BOARD OF SELECTMEN

MEETING MINUTES

March 27, 2017

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

## **Visitors:** N. O’Donnell, S. Harms, Chief Beaudoin

## **Public Announcements**

* Tuesday, March 28th – Town Vote – Hampstead Middle School from 8am-8pm.
* 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**

There were none

**Department Heads**

There were none

**New Business**

*Recreation- Nicki O’Donnell, Chairman of the Recreation Commission* was present to give the recommendation for mowing and fertilization. She explained the process that they use in reviewing the proposals. She stated that they are given the proposals with the name folded over and are looking only at the dollar values which she called a blind look. She stated that Auger Property Management is the low bidder for the mowing and they voted at their meeting to award the contract to Auger Property Management for three years. She also explained that there was a small difference between two of the fertilization proposals so they actually looked at the name of the two companies. Whereas the difference was about $3 per year, they voted to recommend keeping the same company, Greener Days for a new three year contract.

**Selectman Lindquist motioned to accept the recommendation of the Recreation Commission and award the mowing proposal to Auger Property Maintenance for three years and to Greener Days, LLC for the Fertilization for three years. Selectman Bennett seconded the motion. The motion passed unanimously 3-0.**

*Memorial Gym lighting retrofit contract-* N. O’Donnell reported that Kim Colbert had been in touch with Eversource regarding wiring at the gym. Eversource stated that they don’t foresee any wiring issues but offered to split the cost with the Town of Hampstead it they come across any. Chairman Murphy had asked that this be looked into at the previous meeting.

**Selectman Lindquist motioned to enter into a contract to retrofit the Town Gym with Eversource for $9,182.25, of which half of that will be covered by a grant from Eversource. Selectman Bennett seconded the motion. The motion passed unanimously 3-0.** Chairman Murphy signed the agreement.

*7:15 Public Hearing – Pole Licensing – Joe Lessard, MRI*

“The Hampstead Board of Selectmen will hold a public hearing in accordance with RSA 231:163 to consider amending all previously issued and outstanding pole licenses and all future pole licenses to include the taxation provisions of RSA 72:23, I (b). The hearing is being held to determine if it is in the public good to amend the pole licenses to add the taxation language of RSA 72:23, I (b).

Mr. Lessard, of MRI (Municipal Resources) our contracted Assessing firm, submitted a petition to the Board of Selectmen.

It stated that in accordance with RSA 231:163, the undersigned, being a person whose rights and/or interests is affected by all existing and outstanding pole licenses, issued by the Board of Selectmen of the Town of Hampstead, or its predecessors in office, under the provisions of RSA 231:161, hereby petitions the Hampstead Board of Selectmen, acting pursuant to authority conferred upon the Board of Selectmen under the provisions of RSA 231:161 through RSA 231:163, to adopt the following changes to all previously issued and outstanding pole licenses, and all future pole licenses:

*In accordance with the requirements of RSA 72:23, I (b), this license is granted to licensee(s) subject to the condition that the licensee(s) and any other entity using or occupying property of the State, the Town School District or Village District(s) within the Town of Hampstead pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed real and personal property taxes no later than the due date. Failure of the licensee(s) to pay duly assessed personal and real property taxes when due shall be cause to terminate this license by the Town of Hampstead.*

*In accordance with the requirements of RSA 72:23, I(b), the licensee(s) hereunder and any other entity using or occupying the property of the State, the Town, School District, or Village District(s) within the Town of Hampstead, pursuant to this license shall be responsible for the payment of , and shall pay, both current and potential real and personal property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I(b), the licensee(s) and any other entity using and/or occupying property of the State, the Town, School District or Village District(s) within the Town of Hampstead pursuant to this license shall be obligate to pay real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying the property of the State, the Town, School District, or any Village District(s) within the Town of Hampstead pursuant to this license.*

Mr. Lessard stated that the process of approving pole licenses doesn’t change but there needs to be wording added that allows the Towns to tax the poles. He also added that there needed to be a pubic good noted and that is the ability to place taxes on the poles as allowed by State Law. Selectman Lindquist asked Mr. Lessard if we have always taxed the poles. He responded that in 2011 the law changed and they became taxable. That is when Hampstead started taxing them. During the court proceedings on the values of the poles it was determined that the amendment that adds the wording is important. Selectman Lindquist asked if we need to tax them. Mr. Lessard responded that the State Statute allows you to tax them and tells you how to do it.

