

**BOARD OF SELECTMEN
MEETING MINUTES
August 8, 2016**

PRESENT: SEAN P. MURPHY, CHAIRMAN: CHAD R. BENNETT, PRISCILLA R. LINDQUIST, SELECTMAN: SALLY THERIAULT, ADMINISTRATIVE ASSISTANT TO BOARD OF SELECTMEN

Visitors: J. Worthen, E. Pitman, K. Colbert. C. Parnell, D. Howard, N. Gallo and P. Williams (Tri Towne News).

Public Announcements

- DES has sent out a public notice asking for people to beware of the drought conditions and limit outside watering.
- Kent Farm Transfer Station will be open on Saturday, August 13, 2016.
- Compost bins are available at the Town Offices. The cost for each bin is \$50 each.
- Waste Oil, car batteries and thermostats are collected at the Town Garage on the first and third Saturdays of the month, 8 am to 1 pm. Books may be dropped off anytime.

Visitors Comment

N. Gallo-Timberlane Road

Mrs. Gallo offered a thank you to the Board of Selectmen for allowing things to happen in town. She offered up a thank you to Jon Worthen and the road crews along with the contractors that worked on Emerson Avenue and the police department. She noted that with the work done on Emerson, they made a tough situation easier by co-operation and collaborating with each other. She then went to thank the Recreation Committee for their summer program, the library and their employees and programs, school summer programs and the group that held the 4th of July festivities. She also thanked the Cable Committee for the work they put into holding the summer concert series which has had capacity crowds and great weather. She stated that this community has made her appreciate living in town.

7:05 PM Public Hearing – Discretionary Easement- Pitman Farm Map 17 Lot 165, 182 Central Street

Chairman Murphy read the public notice regarding Discretionary Barn Easements, RSA 79-B. The parcel at 182 Central Street is known as Pitman Farm and has a current barn easement on it. The easement is good for 10 years and the current one is at 25% of the assessed value of the barn, or about \$8,500 reduction.

Mr. Pitman spoke and asked that the Selectmen grant the easement again and stated that he has done work on the barn to keep it in good shape. He also stated that in 1950 the barn was used for the dairy farm which was active until 1965. At the time they stopped, they were the last dairy farmers in town. Mr. Pitman did ask if he could find out what the amount was whereas it doesn't show on his tax bill. Mrs. Theriault will look into it and get back to Mr. Pitman.

Selectman Lindquist motioned to continue the exemption of 25% for Mr. Pitman of 182 Central Street, Map 17, Lot 165. Selectman Murphy seconded the motion. The motion passed unanimously (3-0)

Department Heads

Recreation Commission- Kim Colbert, Member

Mrs. Colbert stated that there have been a lot of insurance questions since the "Bouncy House" issue. She said that there needs to be a policy or procedure from the Board of Selectmen for the Recreation Commission to follow. There are some sample waivers that Mrs. Colbert received from Mrs. Theriault. She went on to explain that some of the groups

that use the gym have no insurance coverage and would need to sign a waiver to relieve the town from liability of the individual's participation. Mrs. Theriault reported that when the office took over the scheduling for the Meeting House, this came up as an issue and was addressed at a meeting of the Selectmen. At that time it was agreed that if an entity using the town property was not charging a fee or making a profit, they would be covered under the liability insurance of the town. If they were making money off the use of the property, they would be required to provide an insurance binder. She gave the example of a baby shower being held at the meeting house. This would be covered under the umbrella of the town. A sports camp at Depot Road, held by an outside organization is more likely a business and subject to providing a certificate of insurance.

There was also the question of a group that was doing a fundraiser for a purpose and how that would be handled. Mrs. Colbert said that over the weekend there was a fundraiser for the wounded vets and the person putting it on had to jump through hoops to get insurance and eventually had to get a homeowners' rider that cost \$300. Mrs. Theriault stated that a nonprofit agency should have a 503c and usually have their own insurance. Mrs. Colbert noted that there are some groups at the gym that are just small groups of people playing the same sport such as Men's Basketball or Volleyball. They don't make money and need to provide proof of the 50% rule. There was a comment about if they don't meet the 50% rule, then insurance should be provided by the group, if over the 50% rule, they would just need to sign the waivers.

