

**BOARD OF SELECTMEN
MEETING MINUTES
May 10, 2010**

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

Chairman Stewart called the regular meeting to order at 7:00 pm

Present at the meeting: P. Williams, Chief Beaudoin, J. Worthen, K. Farrington, S. Wentworth, G. Clark, J. Higgins and J. Forbes

Public Announcements

- Saturday, May 22nd Conservation Commission is hosting a heron rookery hike starting at 1:00 at the trailhead located on Golden Meadow Road.
- Saturday, May 22nd Hampstead Garden Club plant sale at the Town Offices. Time to be announced at the next Selectmen's meeting.
- Saturday, June 12 from 8:00 to 4:00 the Kent Farm Facility is open. A sticker is required and can be purchased at the Town Clerk/Tax Collector's office.
- 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.
- The Town Clerk/Tax Collector's office will be closed on Wednesday May 19th while they all attend a workshop for Town Clerks
- On Sunday May 16th there will be a fundraising event to benefit Danielle Forsyth, our Human Services director. She is currently battling cancer and there is a "Girls Day out". There are two sessions and reservations are needed.

Visitors Comments

S. Wentworth, Gabriel Court- Mr. Wentworth wanted to bring to the attention of the Selectmen that on April 12, 2010, the Highway Department tore up a culvert at 30 Depot Road. The culvert that was in place was ½ aluminum and ½ PVC. It was replaced with all PVC. He stated that the aluminum was hauled off by the town employees to the scrap metal place and the money received was split, with the Road Agent keeping the largest portion. If the culvert was on private property, then the homeowner should have been given the material. He also noted that in their hurry to get to the scrap metal yard, they left signs out on Depot Road. The signs were missing when they did remember to get them, at an estimated cost of \$700, and that it took three days for the report to be filed with the police department. He complained that the highway department needs to have more accountability. He went on to state that a backhoe was hired to do that work, while the town back hoe stayed in the garage. He then asked Mr. Worthen what he had done to correct the issue that caused the failure of the culvert at 30 Depot Road. Mr. Wentworth went on to explain that there is no swale there and with the new house, the issues were compounded. Mr. Wentworth stated that this was not the first time that items have been left behind. He gave some other incidents. He stated that he has submitted complaints to the Code of Ethics and that the response from them was that there was nothing the COE committee could do whereas it was not addressed in the Code of Ethics. Chairman Stewart asked Mr. Wentworth how he knew about what was going on. He replied that he heard it from a town employee. He emphasized that the problem with the department is that there is no oversight or accountability, which is why he ran against Mr. Worthen in the past. He has nothing against Mr. Worthen and stated that he was a nice guy, but needed to say no sometimes. The Selectman stated that Mr. Wentworth brought up a lot of good points and asked if it was possible to receive the concerns in writing so that they could address the issues. Mr. Wentworth added that the new 10 foot plow on one of the vehicles is inappropriate for that vehicle, and during the winter, was never used. The issues that were mentioned are salt, Depot

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Road culvert, contractors, loss of town equipment (i.e. signs), no oversight, selling of the aluminum by town employees and money not being directed to the town.

Chairman Stewart explained that when an issue is brought to the Code of Ethics and there is no finding by the committee, then the issue is done. It is not brought to anyone's attention. Mrs. Theriault noted this might be a personnel issue. Selectman Lindquist had noted that this type of issue is addressed in the personnel policy and that this part of the policy needs to be carried over to the Code of Ethics. The Selectmen thanked him for his time and will look into. Mrs. Theriault was asked to contact Mrs. Edwards to see what the committee recommends for any change in the Code of Ethics.

Virginia Clark, Main Street- Mrs. Clark stated that she was there to lobby for a senior discount for Comcast. She understood that the Cable Committee is looking into a new contract and she would like to see a 10% senior discount added. She also complained that a lot of regular programs are being dropped and that in order to continue to have access to some of the channels, the seniors need to purchase new equipment. She stated that on a fixed income, seniors can't afford to purchase new equipment every time Comcast changes things. Selectman Lindquist stated that she has asked for information from other towns regarding what they have in their contracts and Comcast does give a 2% discount on the basic plan available for those on low income (must fill file a report). Mrs. Clark stated that 2% is a disgrace and that Comcast was a monopoly. The Selectmen stated that there would be a public hearing held before the contract is finalized. Selectman Lindquist noted that she is learning that the senior discount is complicated.

