

Note: Draft minutes are subject to corrections, additions and deletions.

Agenda for October 26, 2020

7:00 PM Board of Selectmen - Electronic Meeting by teleconference

As Chairman of the Hampton Board of Selectmen, I have determined that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, that to properly ensure the safety of the public and that of several of the Board members who are within the CDC guidelines needing to take special precautions, this public body is authorized to meet electronically.

Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming we are:

We are utilizing a teleconference service for this electronic Meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public may join this electronic meeting by calling **1-857-444-0744** and use the code **156034**. If anybody has a problem, please call **603-929-5805**.

SALUTE TO THE FLAG

I. Roll Call

Chairman Waddell asked each member state their presence and location.

Sel. Rage, present, Selectmen's Meeting Room

Sel. Bridle, present, in my room, by myself

Sel. Woolsey, present, Selectmen's Meeting Room

Sel. Barnes, present, Selectmen's Meeting Room

Chairman Waddell, present, Selectmen's Meeting Room

Town Manager Jamie Sullivan, present Selectmen's Meeting Room

Also present, Finance Director Kristi Pulliam

II. Presentation to H. Alfred Casassa

Chairman Waddell read a proclamation for Mr. Casassa in celebration of his 90th birthday on Oct. 28th, which highlighted his many accomplishments, appreciation for his dedication to the town, and offered sincere birthday wishes.

Bob Casassa, Mr. Casassa's son accepted the proclamation for his father with thanks and appreciation.

III. Public Comment [Time limitation of three (3) minutes per caller]

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Sel. Barnes commented as a member of the public. She read a public notice addressed to the BOS, via Chairman Waddell, where she stated, "I am exempt from wearing a mask" followed by additional points to support her reasoning why.

IV. Announcements and Community Calendar

Sel. Barnes noted she had current events and read the following: October 17, 2020, I sent an email to Senator Tom Sherman and copied all state representatives & senators, seeking the precise evidence for the continued NH state of Emergency. There has been no response from any legislature containing documenting such evidence. Included in that email was a video, from the World Doctors Alliance, dated October 10, a discussion on the worldwide overreaction in addressing the COVID-19 virus. We must remember that there exists a separation of powers between branches of the government for a reason, both state & federal. As an elected official, I urge this board, all Hampton elected boards, and people of Hampton to begin to ask questions, and perhaps demand from Concord, justification for keeping NH in a state of emergency. [Additional material from Selectman Barnes is in the October 26th agenda file.]

Chairman Waddell commented that the town is littered with political signs and encouraged everyone to take them down when the election is over.

V. Approval of Minutes – None

VI. Consent Agenda

1. Cemetery Deed: Jane Ansaldo Church 31/I-1/1/1

Selectman Woolsey MOTIONED to APPROVE the Consent Agenda, SECONDED by Selectman Rage.

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: yes, Sel. Barnes: yes, Chairman Waddell: yes. VOTE: 5-0-0

VII. Appointments

1. Town Moderator Bob Casassa & Town Clerk Shirley Doheny a. General Election

Mr. Casassa discussed the upcoming election, Nov. 3rd, at Winnacunnet High School, from 7am to 8pm, with voting taking place in the dining hall, and discussed parking. He noted they expect a large turnout and lines, noting social distancing. He encouraged patience, and noted poll workers, many being new and discussed how so many have stepped up to help. He discussed the ballot being available to view on the town website. He discussed absentee ballots, and that you can deliver them to the polls, on election day, outside, until 5pm. He discussed parking for those with mobility challenges, being the top of Warrior Way, noting that is also where you would drive to return the absentee ballot. He asked that people wear masks when at the polls, and discussed the plexiglass.

Ms. Doheny discussed a mailer that some people have received, and it was not sent by her office, but inside was a handwritten note appearing to be signed and sent by her. She discussed that the forms inside the mailing are correct absentee requests and if you need to use one you may, but if you have already requested one, you should ignore the mailing. She

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discussed there is still time to request the absentee ballot, and noted the affidavit inside must be signed. She noted that the last presidential election they had 634 absentee ballots, and as of today, have sent out 4,252.

Sel. Woolsey asked about when the ballots can be counted and if it depends on postmark, in NH. Ms. Doheny stated the law in NH does not go by postmark and to be counted it must be at the polls by 5pm the day of the election.

TM Sullivan asked about the process to track your ballot. Ms. Doheny noted that you may go to the NH Sec. of State's website, and there is a tab on the front page to track, and you enter your name and date of birth and click on check status and noted if anyone has a question on status to call her office.

