosting a moonlight snowshoeing walk starting at 7:00 p.m. at the West Road parking lot. Mr. David Treat is leading the walk, which will take a little over one hour.
- Selectman Hartung stated that he received an email from the EMD stating that there has been a recall on some Tylenol products and that the information will be put on the website.
- 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**

Mr. O'Brien, 173 Stage Road- Mr. O'Brien noted that he abuts the outflow of the culvert along Stage Road that the DOT is looking to change this year. He wanted to give his thoughts on the closing of the road. He explained that when the Hampstead Area Water Company did work on the road the closure was no issue, but local traffic was allowed thru. He would like to see the design and said that he was glad it was being worked on. He would like to see the swale addressed and how it flows into Hog Hill Pond. He stated that it runs slow in the spring and backs up into his yard. The Selectmen gave him a copy of the design to look at.

Colin Dudgeon- Mr. Dudgeon from Troop 83 in Derry was present tonight working on his merit badge for citizenship and said that he needed to gather information about the discussions tonight and prepare a report for his troop leader.

**Department Heads**

Police Department- Chief Beaudoin stated that he was okay with the road being closed and that he believes that the Fire Chief was also in agreement. He warned Mr. O'Brien that when the cars are turned around, they might be using his driveway.

Selectman Hartung motioned to move forward with Plan A to close Stage Road for the work to be done on the culvert on Stage Road in 2010. Selectman Lindquist seconded the motion and added as long as it is done while school is closed. The motion passed unanimously.

### New Business

#### Public Hearing:

**Town Office Building, 11 Main Street, Hampstead, NH at 7:15 p.m. There will be a Public Hearing for the following purpose:**

To hear public testimony and gathering information on Cambridge Road, Capitol Lane, Central Street (Old Road), Collins Drive, Cooks Crossing, Cortney Lane, Freedom Hill Road, Gabrielle Court, Geoff's Way, Gloria's Way, Houston's Way, Hutchins Path, Liberty Lane, Little's Lane (approximately the first 670 feet), Marshall Road, Odd Fellows Road, Owen's Court, Ricker Road, Sean Drive and Shaker Lane and to determine whether or not the aforesaid roads should be accepted.

The Public Hearing was opened at 7:15 pm. It was noted that the Town voted that the Selectmen can accept roads as long as they are up to standard and on a subdivision plan approved by the Planning Board. The roads under discussion were built new and are posted above.

**Selectman Hartung motioned to accept the roads as posted. Selectman Lindquist seconded the motion.**

The following roads, Freedom Hill Road, Liberty Lane and Hutchins Path are taken from the above list. It was discovered that these roads were accepted by Town meeting.

Mr. Clark explained that the history on these roads is that the plans and subdivisions were accepted by the Planning Board and the roads completed, with bond money being released. The intent was that the deed for the road would be delivered and in some cases it didn't happen. He noted that three of the streets on the list are current roads recently having gone through the planning board process and that they should have a deed. Mr. Wentworth, the developer of the three roads in question asked why he needed to produce a deed where these other roads did not. He explained that the holdup on the deed is that he can't give it free and clear title. If the process had been completed a few years ago, there wouldn't be an issue. He has gone back and forth with town counsel and the deed that was last submitted is the last one he is giving. Mr. Clark explained that if the property is not free and clear and that there is a lien holder somewhere, then someone could come back to the town. He doesn't really believe this would be a problem and hasn't seen it happen. Selectman Lindquist asked Mr. Clark if he would recommend acceptance of the three, Geoff's Way, Gabriel Court and Shaker Lane. Mr. Clark responded that he would like to see it put off at least one meeting, and that there was no issue with the road, but only with the deed. Selectman Hartung had a concern going over a state ROW, which is under the road and that they couldn't get a deed for that. Mr. Clark explained that the whole issue with the ROW is taken care of. The State owned the land and allowed the developer to cross over and that the developer built a tunnel under Route 121 for the State in return.

