

Office of Select Board

330 Main Street, Hopkinton NH 03229-2627 - (603) 746-3170 - www.hopkinton-nh.gov

SELECT BOARD PUBLIC MEETING MINUTES Monday, August 16, 2021 Approved August 30, 2021

CALL TO ORDER

Chair Sabrina Dunlap called this regular meeting of the Select Board to order at 5:30 p.m. on Monday, August 16, 2021, being held in-person at the Town Hall. Chair Dunlap introduced the members of the Board.

Select Board

Members Present: Sabrina Dunlap, Ken Traum, Anna Wells, Steven Whitley, in-person, and

Jeffrey S. Donohoe, by phone.

Staff Present: Neal Cass, Town Administrator, Carol Harless, Town Clerk/Tax Collector

and Robin Buchanan, Administrative Assessing Assistant.

Public Present: Sheryl Jones, Denis and Mary Goddard, Norm Goupil in person and Lee Ann

Vance by phone.

Chair Dunlap made a motion to allow Jeffrey Donohoe to join the meeting by phone. Mr. Traum seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap Yes
Ken Traum Yes
Anna Wells Yes
Steven Whitley Yes

Motion passed 4-0

POINTS OF PRIDE:

Mr. Cass noted that while he was attending Marilyn's Retirement party, a woman came up to him and said she lives on Pine Street and wanted to let him know how friendly and accommodating the Public Works Department was when she passed them day after day.

Mr. Cass also gave a huge shout out to the Recreation Committee and to Louise Carr and Mark Newton, who prepared the food for Marilyn's reception. Chair Dunlap agreed and thanked Mr. Cass and everyone else who helped put on the reception. Chair Dunlap also thanked Marilyn Bresaw, Human Services Director, for all her years of service. Mr. Traum also thanked Mrs. Bresaw for her service. Chair Dunlap also wanted to thank Fire Chief Jeff Yale for the recent tour of the Fire Station with the Select Board.

ADMINISTRATIVE:

The Board reviewed documents for signature, and approved (5-0) the consent Agenda, taking the following action on a motion made by Mr. Traum and seconded by Mr. Whitley.

Town of Hopkinton		
Consent Agenda		
16-Aug-2	1	
PAYROLL MANIFEST		
cks: 34155-34160= \$3,001.02 Direct Deposit: \$86,280.19	\$89,281.21	
ACCOUNT PAYABLE		
cks 66702-66736	\$55,700.77	
PERSONNEL ACTION FORMS		
PROPERTY TAX CREDIT/EXEMPTIONS		
Elderly Exemption Map 223-058-000		
INTENT TO CUT		
879 Maple Street LLC Map 228, 023, 024, 025		
Brian Rice Map 233-012-000		
Yield Tax		
Northeast Investments Map 221-075 &-071-001	\$ 1,317.94	
Granite Roots Construction 221-075-001	\$ 657.19	
ABATEMENTS		
APPOINTMENT PAPERS		
Pamela Manus Humand Services Advisory Committee		
CURRENT USE	1	
Pine One LLC 221-050-000	\$ 6,530.00	
Northeast Investments 221-075-002	\$ 5,820.00	
Northeast Investments 221-075-000	\$ 5,750.00	
Granite Roots Construction 221-075-001	\$ 6,060.00	
Pine One LLC 221-050-001	\$ 6,300.00	
RIGHT TO BURY		

ROLL CALL VOTE:

Sabrina Dunlap Yes
Ken Traum Yes
Anna Wells Yes
Jeffrey S. Donohoe Yes
Steven Whitley Yes

Motion passed: 5-0.

The Board reviewed the Public Meeting Minutes of Monday, August 2, 2021. Mr. Traum made a motion, seconded by Mrs. Wells to approve the Public Meeting Minutes of August 2, 2021.

ROLL CALL VOTE:

Sabrina Dunlap Abstaining

Ken Traum Yes Anna Wells Yes Jeffrey S. Donohoe Yes

Steven Whitley Abstaining

Motion passed: 3-0-2.