Sel. Rage asked if someone has not received their ballot by 5pm on Tues., may they vote in person and the answer was yes.

Sel. Barnes asked if there is a cutoff for requesting an absentee ballot. Ms. Doheny discussed the voter's responsibility to get the ballot back on time, so a request for a mailed ballot might not be timely. Sel. Barnes noted she had received one of the mailers discussed earlier.

Chairman Waddell asked the percentage of Hampton voters in a national election and Mr. Casassa noted in 2016 there were 10,000.00, and Ms. Doheny noted that was 78% voter turnout. He asked about poll watchers and challengers. Mr. Casassa discussed the two parties appointing challengers to be seated near the checklist, noting he has a statutory obligation to those being able to be present, with poll watchers being members of the general public. They discussed the difference between the two.

Sel. Bridle asked if there is someone not wearing a mask, will there be a place for them to vote, and the answer was yes, similar to what they did in Sept.

Chairman Waddell asked about someone wearing political attire, and Mr. Casassa discussed the polling place being a place on no electioneering and noted he would ask someone to respect that if they come with something like that.

Sel. Woolsey asked how many days will they need to recover on the day after, and there was general discussing about still being there.

Sel. Barnes offered thanks and noted how hard the town clerk's office has worked. Mr. Casassa talked about the best time to vote and noted 7am is always a line.

Sel. Rage asked when was the last purge regarding registered voters, and Ms. Doheny noted it is required every ten years.

Chairman Waddell wished them good luck and there was general discussion on the BOS being there, with one being required at all times.

2. Senator Sherman (by Telephone) *Not available this evening
 - a. Legislative update for the 2020 session
3. Jody Donahue (by Telephone)
 - a. Great New England Craft & Artisan Show

TM Sullivan noted this information is found in their packets, and Ms. Donahue is looking for a permit for signage for the event to be placed on town property, and for food truck vendors,

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which there is a fee of \$250.00 per vendor, their fee to be waived. He noted she has been in contact with the safety officials for the permit and holding it at the Rim, and noted going over sign locations with some not being appropriate.

Ms. Donahue discussed the event, noting many cancellations and how difficult this year has been for the crafters, and noted the event at the Rim will be done safely, highlighting the space.

Sel. Rage noted it sounds great, as long as they can social distance. Ms. Donahue discussed her experience with doing the event with safety, and explained the safety measures.

Sel. Woolsey asked about the waste. Ms. Donahue noted the Rim will not have the café open and the food trucks will take care of their own waste. There was general discussion that the Rim has a dumpster.

Sel. Barnes discussed her confidence in the event and motioned to waive the fees for the food trucks.

Selectman Barnes MOTIONED to APPROVE the WAIVER of FEES for the Food Trucks, for the Great New England Craft & Artisan Show, SECONDED by Selectman Rage.

Sel. Rage noted not needing multiple food trucks, and Chairman Waddell asked how many would there be. Ms. Donahue offered there will one coffee truck and one savory food truck. Chairman Waddell asked where they are from. Ms. Donahue answered she wanted already permitted Hampton trucks but there are none and they will be NH trucks, maybe one MA. He asked if she had reached out to a coffee truck in Hampton, and she noted she had not, this was first step. He noted not wanting competition for Hampton and she asked for suggestions. There was general discussion on that. She asked for a list of vendors, TM Sullivan noted the new ordinance, and that was not available, and discussed possible town businesses that do offsite food service.

Sel. Bridle noted the guidelines should be followed as other festival permits and TM Sullivan noted that would be a requirement.

Chairman Waddell MOTIONED to AMEND the Waiver of Fees to include using Hampton Businesses if available before out of town, SECONDED by Selectman Bridle.

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: yes, Sel. Barnes: yes, Chairman Waddell: yes. VOTE: 5-0-0

Amendment Passes

Vote called for Amended Motion

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: yes, Sel. Barnes: yes, Chairman Waddell: yes. VOTE: 5-0-0

Ms. Donahue noted her agreement to the motion.

TM Sullivan discussed the request for signage, and listed the places requested. He noted some not appropriate and discussed sign pollution.

Sel. Barnes asked when the signs would be up, and Ms. Donahue noted ten days before the event with removal that night.

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Selectman Rage MOTIONED to APPROVE Signage with Town Manager's site approval for six locations for ten days before with removal the night of the event, SECONDED by Selectman Woolsey.

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: yes, Sel. Barnes: yes, Chairman Waddell: yes. VOTE: 5-0-0

Ms. Donahue noted she understood the motion.