Chairman Murphy said that he was okay with the process in place and the waiver. A Basketball group will need to sign a waiver, but a wedding ceremony would not because there is no inherent danger in the function. The use of the property for an athletic event increases the probability of getting hurt. It was also noted that there will be some situations that won't fit into a mold and may need to be looked at separately. The Selectmen asked that the waiver be written so that it could be used by any of the facilities. Town Counsel will need to review it and then forward it to Mrs. Colbert for the Recreation Commissions' review and then onto the town website. Insurance will be required if you are making a profit and if you don't meet the 50% rule for a group. If it is a sport without a 503c, then the waiver will need to be completed by the participant. The insurance certificate should say that the Town of Hampstead is an additional insured. Mrs. Colbert asked who should hold the certificates of insurance or the waivers signed by the participant. It was agreed that the waivers will be held in the Selectmen's office.

New Business

Roadside Mowing recommendation and Tree Trimming recommendations-Jon Worthen

Mr. Worthen stated that whereas there was only one proposal received for each RFP, he recommends that the jobs be awarded to Ne San of Hampstead. They were the only bidder for each job.

Chairman Murphy motioned to accept the recommendation of the Road Agent and award the Roadside Mowing proposal to Ne San and the Tree Trimming proposal to Ne San. Selectman Lindquist seconded the motion. Selectman Bennett asked what the estimated cost would be. Mr. Worthen responded that the cost is by the hour and it will take roughly two weeks for each job. **The motion passed with all voting in favor (3-0).**

Old Business

LED Street Lighting- Mr. Worthen asked for this to be on hold until the next meeting.

Liaison Reports

Selectman Lindquist- No updates

Selectman Bennett- Meet with Ordway Park and went over some issues.

Chairman Murphy- No updates

AA Report:

AA Job Description

Review of job description for MS4 Stormwater reporting. At the last meeting of the Board there was some discussion about who should have Stormwater Management responsibilities in their job description. Currently no one does and Mrs. Theriault stated that if the Town could be fined for not filing the form, then it should be in someone's job description to be responsible for. Selectman Lindquist stated that according to the job description (last updated 2010) it states that the AA to the BOS is responsible to "prepare reports for, and/or meets with, in support of the BOS, outside agencies at the Federal, State and Local level" etc.

Mrs. Theriault pointed out the JLMC is listed separately and with the involvement of the MS-4, it should be listed separately. Chairman Murphy asked that the discussion be tabled to the next meeting so that they all have time to review the job description. He asked that she email the Selectmen the MS-4 requirements and how much time is put into it and an associated cost. Mrs. Theriault noted that she would gather what she could, but when the new permit does come up (3-6 months maybe) the information about time put in and potential costs, changes and it is unknown what it will take.

Stormwater worksession with Rockingham Planning Commission

Julie LaBranch from RPC has agreed to give a presentation on stormwater management. All departments (Road Agent, Building Department and Planning Board members) will be encouraged to attend. The presentation has been scheduled for the second meeting in September.

Town-wide yard sale

Mailers have gone out with instructions as to how someone can participate in the event. It is being coordinated by Community Caregivers and they will be the recipients of any fund raising involved.

Minutes

The Selectmen have signed off on the minute for July 11th and July 25th.

Selectman Lindquist motioned to approve the signed minutes of July 11, 2016 and July 25, 2016. Selectman Bennett seconded the motion. The motion passed unanimously. (3-0)

Activity Log

Ms. Theriault reviewed the activity log, no changes were made.