The Board reviewed the Public Meeting Minutes of Tuesday, August 10, 2021. Mr. Traum made a motion, seconded by Mrs. Wells to approve the Public Meeting Minutes of August 10, 2021.

ROLL CALL VOTE:

Sabrina Dunlap Yes
Ken Traum Yes
Anna Wells Yes
Jeffrey S. Donohoe Yes
Steven Whitley Yes
Motion passed: 5-0.

PUBLIC APPOINTMENTS:

Sheryl Jones re: Abatement Request: Mrs. Jones was in to discuss the decision that the Board previously made denying their abatement request regarding the interest on a water and sewer bill that was not paid. Mrs. Jones referred to her undated letter to the Select Board explaining that they were not aware that the 2017/2018 bill was not paid. She also stated that she does not recall signing for any notices. She stated that they received the 2019/2020 bill, and that bill is paid. They are requesting that the interest be abated. Mrs. Jones noted that this was all during COVID, and it was difficult to get a hold of someone at the Town Hall, as the offices were closed.

Mr. Whitley stated that he voted to deny the abatement because we have three (3) signed return receipts, which meant that they were aware of the issue. He stated he is aware that they contacted the town after the 2019/2020 bill was paid, and you thought you were up to date. Mrs. Jones stated that is correct. Chair Dunlap noted that it seemed odd to her that they paid the bills before the 2017/2018 bill and that the 2019/2020 bill was paid, but 2017/2018 remained unpaid. Chair Dunlap stated that there is \$4,563.00 in principal due and \$2,342 interest and you are requesting just the interest be abated.

Mrs. Jones stated that she could not find any record of payment to the Town for the bill, and she will pay the bill, but does not want to pay the interest. Mr. Donohoe inquired if she understood that the letter, they received was a Notice of Lien. Mrs. Jones replied yes, but it was during COVID and difficult to get a hold of people. Mr. Donohoe stated they received a Notice of Tax Lien and does understand why it was ignored. Chair Dunlap noted that it seems that is when they started to reach out.

Ms. Harless, Town Clerk/Tax Collector noted that water and sewer are billed twice a year on yellow paper. She stated if the 2017 bill was not paid for the year, then in the beginning of 2018, a delinquent notice would have been sent to the Jones. She noted that is the first notice they receive, and it is sent by regular mail. Ms. Harless stated that after that she does a certified letter noting that it has gone to lien. The letter is sent by certified mail, return receipt requested. Ms. Harless noted three (3) certified, return receipt letters were sent and we have three (3) receipts with two being signed by Mr. Jones and one signed by Mrs. Jones. Ms. Harless also noted that if you don't pay the bill, it becomes a lien. The town pays the bill, and then liens the owner. The bill is considered paid, but the lien is outstanding.

Mrs. Wells stated she would propose to abate the interest. Ms. Dunlap supported this proposal. Mr. Traum stated that he would not agree to that, as it has been going on too long. Discussion ensued, with regards to what the notices stated and that receipts were signed. Mr. Whitley stated he hears what Mrs. Jones is saying but is not compelled to change his vote. Mrs. Wells asked for an explanation of the lines on the notice, which showed 2017 as a lien, 2018 as a lien and 2019 and 2020 as paid. Ms. Harless stated that is correct. Ms. Dunlap suggested abating the interest from the 2020 date. Discussion ensued, about a split of the interest that starting accruing in 2020 and noting that it accrues daily.

Mr. Whitley made a motion to abate \$250.00 of interest. Mr. Traum seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap Yes
Ken Traum Yes
Anna Wells Yes
Jeffrey S. Donohoe No
Steven Whitley Yes
Motion passed: 4-1.

Mary Goddard re: fence viewer.