Julia Forbes, 180 East Road- Mrs. Forbes thanked the assessing office for the current use report she received. She also received a copy of the new tax map and in reviewing it, found a discrepancy on her property. She brought the concern to Mrs. Hastings regarding the boundary in question, which is the eastern boundary with the Hampstead Hospital. She stated that in 1963 it shows the line angled and at 252 feet. Now it is a straight line and reads 225 feet. She stated that there was always a boundary cable visible there and she can't locate it now. She also stated her concerns about a portion of the stone wall being removed. She went on to state that when Hampstead Hospital had the addition built they filled in the boundary walls, but moving the boundary stone walls is illegal. Last year they asked her to be able to cut some trees along the boundary, and as a good neighbor she agreed. She had a list of questions for the Selectmen: name and address of map company, when the map was drawn, what document they use for drawing the maps, when the stonewalls were taken off the map, and where old tax maps are. She stated that they have made no changes to her property so she wants to also know the following, what is the town's obligation to property owners when lots are changed, what is town's view of tax maps (i.e. legal representation), how accurate are they and if they have an adverse position. Chairman Stewart stated that they will probably learn some of the answers together. He also asked if the Planning Board office was able to offer any remedy. Mrs. Forbes stated that they were going to give the survey to the mapping company. Selectman Lindquist stated that if anything has changed, it will be a civil matter. Mrs. Forbes recommended that everyone take a look at their parcels along the boundaries and check it for accuracy. She wanted this issue brought out as a public record.

Kelli Farrington- 5 Marilyn Park - Mrs. Farrington asked for an update on the beaver dam and the retention pond behind Wellington Drive and why the retention pond was not used.

Department Heads

Road Agent, Jon Worthen- Mr. Worthen stated that he met with Dennis Burke (of endtheflooding.com) and they looked at the blockages and the beaver dam at Johnson Pond. The beaver dam has been knocked down a foot or so and that the major blockage was off Route 111 by the mill. To do any more work will require a backhoe to lower it. The inlet down the road has logs across the end of it, but they will need to lower the water to see. Chairman Stewart said the water needs to be lowered to remove with one more rock. It is believed that the pressure by Sherry Lane. Grist Mill should be relieved. The

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water ran down there and the culverts were cleaned out. He believes part of the problem was that the water was so high in Johnson Pond because instead of going to Johnson Pond, it backed up into Sawmill Swamp and then flooded over into Sherry Lane/Marilyn Park. He believes with the changes they made, it will help. He stated that Mr. Burke was very compelling and that he believed it will be part of the solution. Selectman Hartung asked Mrs. Farrington about DES, he stated that the town did not want to step on any toes. Mrs. Farrington replied that she has been in contact with Brian, the Dam Supervisor, and that he is working on engineering specs. She stated that Johnson Pond and the mill are definitely inadequate. She suggested that they get the retention pond south of Johnson Pond back working the way it was 75 years ago. Mrs. Farrington stated that in going over her notes, it was noted that Marilyn Park had flooded only 4 times since 1976. To her it is irritating that it is flooded so much now. She asked why the town/FEMA didn't buy the house when it was on the market and to say that it has flooded for years is no solution. She emphasized that she wants to work with everyone, but it has been extremely frustrating. Chairman Stewart stated that we are doing what we can and for her to keep in touch with Mr. Worthen. Chairman Stewart is hoping that there should be some relief with these changes.

Police Department- Chief Beaudoin-Chief Beaudoin stated that the old cruiser is gone and it was sold for \$3,000. The Road Agent is putting up green fencing at the parking lot to keep the kids playing ball from getting into the parking lot.

Dr. Hart has given permission for the private vehicles of the police department employees to be parked at his office now that has closed the practice.