Sel. Barnes asked the date of the event and the answer was Nov. 21st and 22nd.

VIII. Town Manager's Report

1. Locke Rd. is nearing completion, the skim coat with driveway tie-in's are done, with final paving in the spring. Anyone needing paving permits should get them as soon as possible.
2. Trick or Treat is Saturday, 5pm to 8pm, please be aware of how to socially distance and do safely. If you choose not to participate, please shut off your light.

IX. Old Business

1. General Government Budget Review

Dep. Town Manager Fred Welch started with Cemetery and an update. He discussed finishing up the contract for tree removal, in High St. Cemetery, with one more year to get things done, with stump grinding taking a little longer. He discussed Unutil's program of removing trees, noting trees are down and they are preparing soil. He noted that Ring Swamp Cemetery has been completed with everything they can do this year, with grass seed being done soon, and noted starting to clean monuments there. He noted Drakeside Cemetery having trees cut, with further clean up for next year. He discussed work on Batchelder Cemetery and discussions on Elkins Cemetery, with requests for other cemeteries needing work. He discussed staff being stable, resetting gravestones, repairing markers, and working on unmarked graves. He noted being very busy, water shutoffs for winter, and equipment maintenance.

Sel. Woolsey noted appreciating the tour of the cemetery, with Dep. Welch doing a remarkable job.

Sel. Barnes mirrored Sel. Woolsey's comments, and noted complaints about tree removal asking Dep. Welch to explain. He noted three large reasons, damage to monuments with possible graves being disturbed, spores deteriorating gravestones, and large branches that would injure someone if they came down.

Sel. Rage noted looks good, and Sel. Bridle noted Dep. Welch's leadership and employees doing an excellent job. Dep. Welch reiterated the great work of the employees and their dedication to the work and the town.

Chairman Waddell reiterated great job, and noted the people working know what they are doing and tree removal is for the betterment of the cemeteries.

Dep. Welch discussed the budget, noting a little less this year, but being enough to function and continue the work of the cemeteries. He encouraged all to make use of the cemeteries

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beauty for walking and meditation. TM Sullivan noted a slight increase, but very responsible.

Sel. Barnes noted the wages and TM Sullivan discussed the full time position changing to the two part time positions with other part time help.

Sel. Woolsey stated not being in a mind to participate in a review of general government budget. She noted the 2014 BOS creating the deputy town manager position. Chairman Waddell stated they are not discussing that at this time. She continued, the chairman then stated she was out of order.

Chairman Waddell MOTIONED to recess, SECONDED by Selectman Rage.

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: no vote, Sel. Barnes: no vote, Chairman Waddell: yes. VOTE: 3-0-2

After recess, Chairman Waddell noted being back and no business was discussed during recess.

Sel. Woolsey commented on being shut up.

Chairman Waddell called to continue with cemetery and general government budget review.

Sel. Barnes asked about the increase in cemetery contracted services and TM Sullivan noted to get lawn, trees, and whatever else needs to be done.

Chairman Waddell reiterated contractor services and the realization of why it is up.

TM Sullivan noted Library Director on the phone and to discuss library next.

Ms. Reynolds-Cooper explained her budget, noting Covid challenges and the ask to bring in a flat budget, with the only change being the contracted bookkeeper retiring and having to hire a new one with a slightly higher amount. TM Sullivan noted the change to health insurance.

General Government Budget Review: TM Sullivan discussed Executive and what makes that up, being up 1.15%, noting some things to do for supplies and expenses.

Sel. Woolsey and Chairman Waddell discussed her wanting to make comments regarding a position.

Sel. Barnes clarified that this section's wages are for town manager, deputy town manager, and administrative assistant and she asked about HR and who was that now. TM Sullivan discussed it being ancillary between the finance office and his office.

TM Sullivan presented the town clerk's budget. He noted an increase in their software support contract, and a request for a slight increase in voter registration supplies.

Sel. Barnes commented on the town clerk's wage being \$63,664.00, with her budget being underspent at 64%, which includes all this years extra work. TM Sullivan noted the one position they have that is not filled at this time, but wanting to fill after the election.

Sel. Bridle noted the great job done by Shirley and that any increase for her salary would come as a warrant article.

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Finance Director Kristi Pulliam discussed the finance budget, noting it being down .86%, with a slight increase in bank service charges and a slight increase in printing the town report.

Sel. Barnes noted that increase to town report minimal, and asked about the audit contract. Ms. Pulliam noted the 2021 audit will be the last year of the contract. She asked if we still owe them and Ms. Pulliam noted working on her MDNA and journal entries.