Mrs. Goddard, 757 Penacook Road, is in to speak to the Board about a fence-viewer. She handed out a copy of RSA 473 with regards to division fences and their maintenance. Mrs. Goddard noted that there is a barbed wired fence running along the boundary lines between her property and the abutting property, also on Penacook Road. She noted that it has been undeveloped, but it was recently sold and there has been tree cutting. She stated that she has farm animals and wants to make sure that they are contained on her property. She stated she believes that fence is old and in need of repair, but that in RSA 473 it is the determination of the fence-viewer if it is a divisional fence, if it needs to be repaired and at whose expense. Most of the Board was unaware that the Town of Hopkinton had fence-viewers. Discussion ensued, with regards to the wording of the RSA, if the position was elected or appointed, and if it was mandatory or an optional position. The Board requested Mrs. Goddard continue to reach out to the new owners as they felt that this was not an issue that the town should be involved with and that it should be between the abutting

property owners. Mrs. Goddard stated that she would continue to reach out to the property owners to see if an agreement can be reached. Mrs. Goddard thanked the Board for their time.

PUBLIC FORUM:

Norm Goupil stated that he came into the meeting because he saw that they would be discussing the Jones abatement and wanted to listen to the information and feedback from the Board. He wondered how often a taxpayer comes before the Board to ask for forgiveness of a bill or interest. He stated he understands that the town has to collect money from the residents, but he looks at the situation that Mrs. Jones is in and what a huge impact she has had on him and his family. He felt that her integrity was questioned tonight, and although he respects the Board, there was misunderstandings and confusion in this matter but that there are also things going on in people's private lives that they are not going to share in a public setting. He would like the Board to reconsider raising the amount that they are abating.

OLD BUSINESS:

Tyler Bridge: Mr. Cass presented the Board with three (3) options for the repairs to Tyler Bridge. Discussion ensued, with regards to which would be the best option, whether we should close the bridge during the time the bridge is being repaired, as well as fire and safety issues. Mr. Whitley inquired if the bridge were closed for two months, how would people get to the transfer station. Mrs. Wells checked Google maps, noting that it is only difference of a couple of minutes in time and a mile or two in distance.

Mr. Traum made a motion to move forward with Option 2, which would close the bridge to two (2) months. Mr. Whitley seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap Yes
Ken Traum Yes
Anna Wells Yes
Jeffrey S. Donohoe Yes
Steven Whitley Yes
Motion passed: 5-0.

NEW BUSINESS:

YTD Financials Review: Mr. Cass noted that HealthTrust will be having a surplus return. He also noted that the Transfer Station has come in where expected. He also noted that timber tax and current use were up. Discussion ensued, with regards to the amounts we would be receiving from rooms and meals tax and the highway block grant.

Landry Easement: Mr. Whitley stated that on our tour of the Kimball Cabins, we spoke about access to all the trails around Kimball Lake. He noted that a trail goes over private property, in which there is a verbal agreement allowing the Town to do that. He noted that we should have an easement because there is concern that the property owner may be selling. Mr. Traum asked Mr. Cass to bring up the map. There is a small area measuring 70ft by 70 ft by 75ft that is jetting out into the Kimball property. Discussion ensued regarding getting an easement, or maybe the landowner would donate that small portion to the town. Mr. Cass will speak with Lee Wilder about it.

Town Meeting Date: Mr. Cass noted that the school will be having their annual meeting on Saturday, March 19, 2022. He suggested Saturday, March 12, 2022, for the annual Town Meeting. Discussion ensued, with regards to dates, Mr. Cass noted that the school can go before the elections, the town cannot go until after the elections. Mr. Traum noted that the new school Superintendent, Mike Flynn, came to the Budget Committee meeting and stated that he hoped to have the school budget completed by October, which would be a totally different time frame than before.