S. Theriault stated that there is a letter from Eversource that they would like read into the minutes as part of the record.

*“Dear Board of Selectmen,*

*The undersigned is legal counsel to Public Service Company of New Hampshire, d/b/a Eversource Energy (“Eversource”. Eversource has received your notice of a public hearing at which the Town of Hampstead will take up the matter of a petition for the universal amendment of existing pole and conduit licenses in the Town, to require the payment of properly assessed property taxes.*

*This is to advise that, to the extent the proposed amendments seek to make language changes to the pole licenses of Eversource consistent with RSA 72:23, and the rulings of the New Hampshire Supreme Court in N.E. Tel. & Tel. Co. v. City of Rochester, 144 N.H. 118 (1999) and Verizon New England v. City of Rochester, 151 N.H. 263 (2004), Eversource does not intend to raise a legal objection to the amendments. However, this should not be construed as a waiver of Eversource’s rights to protest, seek an abatement of, or otherwise legally challenge as excessive or disproportionate the assessment by the Town of Hampstead of any incremental property tax upon Eversource’s use or occupancy of the public right of ways in Hampstead, and Eversource fully reserves all such rights.*

*As Eversource is unable to send a representative to your hearing, Eversource respectfully requests that this letter be included in and made a part of the record of the minutes of the hearing of this matter on March 27, 2017. Thank You Signed by Christopher J. Allwarden, Senior Counsel, Legal Department.”*

S. Theriault stated that all the utilities were notified by certified mail. She also noted that the certified receipt for Unitil did not come back so she isn’t sure if they received it or not.

Chairman Murphy read the Resolution into the record:

Resolution- *The undersigned Hampstead Board of Selectmen, acting pursuant to authority conferred upon the Board under the provisions of RSA 231:161 through RSA 231:163 has found it in the public good to amend all previously issued and outstanding pole licenses, and all future pole licenses in the Town of Hampstead to add the following language:*

*In accordance with the requirements of RSA 72:23, I (b), this license is granted to licensee(s) subject to the condition that the licensee(s) and any other entity now using or occupying property of the State, the Town, School District or Village District(s) within the Town of Hampstead pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed real and personal property taxes no later than the due date. Failure of the licensee(s) to pay duly assessed personal and real property taxes when due shall be cause to terminate this license by the Town of Hampstead.*

*In accordance with the requirements of RSA 72:23, I (b), the licensee(s) hereunder and any other entity using or occupying the property of the State, the Town, School District, or Village District(s) within the Town of Hampstead, pursuant to this license shall be responsible for the payment of and shall pay, both current and potential real and personal property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I(b), the licensee(s) and any other entity using and/or occupying property of the State, the Town, School District or Village District(s) within the Town of Hampstead pursuant to this license shall be obligated to pay real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying the property of the State, the Town, School District, or any Village District(s) within the Town of Hampstead pursuant to this license.*

*The changes in the license set forth in the preceding two paragraphs shall take effect on March 27th, 2017, and shall remain in effect until changed in accordance with the requirements of RSA 231:163.*

*Adopted following a public hearing on this 27th day of March, 2017.*

**Selectman Lindquist moved to adopt the resolution as read and to sign it. Selectman Bennett seconded the motion. The motion passed unanimously 3-0.**

Public hearing was closed at 7:33 p.m.

**Old Business**

*There was none*

**Liaison Reports**

Selectman Lindquist reported that she recently attended a play at the Middle School and it was excellent.

Selectman Bennett reported that he recently attended the Egyptian Museum and noted that the kids worked really hard. He also noted that the Planning Board is currently accepting applications for the open secretary position until April 1st.

Chairman Murphy had no updates.

**AA Report:**

**Help Wanted Ad**

A help wanted ad has been placed for the position of part-time Planning Board Secretary with a response date of April 1st. Another ad has been placed for a part-time laborer for the Highway Department.