Chief Beaudoin reported that there have been issues with the portable radios mostly at night that could put the officers in jeopardy. Fremont and Danville just put repeaters in the cruisers which eliminates dead spots. He has a proposal from Two Way Communications for 4 duty units at a cost of \$9719.00. He stated that he believes they are the state contractor, but will check. He would like permission to use the detail fund to purchase the repeaters if necessary. He asked the Selectmen to think it over and to get back to him for the next meeting. He also noted that they may be looking at a different frequency down the road. Selectman Lindquist stated that it sounded like a great idea and to keep the board in touch.

New Business

LGC- Local Government Center, Tom LoPizzo, Member Relations Executive

Mr. LoPizzo stated that the LGC is trying to meet up with as many towns as they can this year and that this is his 16th town. He thanked the Board for letting him speak. He explained that they want to be able to update the Selectmen on what is available at the LGC as well as what is going on there. He explained the history of the LGC, formerly known as the NHMA (NH Municipal Association). LGC is a state municipal association which were created in 1941. There are currently 49 state associations/leagues. They are put together by local officials for legislative advocacy as well as to be able to get information relayed to towns and legal advice. Of the 234 towns 233 belong to the LGC and pay dues. The dues pay for the legislative advocacy, legal center, salary survey and the LGC phone directory of towns. Currently Hampstead pays \$6,500 for their annual dues. In addition, about 30 years ago, several leagues/associations were approached by towns that were stating that the insurance costs were an issue. This created the risk pools that were operated by the municipal members. The NH Association started about 25 years ago, operated by the LGC with a 31 member Board of Trustees. The Board of Trustees is comprised of 12 town members, 12 school members, 1 county member, 6 employees of schools and 6 employees of towns. They collect premiums and in exchange it is their fiduciary responsibility to handle claim coverage and exposures. They have accountants, actuaries and auditors on board. They have been successful over the years and do compete with private industries. He stated that it is better to call someone local in state when you have an insurance issue, than calling someone out of state. The health program has 360 members with \$350 million in premiums. There are 130 members in the unemployment compensation plan and 321 members in the property &

liability plan (with \$20 million in property). Most of the associations around the country do the same thing, and all of New England is the same. He stated that the books of the LGC as well as the finances and actuarial studies are available. He also emphasized that any of the Board of Trustees are accessible. In each program what each member pays is based on claims experience of municipalities in New Hampshire. Selectman Hartung asked if there was just one pool for towns. Mr. LoPizzo explained that the LGC operates pools, as does Primex and School Care (health insurance for teachers). The 3 companies compete against each other as well as against private companies. Chairman Stewart said that there are different stories he has heard. He stated that you can bring in the premium needed to cover a claim, or buy stop loss insurance. At the area selectmen meetings there have been discussions about getting towns together and go shopping as one risk pool. He heard we were not part of a giant pool and asked Mr. LoPizzo if that was correct. Mr. LoPizzo stated that the town is in a risk pool. There is one for towns with less than 100 employees and one for towns with more than 100 employees. All the towns with under 100 employees are grouped together and then by renewal date. He stated that a January renewal has 2500 employees. The pool for those over 100 are based partially on their experience and partially on the experience of the total pool. By spreading the risk helps maintain rates over a period of time. He stated that towns can band together to get an over 100 pool. Suncook Valley Association formed together some towns to buy things as a group such as paper and insurance. Instead of being 7 towns of 50 employees, they became one group of 100 employees. The rates depend on the experience of the group, it can't be determined if there will be a lower premium. As a pool of 7 towns, there could be 2 towns with bad years, which will affect the other 5. Once the group is formed, it is hard to stay together. If there is one bad year, one town might pull out and leave the others stuck. He emphasized that the short term doesn't work out. Premiums average out over time. Chairman Stewart asked Mr. LoPizzo, if a bunch of towns got together to shop for insurance, would that put towns in a bad light with the LGC. Mr. LoPizzo stated no- it is strictly voluntary for the programs. He went on to speak about the trust fund issue that has been in the news lately. He stated that there is a lot of misinformation out there and offered to answer any questions. He explained that there is a surplus in the insurance program and that it is because it is their fiduciary responsibility to pay any and all claims for the membership. The reserves are to pay the claims. The long term reserves are undesignated and are for unintended events. It is also for when claims exceed what the expected was. It is currently a \$69 million dollar surplus which is held on behalf of the members for a catastrophic loss. He used the recent pandemic threat as an example of potential unexpected claims. This could have been a huge issue. The threat was not in place when the rates were set. The \$69 million is an actuarial figure, set by actuaries based on a forecast and then equal to about 2 1/2 months worth of claims. He explained that the insurance regulatory stresses 20%-25%. He asked do you use the surplus and lower the rates, and then raise the following year when there is a bad experience rating? He gave Vermont as a recent example. Chairman Stewart stated that the State of NH is saying that \$37 million is enough for reserves, wasn't that okay for the LGC? He also asked if there was a stop loss insurance purchased. Mr. LoPizzo stated that for anything over \$1 million. He went on to explain a Risk Based Capital Model from the NAIC, which represents certain amounts of reserves. If LGC lowered their reserves too much, the NAIC might look at them as being near insolvent. The Selectmen were given this information in a folder for them to review. The Selectmen thanked Mr. LoPizzo for coming and speaking to them.