One-Event Permit Request: Mr. Cass stated that the insurance for the Chamber of Commerce requires an agreement between the Town and the Chamber. Mrs. Wells stated that this agreement is based on an agreement that the Town of Exeter uses. Mr. Cass noted that it does not interfere with our policy. Mr. Whitley noted that the only thing that jumped out at him was that user and vendor should be defined. Mr. Whitley thinks Primex should take a long at it to be sure. Mr. Traum noted that at the end of the Fire Station tour, Mr. Donohoe inquired if we were moving too fast on this permit because Mrs. Wells is involved in this. Mr. Whitley stated this is the first application that we have received, and we should expect little speed bumps along the way. Chair Dunlap noted that this is the first application, and it is a matter of process and not preferential treatment. Mrs. Wells noted this is an agreement between the Town and the Chamber, which is not part of the process for acquiring a permit for an event, noting that everything else is in place. Discussion ensued, with regards to use and vendor. Lee Ann Vance stated this agreement is the result of way too much discussion between insurance agents and lawyers, noting that this was the way the certificate was intended to be used. Ms. Vance believes that they have filled all the requirements as the Town would like and as the State intends the one-day license to be used. Ms. Vance stated that we can make it so it is clear that the user is the Chamber, we can change the wording and then check with the attorney in the morning.

Mr. Whitley made a motion to approve the permit with the condition that Primex approves the contract, and the Chamber is identified as the user. Mr. Traum seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap Yes Ken Traum Yes

Anna Wells Abstaining

Jeffrey S. Donohoe Yes Steven Whitley Yes **Motion passed: 4-0-1.**

Mr. Whitley made a motion assuming all outstanding conditions are satisfied, that the Board delegate Neal Cass, Town Administrator to sign any documents or approvals that are needed to get the alcohol permit. Mr. Traum seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap Yes
Ken Traum Yes
Anna Wells Yes
Jeffrey S. Donohoe Yes
Steven Whitley Yes
Motion passed: 5-0.

TOWN ADMINISTRATOR UPDATES:

Mr. Cass noted that we have received the first share of our funds from the American Rescue Plan Act (ARPA). He noted that he believes we qualify under the revenue reduction section. This section gives the Board the opportunity to spend the funds as you want.

Mr. Cass stated that the Depot would like to put a sign on the Section House. He handed out a copy of what it would look like. Discussion ensued, with regards to the logo. Mrs. Wells inquired if they would come in to discuss the logo. Mr. Cass stated he will check with Steve Lux.

Mr. Cass also noted that Carol Harless Town Clerk/Tax Collector will be at their next meeting and will bring the tax deeded list to go over with the Board.

OTHER:

Mr. Whitley inquired about the Rescue Squad building. Mr. Whitley would like Mr. Cass to look at what the last correspondence was with them. He also wants to know how long they can remain on the property. Mr. Donohoe stated that he knows the Fire Chief wants the building, but we may have more pressing needs for the building. Mr. Donohoe agrees that the Rescue Squad needs to remove their stuff from the property. Discussion ensued with regards to how much notice should be given to vacant the building. The consensus was to give them sixty (60) days. Mr. Cass will write the letter.

Chair Dunlap suggested having the vaccine van come to Hopkinton for one day. She noted that Dunbarton had done this at their Old Home Days Event. Discussion ensued with the possibility of having the van come on Townie Night at the Fair or at the Fire Station. Chair Dunlap stated she would investigate it.

Chair Dunlap stated that considering Norm Goupil's comments she would like to revisit the abatement issue. She noted our standards for assessing and an official way to review them or is it just our standards of fairness. Mrs. Wells stated they were not asking for a hardship abatement or anything like that. Mr. Whitley agreed with Mrs. Wells, noting that they could have asked for a non-public session.

Mr. Traum noted that Mike Flynn, School Superintendent indicated that he would like a level budget with regards to contracts. He also stated that the Budget Committee had discussion about developing a three (3) to five (5) year plan and whether now is the time to go for a road bond. It will continue to be discussed. Mr. Traum inquired if Mr. Cass had looked at health insurance like the school has. Mr. Cass noted that we cannot switch in the middle of the year, but that we will look at it for the upcoming budget process. He also inquired about higher rates for non-vaccinated people. Mr. Cass stated it is the same for everyone regardless of any condition.