Re- Appointments/Appointments

Call for candidates:

- o Ordway Park, full members and alternates – monthly meeting
- o Recycling and Waste Disposal Committee – monthly meeting
- o Recreation Commission, alternate member – monthly meetings
- o Trustees of the Trust Funds, alternate members – meetings as needed
- o Town Administrator Committee – meetings as needed
- o Zoning Board of Adjustment, alternate member – monthly meeting

As noted at the previous meeting, there are 4 people interested in being on the Town Administrator Committee. They are Joe Guthrie, Joe Tabbi, Neil Lynch and Jorge Mesa-Tejada. Chairman Murphy noted that he would also like to see department heads participate in that committee as members or attendees. It was noted that the survey for the employees would be going out next payroll so results should be in by the time the committee would meet. They agreed to appoint the 4 interested residents along with any interested Department Heads.

Selectman Lindquist motioned to appoint Neil Lynch, Joe Tabbi, Joe Guthrie and Jorge Mesa-Tejada to the Town Administrator Committee and it was seconded by Chairman Murphy. The motion passed unanimously (3-0). Mrs. Harrington asked if the Selectmen would be giving the committee direction at the first meeting. Chairman Murphy said that he would give his thoughts to the other two so that they could bring forward some direction and he would stay out of the process where as he was interested in the position. Mrs. Harrington stated that she would contact the committee and department heads and see who wants to serve and to let them know they are welcome to join and/or participate.

Correspondence

2015 MS-535 (Annual Financial Report of the Town)

The 2015 report is complete and needs to be signed by the Board of Selectmen. They were emailed a copy of the report last week to have time to review.

Selectman Lindquist motioned to accept the 2015 MS-535 as presented. Selectman Bennett seconded the motion. The motion passed unanimously (3-0).

Visitors Comments

There were none

Selectman Bennett motioned to go into nonpublic session under RSA 91 A: 3 II (c) reputation at 7:50 pm. Selectman Lindquist seconded the motion.

Roll call vote: Selectman Lindquist, yes; Selectman Bennett, yes; Selectman Murphy, yes.

The resident of 325 West Road (map 5 lot 15) was present to meet with the Selectmen regarding her tax bill account. The report from the Town Clerk/Tax Collector stated the resident has been paying down on the balance every month and left a report with the Selectmen. The Selectmen agreed to waive the interest for 2014 in the amount of \$1,314.28.

Selectman Lindquist motioned to waive the interest for 2014 in the amount of \$1,314.28 for map 5 lot 15. Chairman Murphy seconded the motion. The motion passed unanimously (3-0).

The resident was told to come back in 2017 and check on the 2015 interest balance.

Selectman Lindquist motioned to come out of nonpublic session under RSA 91 A: 3 II (c) reputation at 7:55 pm. Selectman Bennett seconded the motion.

Roll Call vote: Selectman Lindquist, yes; Selectman Bennett, yes; Selectman Murphy, yes:

Selectman Lindquist motioned to go into nonpublic session under RSA 91 A: 3 II (e) employee matters at 7:55 pm. Selectman Bennett seconded the motion.

Roll call vote: Selectman Lindquist, yes; Selectman Bennett, yes; Selectman Murphy, yes.

The purpose of the nonpublic is that Selectman Bennett had some concerns regarding the recent work done on Emerson Avenue. He presented the other members with his concerns and explained why they were a concern to him. His primary concerns were with the contractor that did the paving and the oversight by the Road Agent. The other two Selectmen stated that they had no complaints from people regarding the work. Selectman Bennett said that he had calls from people familiar with the industry that had similar concerns as he did. After outlining his concerns with the Selectmen, Jon Worthen was asked to come in and address the concerns. the sloping of the driveways and the hand work that should have been done instead of the larger machine, using one company in the future, the subcontracting of the work by the hired contractor, the sections that were torn up and repaved, the road looks wider, the sub contract crew was inexperienced. He noted that the times he drove by he didn't see Mr. Worthen at the scene and said he should be there the whole time to oversee the work and also questioned why the project wasn't reviewed or checked by the Engineer.