RFP- Tree Removal

There were three bids received for the removal of 9 trees,

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|------------------------------------|-------------|
| 1. Top Notch Tree -Thornton NH | \$ 8,250.00 |
| 2. Mayer Tree Service- Essex MA | \$10,400.00 |
| 3. Quality Tree Service-Newton, NH | \$12,800.00 |

Selectman Lindquist motioned to forward the bids to the Road Agent, Jon Worthen, for his review and recommendation. Selectman Hartung seconded the motion and the motion passed unanimously.

Old Business

Award Paving Bids- At a previous meeting the bids were open for paving. Mr. Worthen is recommending that the bid be awarded to the lowest bidder, Brox Industries.

Selectman Lindquist motioned to accept the recommendation of the Road Agent and award the proposal to Brox Industries at \$4.25 for tack, \$63.98 by machine, \$110 by handwork.

Selectman Hartung seconded the motion and the motion passed unanimously.

Liaison Report

Selectman Lindquist

Historic/Heritage Commission- The work on the Meeting House will be starting soon. There is some structural work that needs to be done. They are hoping that the back of the Meeting House will be painted by fall.

Solid Waste Committee- The Solid Waste Committee asked the Selectmen to waive the \$5 fee for additional recycling bins. They are working to encourage recycling and feel that waiving the fee will help encourage people to get more bins.

Selectman Lindquist motioned to waive the \$5 fee for additional bins effective May 11, 2010.

Selectman Hartung seconded the motion and the motion passed unanimously.

Selectman Hartung

Derry Regional Health Group- They recently had a meeting on April 28, 2010. They are looking to repackage public health in New Hampshire. Public health services and messages are being evaluated.

CART- There was a meeting of the Board of Directors on May 4, 2010 for a quarterly meeting. They discussed looking for a partnership to raise money from banks etc. Chairman Stewart asked about the ridership. Selectman Hartung stated that it is up and that funding for now is okay. He will email the report to the other members.

Hazmat District- The operations executive committee met on May 6th and is looking to level fund 2010-2011. The annual meeting to approve the budget will be held in June. There is talk that Atkinson might be pulling out of the district.

Chairman Stewart

Conservation- the Sanborn property is waiting on approval from the State of NH. They want a review of the wetland and open land.

The purchase and sales has been drawn up. Chairman Stewart made a motion that each member would review the P&S, and initial their agreement with it or state concerns. If all were ok the Board would go ahead and sign it.

Recreation Commission- The fencing at Depot Road is underway. This will allow the gate at the exit to be removed and people to have access to the far end parking to reach the playground easier. The fencing will prevent vehicles from getting onto the fields.

Library Trustees- They discussed performance reviews and step increases. The impact of a bad performance review has not been discussed in the pay plan. This loop needs to be closed.