NON-PUBLIC SESSION I-RSA 91-A: 3 II (c) Reputation

Ms. Dunlap moved to go into a non-public session to discuss an issue which could affect the reputation of someone other than a Board member under the provisions of Nonpublic Session RSA 91-A: 3 II (c). Mr. Traum seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap Yes
Ken Traum Yes
Anna Wells Yes
Jeffrey Donohoe Yes

Steven Whitley Yes **MOTION PASSED 5-0.**

The Board and the Town Administrator went into nonpublic session, as recorded separately, at 7:27 p.m. The Board returned to public session at 7:53 p.m.

Vote to seal nonpublic minutes:

Mr. Whitley moved to seal the minutes of the just completed nonpublic session because it was determined that divulgence of this information likely would affect adversely the reputation of any person other than a member of this board. Ms. Wells seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap Yes
Ken Traum Yes
Anna Wells Yes
Jeffrey Donohoe Yes
Steven Whitley Yes

MOTION PASSED 5-0.

NON-PUBLIC SESSION IV-RSA 91-A: 3 II (d) Leasing of Property

Ms. Dunlap moved to go into a non-public session to discuss the lease of property under the provisions of Nonpublic Session RSA 91-A: 3 II (d). Mr. Traum seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap Yes
Ken Traum Yes
Anna Wells Yes
Jeffrey Donohoe Yes
Steven Whitley Yes

MOTION PASSED 5-0.

The Board and the Town Administrator went into nonpublic session, as recorded separately, at 7:53 p.m. The Board returned to public session at 7:59 p.m.

These minutes were not sealed.

NON-PUBLIC SESSION I-RSA 91-A: 3 II (e) & (l) Legal

Ms. Dunlap moved to go into a non-public session for a discussion of a pending legal case under the provisions of Nonpublic Session RSA 91-A: 3 II (e). Mr. Traum seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap Yes
Ken Traum Yes
Anna Wells Yes
Jeffrey Donohoe Yes
Steven Whitley Yes

MOTION PASSED 5-0.

Select Board Meeting Minutes - August 16, 2021

The Board, and the Town Administrator went into nonpublic session, as recorded separately, at 7:59 p.m. The Board returned to public session at 8:00 p.m.

These minutes were not sealed.

NON-PUBLIC SESSION IV-RSA 91-A: 3 II (b) Hiring

Ms. Dunlap moved to go into a non-public session to discuss an issue involving hiring a person as a public employee under the provisions of Nonpublic Session RSA 91-A: 3 II (b). Mr. Traum seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap Yes
Ken Traum Yes
Anna Wells Yes
Jeffrey Donohoe Yes
Steven Whitley Yes

MOTION PASSED 5-0.

The Board and the Town Administrator went into nonpublic session, as recorded separately, at 8:00 p.m. The Board returned to public session at 8:06 p.m.

These minutes were not sealed.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:06 p.m.

Respectfully submitted,

Robin Buchanan

Administrative Assessing Assistant



Office of Select Board

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Nonpublic Session Minutes Select Board

Date: August 16, 2021 – Session II

Members Present: Sabrina Dunlap, Chair

Ken Traum, Vice Chair

Anna Wells

Jeffrey Donohoe (via phone)

Steven Whitley

Staff Present: Neal Cass, Town Administrator

Motion to enter Nonpublic Session made by Ms. Dunlap seconded by Mr. Traum.

Specific Statutory Reason cited as foundation for the nonpublic session: RSA 91-A:3, II(d) - *Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are averse to those of the general community.*

Roll Call vote to enter nonpublic session: Sabrina Dunlap Yes

Ken TraumYesAnna WellsYesJeffrey DonohoeYesSteven WhitleyYes

Entered nonpublic session at 7:53 p.m.

Description of matters discussed, and final decisions made:

The Board reviewed the draft lease for the rental of the Bates Building by Two Villages Art Society (TVAS), which includes clarification language proposed by TVAS. The Board supported the changes.

Mr. Whitley made a motion to approve the lease agreement with Town Villages Art Society for the rental of the Bates Building with the amendments and authorize Select Board Chair Sabrina Dunlap to sign the lease on behalf of the Town.