Sel. Rage asked about the town report, how many we print and how many are thrown out. Ms. Pulliam was not sure how many ordered but we do not have many that are not given out. He asked if it was available online and the answer was yes.

TM Sullivan noted the assessing budget down 3.3%, noting the proposal for a change with an employee position to contracted services.

Sel. Barnes noted the increase in contracted services.

Sel. Rage noted they do a great job there.

Chairman Waddell asked about MRI, contracted services working out well and TM Sullivan noted very well, highlighting litigation expenses and MRI, noting litigation relates to abatements and such.

TM Sullivan discussed the tax department, noting a slight increase of 1.33%, and the adjustment to the tax lien and instruments amount, with those going up per parcel.

Sel. Barnes commented on the tax collector's elected official wages at \$59,391.00, being responsible for an almost 60 million-dollar warrant.

Ms. Pulliam discussed the MIS budget, noted it being up .9%, with most of that in replacement equipment, due to increases in cost, and with server replacement and repair needing to be done next year.

Sel. Barnes noted budget looks great and commented how much Ms. Pulliam works with IT and Channel 22. Ms. Pulliam noted keeping things up to date and the great job IT did with helping people get set up to work from home.

Sel. Bridle noted continued good job.

Chairman Waddell asked when was the website upgrade, Ms. Pulliam noted two years ago, and it is completed. He asked if we have a plan, and Ms. Pulliam noted many, with constantly looking at improvements, highlighting research and the laptops able to go home.

TM Sullivan noted the legal budget being up 11.5%, with a significant increase in outside counsel, which has been running above budget for a long period of time, and discussed areas where outside counsel is needed.

Sel. Barnes asked about the increase in part time wages. TM Sullivan and Ms. Pulliam discussed the MRI study and the board decision to bring the amount in line.

Sel. Rage asked about the firm for outside counsel. Atty. Gearreald answered that it is dependent on the project.

Ms. Pulliam discussed personnel administration and that it is mostly driven through wage lines, being payroll taxes and retirement.

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Chairman Waddell noted the retirement board sets what we will be paying and what the employee pays. Ms. Pulliam noted a large increase for NH Retirement starting July of 2021, noting for public works and police and fire. There was general discussion on what drives the increase. TM Sullivan noted information on the NH Retirement website.

TM Sullivan discussed planning with a 1.34% increase, with regular wages being the change.

TM Sullivan discussed town building with a change in custodial fees.

Chairman Waddell asked about the building maintenance and TM Sullivan noted several items maintaining the building, inspections, and wear and tear. Ms. Pulliam noted also the HVAC system contract, changing filters more often for Covid. Chairman Waddell asked if that can be Cares Act and TM Sullivan noted we have maxed that.

Ms. Pulliam discussed Municipal Insurance noting that health insurance went up 7.5%, and that line item will need to increase for that, and also noted the library amounts of increase as well.

Chairman Waddell asked if the rate from the insurance company went up and the answer was yes.

Sel. Barnes noted that will increase the overall budget by that amount, Ms. Pulliam stated yes, with the default side as well.

TM Sullivan discussed street lighting went down due to the LED installation, and hydrant costs went up slightly. Chairman Waddell asked about the payback on the LED and TM Sullivan said he would get the information, and he asked about the decrease, and Ms. Pulliam said yes, also there was a refund. There was general discussion of the parts of towns changed to LED, consensus was the project is complete, for all the town is responsible for, and the town manager will verify.

TM Sullivan noted the building department is down 3.63%, noting the change to a full time assistant building inspector, which we are currently seeking.

There was no change to zoning.

There was a slight change to mosquito control. Chairman Waddell asked if any diseases this summer and TM Sullivan noted no West Nile he was aware of.

TM Sullivan discussed Welfare with a slight wage change and the welfare director doing an amazing job.

TM Sullivan discussed Recreation noting it being up 5.5%, with wages and an increase in the maintenance schedule, with a list of items needing to be dealt with.

Sel. Barnes noted an email sent to the board about Hardardt's Way. TM Sullivan noted there needs to be a discussion about a dog park, somewhere, noting an issue with cleanup.

Chairman Waddell noted the Rec. dept. does a great job and the grounds increase is justifiable. TM Sullivan noted the UNH study about facilities.

Sel. Rage asked about dogs running loose, and a leash law, and TM Sullivan noted your dog must be under control, and discussed the issue of dogs at the beach, concerns people have, and a location for dogs.

There is no change in patriotic purposes.

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Chairman Waddell asked for an explanation of what that is, and TM Sullivan noted decorations and flags around town.