Selectman Bennett discussed his concern with the various drops of almost 2 feet near the road to Steeple Chase. He asked if it was compacted to 95% near the edge. Mr. Worthen responded that it was compacted to 12 ½ to 13 feet wide. Selectman Bennett asked why there was a 2 foot drop near the shoulder and why it was graded when the center line was. He also stated that he feels the road is wider than it was. Mr. Worthen responded that he measured 4 or 5 spots and it was around 24-25 feet wide and it was put back at 25. He stated that he will look into the area near Steeple Chase. Selectman Bennett asked if the contractor for the paving would offer a guarantee on the edges until next year when the top (final) coat is done. Selectman Bennett stated that there were issues with the edges and that it wasn't the best compaction. He stated that he had no issue with the contractor that did the grading. He also noted this was one of the reasons why he felt that one company should be given the job for both parts of the road work. Mr. Worthen stated that he had a meeting on Tuesday with the paving contractor and would ask. Mr. Worthen also stated that the paving crew was a subcontractor from the one awarded the bid. He would have preferred the bidding company do the work, but when the date was set they had no crew available. He felt he needed to stay with that schedule and allowed them to contract it to another company. Mr. Worthen had done business with this company at least once before and they had done a good job. Selectman Bennett asked Mr. Worthen if he felt they were staffed correctly for a job the size of Emerson Avenue. Mr. Worthen responded that they could have used a few more people but that they did a good job overall. He will not have them do the finish work and normally doesn't allow the contractor to sub out that work. Selectman Bennett suggested that in the future RFP's it is noted no subcontracting. Selectman Bennett stated that the two times he drove by he only saw one roller but Mr. Worthen stated that there were always 2 working.

Selectman Bennett questioned the areas that were paved and then cut up/torn up and repaved. Mr. Worthen explained that there were a couple of areas that upon review the next day needed more work. It was noted that the contractor used about 4075 tons for the job, which works out to about the correct amount needed for the length of Emerson Avenue (about 10300-10400 feet). It was noted that the RFP only called for an estimated 2500 tons. Mr. Worthen explained that he uses the same RFP every year and should be more specific for roads such as Emerson.

Selectman Bennett asked about having the road cored. He asked that Mr. Worthen talk with the contractor about doing it as part of their work. Mr. Worthen said that it wasn't asked for in the RFP but he would talk with them about it. Mr. Worthen was asked what needs to be done to complete the job. His response was Culvert work near Randall Lane, relook at some of the driveways with slopes where a finer gravel is needed and it was hard to feather, pave a couple of swales, fix a couple of rough seams, and gravel the shoulder areas.

Selectman Bennett and Mr. Worthen talked about materials that were hauled and whether or not some should have been used at the top of the street closer to the Route 111 side. Mr. Worthen left at 8:38 pm.

Selectman Bennett stated that he thinks the job was rushed and that to make all the fixes will now extend the job another week or two and if it had been done correctly, would have taken that long to start. He also suggested that next time a project of this size have a Geo Technical guy on scene that will do the testing as the job goes along and will certify that it was done correctly and to the specifications required. If it doesn't meet the requirements as it goes along, the work stops there until it is corrected. He suggested that future RFP's state that no subbing the work unless approved. He reported that the road is rough because the crew that did the job were not experienced to work on a road this size. Selectman Bennett emphasized that he wasn't blaming the Road Agent, but there were faults all around.

Selectmen's Meeting Minutes

August 8, 2016

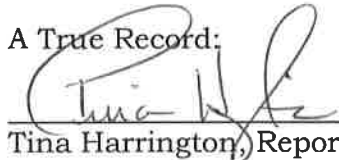
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Selectman Lindquist motioned to come out of nonpublic session under RSA 91 A: 3 II (a) employee matters at 8:46 pm. Selectman Bennett seconded the motion.

Roll Call vote: Selectman Lindquist, yes; Selectman Bennett, yes; Selectman Murphy, yes:

Selectman Lindquist motioned to adjourn at 8:46 pm. Selectman Bennett seconded the motion. The motion passed unanimously.

A True Record:



Tina Harrington, Reporting Secretary

Approved By:



Sean P. Murphy, Chairman



Priscilla R. Lindquist, Selectman



Chad R. Bennett, Selectman