Roll Call vote:	Sabrina Dunlap	Yes
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Ken Traum Yes
Anna Wells Yes
Jeffrey Donohoe Yes
Steven Whitley Yes

Motion: PASSED (5-0)

These minutes were not sealed.

Motion to leave nonpublic session and return to public session by Ms. Dunlap, seconded by Mr. Whitley.

Roll Call vote to enter nonpublic session: Sabrina Dunlap Yes

Ken TraumYesAnna WellsYesJeffrey DonohoeYesSteven WhitleyYes

Motion: PASSED

Public session reconvened at 7:59 p.m.

These minutes recorded by: Neal Cass, Town Administrator



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Nonpublic Session Minutes Select Board

Date: August 16, 2021 – Session III

Members Present: Sabrina Dunlap, Chair

Ken Traum, Vice Chair

Anna Wells

Jeffrey Donohoe (via phone)

Steven Whitley

Staff Present: Neal Cass, Town Administrator

Motion to enter Nonpublic Session made by Ms. Dunlap seconded by Mr. Traum.

Specific Statutory Reason cited as foundation for the nonpublic session: RSA 91-A:3, II (e & 1) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against this board or any subdivision thereof, or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled, and consideration of legal advice from Town Counsel.

Roll Call vote to enter nonpublic session: Sabrina Dunlap Yes

Ken TraumYesAnna WellsYesJeffrey DonohoeYesSteven WhitleyYes

Entered nonpublic session at 7:59 p.m.

Description of matters discussed, and final decisions made:

The Board reviewed the settlement agreement in the Fairpoint case and found it to match what had previously approved.

Mr. Whitley moved to accept the Settlement Agreement in the Consolidated Communications of Northern New England Company, LLC (f/k/a Northern New England Telephone Operations, LLC d/b/a FairPoint Communications – NNE) v. Hopkinton case and to authorize Select Board Chair Sabrina Dunlap to sign the agreement on behalf of the Town. Ms. Wells seconded the motion.

Roll Call: Sabrina Dunlap Yes

Ken Traum Yes
Anna Wells Yes
Jeffrey Donohoe Yes

Steven Whitley Yes

Motion: PASSED (5-0)

These minutes were not sealed.

Motion to leave nonpublic session and return to public session by Ms. Dunlap, seconded by Mr. Whitley.

Roll Call vote to enter nonpublic session: Sabrina Dunlap Yes

Ken TraumYesAnna WellsYesJeffrey DonohoeYesSteven WhitleyYes

Motion: PASSED

Public session reconvened at 8:00 p.m.

These minutes recorded by: Neal Cass, Town Administrator



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Nonpublic Session Minutes Select Board

Date: August 16, 2021 – Session IV

Members Present: Sabrina Dunlap, Chair

Ken Traum, Vice Chair

Anna Wells

Jeffrey Donohoe (via phone)

Steven Whitley

Staff Present: Neal Cass (Town Administrator)

Motion to enter Nonpublic Session made by Ms. Dunlap seconded by Mr. Traum.

Specific Statutory Reason cited as foundation for the nonpublic session: RSA 91-A:3, II (b) The *hiring of any person as a public employee*.

Roll Call vote to enter nonpublic session: Sabrina Dunlap Yes

Ken TraumYesAnna WellsYesJeffrey DonohoeYesSteven WhitleyYes

Entered nonpublic session at 8:00 p.m.

Description of matters discussed, and final decisions made:

The Town Administrator updated the Board on the hiring process to fill the Human Resources Coordinator position.

These minutes were not sealed.

Motion to leave nonpublic session and return to public session by Ms. Dunlap, seconded by Mr. Whitley.

Roll Call vote to leave nonpublic session: Sabrina Dunlap Yes

Ken Traum Yes
Anna Wells Yes
Jeffrey Donohoe Yes
Steven Whitley Yes

Motion: PASSED

Public session reconvened at 8:06 p.m.

These minutes recorded by: Neal Cass, Town Administrator