Selectman Hartung suggested that the process in the Planning Board office change to get the deeds in a more timely fashion. Mr. Wentworth explained that the deed wasn't asked for until the end and maybe it should be at the beginning. It was also noted that if it is done at the beginning, plans change and the deed could change. The right process will need to be worked out. Mr. Clark noted that it was the Town attorney that questioned the deed from Mr. Wentworth

**Selectman Lindquist motioned to amend the motion on the floor by removing Freedom Hill Road, Hutchins Path and Liberty Lane. Selectman Hartung seconded the motion. The motion passed unanimously.**

There was some discussion about taking Central Street off the list. The road is an old road that belonged to the State of NH. Back in the late 1990's the State turned over Central Street and Kent

Selectmen's Meeting Minutes

January 25, 2010

Page 3 of 5

Farm Road to the town, but it was never formally accepted by the town. Kent Farm Road should be placed on the warrant for 2011. Mr. Worthen stated that he had no problem accepting the roads as listed. Selectman Hartung stated that the Town would be well served by the passing of the amended version of the roads. Chairman Stewart asked Mr. Clark what could happen if a lien holder came forward. Mr. Clark stated that with it being approved and on a plat that is recorded, and that the town is plowing, it is unlikely anyone would come forward, because they then would be responsible for any maintenance and upkeep.

The motion as amended passed unanimously.

Liaison Report

**Selectman Lindquist**

She had no report this evening

**Selectman Hartung**

Library- Selectman Hartung stated that the Selectmen had a very successful meeting with the Library Trustees and will be meeting with Wage and Salary on the 28<sup>th</sup>.

**Chairman Stewart**

Conservation-Chairman Stewart stated that the process for the purchase of the land on Depot Road (that abuts the Ordway Park) is moving along, but that it is a slow process. Selectman Lindquist was concerned that the agenda for the Planning Board states the land will be turned over to Ordway Park. Mrs. Theriault stated that is not the intent, but that the surveyor thought it was and it will be corrected at the Planning Board meeting. The Conservation Commission is planning on keeping the land. It was noted that conservation money can't be spend for other than conservation purposes.

Old Business

Emerson's Village Request for Continuation of Town Salt/Sanding Services via Quid Pro Quo- The Selectmen stated that they received a letter from Attorney Geoff Down, representing Ne San in a request for a Quid Pro Quo with Emerson's Village. They agreed to review the letter and come back to the Community Center. It states that it functions as a back up shelter. Selectman Lindquist noted that in 1993 the warrant had an article to keep those roads in Emerson Village private and it was passed by Town Meeting. The law states that you can't spend public money on a private road and to change it from being private would require a vote of the town meeting. Selectman Hartung stated that would mean the Town would be responsible for all maintenance and doesn't believe that is the intent. Chairman Stewart explained how some of the churches have come and were approved to have their lots plowed by showing a Quid Pro Quo. Emerson Village is a profit business, unlike a church which is non profit. He has spoken with two profit businesses and believe that they have the same right as Emerson's Village and Granite Village, but believe that it would open a can of worms and wants to state that a Quid Pro Quo will only be extended to non profit status. Selectman Hartung stated that the only request is for sand and salt. The owners do the plowing themselves. He stated that he hopes Mr. Emerson will keep an open mind and continue to allow the use of the center in an emergency. Chairman Stewart stated that there was discussion on allowing NE-San and Dependable Construction (Emerson Village and Granite Village) the ability to purchase salt and sand at their cost, but to store it at the town garage. Selectman Lindquist asked to see how Mr. Worthen will keep track of what is brought in and used.

Selectman Lindquist made a motion to NOT accept the Quid Pro Quo request from Emerson Village. Selectman Hartung seconded the motion.

It was emphasized that the Board of Selectmen would not consider any requests for a Quid pro Quo from a for profit business, and the motion passed unanimously

Mrs. Theriault will draft a letter to Attorney Dowd.

#### Reaffirm Town Warrant

The Selectmen took a telephone poll to recommend or not recommend articles 11,13, 14, 15, 16 and 17  
Selectman Hartung motioned to recommend article 11. Selectman Lindquist seconded the motion and the motion passed unanimously.

Selectman Hartung motioned to not recommend article 13. Selectman Lindquist seconded the motion and the motion passed unanimously.

Selectman Hartung motioned to not recommend article 14. Selectman Lindquist seconded the motion and the motion passed unanimously.