Planning Board- the Master Plan was on the last agenda for discussion, but ended up being a 4 minute discussion. There is a public hearing scheduled for June 7th at 7:30 pm. Chairman Stewart suggested that the every citizen should pay attention. This document is important and if the Master Plan does not address something, it can be disregarded. There are subjects such as technology and education that are not mentioned in the plan. There are 4 or 5 subjects that are mandated, the rest are optional.

Administrative Assistant Report

Change out locks, get new keys and change companies.

Every several years the Town Offices has its locks changed and new keys are redistributed. For the most part the keys are returned when board members leave. However as time passes there will be instances when keys are not returned or the keys are lost. So, periodically the locks must be changed. Mrs. Theriault asked if it would be okay to go ahead and make these changes. She will check into the cost but for safety and privacy reasons this should be done. The Selectmen requested that the interior doors also be changed.

Activity report

As one of the goals for this year the BOS asked Mrs. Theriault to reactivate the activity log. She presented the form that was previously used. She crossed out the categories that don't seem necessary. She stated that she believed it started to become less effective because the log was always held for the end of the meeting to be reviewed and it would not always be discussed or updated. Selectman expected to see it in an excel format. He thought the cells could show the history of the steps and the next steps etc. This could be done via email. Selectman Lindquist felt that it was missing something. If is part of the agenda, it would make it to large. She would like to review it.

Household Hazardous Waste Grant

The Department of Environmental Services requests that a grant application be signed. Mrs. Theriault will have that paperwork available for the Chairman's signature. Hampstead will be hosting the fall Hazardous Waste Collection Day.

FEMA update

Next week Mrs. Theriault will be working with FEMA to finalize the requests for funds. This meeting had been rescheduled due to a conflict that FEMA had.

Paper Recycling Container

A request has come from an individual to place a paper recycling container along the property line between the St. Anne's Church and the Meeting House. The purpose is to recycle the paper as a fundraiser. Other churches in Town have this container on its property. The request was to have it placed near the Meeting House. The Selectmen agree that if St. Anne's was to move forward with the recycling, then they would not want it near the field. The primary concern was the parking spaces that would be lost.

Minutes

The public meeting minutes of April 12, 2010 and April 26, 2010 have been signed and are ready for approval. There are also non-public meeting minutes dated March 8, 2010 and April 6, 2010 that need to be reviewed and signed.

Selectman Lindquist motioned to accept the minutes of April 12, 2010, and April 26, 2010. Selectman Hartung seconded the motion and the motion passed unanimously.

Appointments

Deputy Chief- Jim Gilmartin, Jr. Term to 2011, Motion RH, Second PL- Motion passed
Board of Engineers- J. Gilmartin, Jr. Term to 2011, Motion RH, Second PL. Motion passed
Will Warnock, Term to 2011, Motion RH, Second PL. Motion passed
Board of Adjustment- Neil Emerson, Term to 2013, Motion PL, Second RH. Motion passed
Kristin Yassenka- Term to 2013 Motion PL, Second RD, Motion passed

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Conservation Commission- David Treat, Term to 2013, Motion RH, Second PL, Motion passed

Tim Lovell, Term to 2013, Motion RH, Second PL, Motion passed

Cable ATV- Nick Pangaro, Term to 2013, Motion PL, Second RH, Motion passed

Code of Ethics- Ellen Edwards, Term to 2011, Motion RH, Second PL. Motion passed

Rick Little, Term to 2012, Motion RH, Second PL, Motion passed

Nick Maselli, Term to 2013, Motion RH, Second PL, Motion passed

Historic/Heritage Commission- Carolyn Rockwell, Term to 2013, Motion PL, Second RH, Motion passed

Robert Morris, Term to 2013, Motion PL, Second RH, Motion passed

Patriotic Purposes- Howie Steadman, Term to 2013, Motion RH, Second PL, Motion passed

Alternate- John Skidmore, Term to 2013, Motion RH, Second PL, Motion passed

Planning Board- Liaison – Priscilla Lindquist, Term to expire with her term. Motion RH, Second JS motion passed with Selectman Lindquist abstaining.