**Personnel Policy Updates**

This past year a couple of updates have been made to the Personnel Policy. In order that employees

“sign-off” on their understanding of the changes, Mrs. Theriault stated that she thought it would be best to send out another complete personnel policy. In the back of the policy is an “Acknowledgement of Receipt of Understanding” that each employee is to complete. She has also made changes to the Table of Contents as needed. Mrs. Theriault stated that there is a history of changes to the personnel policy in the back of the book as well.

State of NH Surplus Distribution - There is an annual form that needs to be completed and signed by people authorized to purchase from the State of NH surplus. The Selectmen need to sign and Chief Beaudoin asked that Sergeant Kelley be the person from the Police Department. S. Harms stated that he would do it in conjunction with J. Worthen.

2017 Budget- A budget was put into the meeting folders. The 2017 Winter Contract Labor budget is currently overspent by $24,000.

**Activity Log**

The activity log was reviewed with no changes.

**Re- Appointments/Appointments**

The following appointments were made.

**Selectman Lindquist motioned to appoint Henry Riehl to the Board of Adjustment as an alternate with a term to expire in 2020 and the appoint Alan Davis to the Rockingham Planning Commission with a term to expire in 2021. Selectman Bennett seconded the motion. The motion passed unanimously 3-0.**

The Library Trustees submitted a request to have Charlene Flaherty, Robert O’Brien and Steve Hunt appointed as alternate Library Trustees.

**Selectman Lindquist motioned to appoint Charlene Flaherty, Robert O’Brien and Steve Hunt as Alternate Library Trustees for a one year term. Selectman Bennett seconded the motion. The motion passed unanimously 3-0.**

The following are reappointments:

**Selectman Murphy motioned to appoint Priscilla Lindquist to the Historic/Heritage Commission for a term to expire in 2020. Selectman Bennett seconded the motion. The motion passed unanimously 3-0.**

**Selectman Lindquist motioned to reappoint Kim Colbert to the Recreation Commission and Robert Nugent to the Recycling and Waste Disposal Committee with terms to expire in 2018. Selectman Bennett seconded the motion. The motion passed unanimously 3-0.**

**Selectman Lindquist motioned to reappoint Geoffrey Dowd; BOA, Donald Reese; BOA Alternate, Natalie Gallo; Cable, Ellen Edwards; Ethics Commission, Paul Carideo; Conservation Commission, Neil Reardon; Conservation Commission Alternate, Kathleen Costa; Family Mediation, Walter Hastings and Maurice Randall to the Historic/Heritage Commission, and Ellen Cabral to the Recycling and Waste Disposal Committee all with a term to expire in 2020. Selectman Bennett seconded the motion. The motion passed unanimously 3-0.**

Call for candidates:

* + Ordway Park, full members and alternates – monthly meeting
  + Recreation Commission, alternate member – monthly meetings
  + Trustees of the Trust Funds, alternate members – meetings as needed
  + Zoning Board of Adjustment, alternate member – monthly meeting
  + Budget Committee, full members – monthly meeting during budget season
  + Ethics Commission – two vacancies – meetings as needed
  + Library Trustees- alternate member – monthly meetings

**Correspondence**

There was none

**Visitors Comments**

There was none.

The 2017 Summer Paving proposal was sent to the Selectmen to look over. The current proposal is expected to go out with a return date of April 24th. If the Selectmen had any changes they needed to do it this evening. It was agreed to not send it out yet. There are some changes the Selectmen would like to see and noted that some of the concerns from last year were added to the current proposal. One item is the adding of a performance bond and the Town hiring Geotechnical firm to be on site during the paving. There was discussion about adding in the bonding if that would limit responses. Selectman Bennett stated that it was a standard practice and all the big name companies are bondable. The value of the bond would be based on a percentage of the cost of the tonnage or around $300,000-$350,000.

Selectman Bennett would like to do some more research on proposals sent out by other communities and should be able to give an idea by the end of the week.

The Selectmen reminded the public that the rescheduled voting day is tomorrow, Tuesday, March 28th from 8 am to 8 pm at the Middle School. Results will be aired live on Channel 6.

**Selectman Lindquist motioned to adjourn at 7:55 pm. Selectman Bennett seconded the motion. The motion passed unanimously.**

A True Record: Approved By:

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Tina Harrington, Reporting Secretary Sean P. Murphy, Chairman

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