Selectman Hartung motioned to not recommend article 15. Selectman Lindquist seconded the motion and the motion passed unanimously.

Selectman Hartung motioned to not recommend article 16. Selectman Lindquist seconded the motion and the motion passed unanimously.

Selectman Hartung motioned to recommend article 17. Selectman Lindquist seconded the motion and the motion passed 2 in favor (RH, PL) and one against (JS).

#### Administrative Assistant Report

Mrs. Theriault stated that the warrant and the default budget are posted at the Middle School and the East Hampstead post office, as well as the town office.

Household Hazardous Waste Grant- Hampstead is the next community to host the fall collection and Mrs. Theriault is working on the grant.

Minutes to accept- December 14, 2009, December 28, 2009, and December 29, 2009 are approved.

Selectman Lindquist motioned to accept the minutes of December 14<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup>, as amended. Selectman Hartung seconded the motion and the motion passed unanimously.

#### Action Items

- o Disposition of Municipal Records – PL no change
- o Meetinghouse exterior – PL no change
- o Wage and Salary Classification Study – JS/PL/RH meeting this week
- o Perambulation documentation to Towns and State – ST- paperwork is in and getting signed. Danville will be contacted to complete the boundary work already done. Atkinson is completed and has been sent to the State.

#### Appointments

- Reappointments:

Joint Loss Management Committee

Selectman Lindquist motioned to appoint Joe Beaudoin as a member of the Joint Loss Management Committee with a term to expire in 2012. Selectman Hartung seconded the motion and the motion passed unanimously.

There is a request for an appointment for a Fair Hearing officer that needs to be held for a welfare denial. Selectmen Hartung asked to hold off until he talks with the Human Services Coordinator.

There has been a capital needs committee on the open list of appointments needed and it was suggested that maybe it needs to be a capital improvement committee. Mr. Clark explained that it started as a capital improvement group (under Planning Board) and moved over to a capital needs committee under the Selectmen. It would be good to get it up and going again, and should be part of the master plan process. The capital needs committee was doing a 5 year plan whereas the CIP looks out longer. He stated that in order to have impact fees, a CIP is needed.

- Call for candidates :
  - o Ordway Park, full members and alternates
  - o Energy Committee

- o Cable Committee volunteers
- o ZBA, alternate (1)
- o Solid Waste

**Correspondence**

HMS- A letter was received from Principal Patti Grasbaugh and Facilities Manager Mike Hall thanking Mr. Worthen and his crew for keeping the school roads clear for the students and the workers.

**Visitors Comment**

Mr. Worthen stated that he desperately needs waste oil or he will soon need to purchase some.

Chief Beaudoin stated that recently he had OHRV patrols out on Governor's Island and will do this a couple more weekends, along with Fish and Game. He stated that this is part of a grant that will also allow them to patrol the trails.

**Future Agenda Items**

- Hampstead Senior Committee
- Town Manager form of Government – Selectman Lindquist stated that she had received a call from a reporter regarding the need for a Town Manager and believes that it is needed, but that the time is not right. Selectman Hartung doesn't see this form of management coming down the road for quite a while. Both Chairman Stewart and Selectman Lindquist see it in about 5 years. Selectman Hartung sees it going to a Town Administrator. They agree that down the road a committee can look into the need. Mr. Dudgeon asked for an explanation as to what a Town Manager is? Chairman Stewart explained that it is a way to run the town. The person is responsible for running the town, meeting objectives and setting goals. The BOS would be advisors and that the duties and responsibilities are set in RSA. They agree it is a big step. Some towns around have had Town Managers for 20 plus years.

Selectman Lindquist motioned to enter into non public session under RSA 91A 3:2 (a) employee matters at 8:24 pm. Mrs. Theriault and Mrs. Harrington were dismissed from attending the meeting.

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

A True Record.

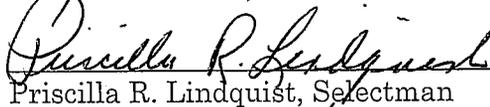


Tina Harrington, Recording Secretary

Approved By:



James L. Stewart, Chairman



Priscilla R. Lindquist, Selectman



Richard H. Hartung, Selectman