Recreation Commission- Kim Colbert, Term to expire 2012, Motion JS, Second RH, Motion passed

Brian Goode, Term to expire 2012, Motion JS, Second PL, Motion passed

As a full member- Jim Whitehouse, Term to expire 2013, Motion JS, Second PL, Motion passed

Senior Committee-Cleta Barry, Term to expire 2013, Motion JS, Second PL. Motion passed

Solid Waste Committee- Pat Bracken, Term to expire 2013, Motion PL, Second RH, Motion passed

Street Light Committee- John Gill, Term to expire 2013, Motion PL. Second RH, Motion passed.

The Selectmen thanked people for volunteering their time and noted that there are still openings.

- Call for candidates :
 - Ordway Park, full members and alternates
 - Cable Committee volunteers
 - ZBA, alternate (1)
 - Solid Waste and Recycling Committee
 - Capital Improvements
- Action Items
 - Disposition of Municipal Records - PL
 - Meetinghouse exterior – PL
 - Shoreland Protection Act – KE

Correspondence

Email from Mr. Londrigan. Mr. Londrigan explained that he is a graduate student at UNH and is has to do an independent study, which is a planning/optimization project. He would like to do it on a "Snow Removal Strategy" and wanted to know if they would give permission for him to work with Mr. Worthen. The Selectmen thought this would be a good idea and Chairman Stewart will speak to Mr. Worthen about this. He will ask for Mr. Worthen to respond to the e-mail, and copy the selectmen on it.

Visitors Comment

There were none present.

Future Agenda Item

Energy Committee

Hampstead Senior Committee

Town Administrator

Non-public RSA 91A:3 II (c) reputation

Selectman Lindquist moved to go into nonpublic under RSA 91-A: 3 II (c) reputations at 9:13 pm. Selectman Hartung seconded the motion. A roll call vote was taken. Selectman Lindquist: yes, Selectman Hartung: yes, Chairman Stewart: yes.

Present: Chief Beaudoin, Kris Emerson, Mr. Hollins.

A resident of Blueberry Circle asked to speak to the Selectmen regarding issues he has around his property. Chief Beaudoin and Mr. Emerson were asked to stay to provide answers as needed. The Board listed to the concerns but agree that the only resolution is for the resident to contact the association that governs the property. The other option would be for him to seek legal counsel whereas it was a civil matter.

Selectman Hartung motioned to come out of non public at 10:02 pm. Selectman Lindquist seconded the motion. . A roll call vote was taken. Selectman Lindquist: yes, Selectman Hartung: yes, Chairman Stewart: yes.

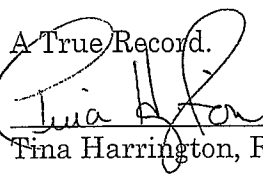
The Selectmen discussed whether or not to eliminate the visitor's comments from the agenda at the next meeting. *Selectman Lindquist moved to go into nonpublic under RSA 91-A: 3 II (a) employee matters at 10:24 pm. Selectman Hartung seconded the motion. A roll call vote was taken. Selectman Lindquist: yes, Selectman Hartung: yes, Chairman Stewart: yes.*

The Selectmen discussed the process as to how they are to receive confidential mail and important correspondence.

Selectman Lindquist motioned to come out of non public at 10:24 pm. Selectman Hartung seconded the motion. . A roll call vote was taken. Selectman Lindquist: yes, Selectman Hartung: yes, Chairman Stewart: yes

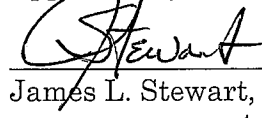
Selectman Lindquist made a motion to adjourn at 10:24 p.m. Selectman Hartung seconded the motion. The motion passed unanimously.

A True Record.



Tina Harrington, Recording Secretary

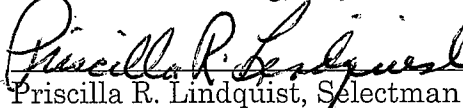
Approved By:



James L. Stewart, Chairman



Richard H. Hartung, Selectman



Priscilla R. Lindquist, Selectman