TM Sullivan noted the change in conservation being part time wages due to the MRI study standard.

Sel. Barnes discussed talking with Rayann and then Jay, asking them if there was land, they would like if money was no object. She noted Rayann doing a land analysis regarding land over 5 acres, discussing possible protections. She discussed the work they have put in and a recommendation of a flood plan administrative position. She asked if management was aware of their recommendations. TM Sullivan noted they are aware of some things, but there is nothing in the upcoming budget.

Ms. Pulliam discussed debt service, noting it is down, but also noting it has all been approved by the voters and stated the WWTP Phase 1 will start in 2023.

Sel. Woolsey asked about the stalling of the WWTP. Ms. Pulliam noted the project is underway, and is funded up front, you pay once the project is complete. Sel. Woolsey noted her concern of getting the project done.

Chairman Waddell asked when was the last time we refinanced to a lower interest rate. Ms. Pulliam noted nothing needs to be refinanced now, it is SRF and the last time was in 2014, with SRF meaning state revolving fund, noting the state pays a portion and the rest is paid through town vote. He asked the percentage of our debt right now, and the answer was thinking it is 5.8%, and working on MDNA right now. They discussed allowable debt and percentages.

Sel. Rage noted refinancing to 2%, and we should look into.

Continuing old business, Chairman Waddell addressed Sel. Woolsey, commenting he does not silence anyone or not allow them to speak, as long as it is speaking something new, and not accusing anyone of doing something illegal. He noted discussion can happen if it is new material, not something voted on prior, or here say, or accusatory, and he gave her the floor.

Sel. Woolsey commented she is not putting incorrect information forward. She then discussed, at length, a position created in 2014. She mentioned a friend, and Chairman Waddell asked for evidence. She continued discussing the position, and noted costs over a 5 year time period. Chairman Waddell interjected and they discussed back and forth, with him noting the value of the position and its success. She continued with discussing part of the contract agreement and transition and Chairman Waddell ruled her out of order. She continued her point of view and he noted they were moving on.

2. Selectman Barnes requests

Sel. Barnes asked for an update on FEMA. TM Sullivan discussed equipment has moved to the next phase of approvals, and personnel costs being with the first review process, and discussed answering questions. He discussed the time frame for Fema reviews. She commented on being on the study for Route 1A and noted Dir. Chris Jacobs has expressed interest. TM Sullivan noted they had to check with the state and board consensus was no problem with it.

She discussed the code of ethics, section 594-6 implementation, and that it states voluntary non-binding, and to her it provides a waiver to get around all preceding requirements and

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paragraphs and renders the code useless. She asked the board to remove the language of voluntary non-binding or rescind the code.

Sel. Rage noted he would like more information before making a decision.

Sel. Bridle agreed with Sel. Rage.

Sel. Woolsey also agreed.

Chairman Waddell noted he would like legal to give an opinion.

TM Sullivan noted the history of the adoption of the ordinance and discussed legal review and everyone should operate ethically, and discussed enforcement limitations.

Chairman Waddell discussed they will have legal look into and then put it on the agenda.

X. New Business

1. Award Bid 2020-105 Snow Plowing

Selectman Woolsey MOTIONED to APPROVE the Award Bid 2020-105 Snow Plowing, As Outlined by Town Manager James Sullivan, SECONDED by Selectman Barnes.

TM Sullivan read the language of the motion. Sel. Woolsey agreed to the language.

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: yes, Sel. Barnes: yes, Chairman Waddell: yes. VOTE: 5-0-0

2. Bond Release for 482 High Street of \$2,464

TM Sullivan noted there is a recommendation from DPW to hold this and not approve at this meeting, noting the work is not complete.

3. Tax Rate Setting, status of

Ms. Pulliam discussed the tax rate, noting we are not the only town who does not have one yet. She discussed that DRA has all the documents needed, and stated they have a preliminary estimate. She discussed numbers from the form handed out, 2019 unassigned fund balance, warrant articles, and noting, depending on what the board chooses to do, with the numbers currently estimated, the town portion of the tax rate would go from \$5.92 to \$6.20 per thousand. She discussed the past practice of keeping the rate level and her best estimate of using just over \$1,000,000.00 of funds from the unassigned fund balance to do so. She discussed once the BOS approves the rate, it will take the tax collector a week and a half to two weeks to get the bills out, with them being due 30 days later. She asked for the board's direction to proceed.

Sel. Barnes commented on wanting to keep the tax rate level, and Ms. Pulliam discussed she generally estimates higher and it may be a lower amount needed to keep the amount level.

TM Sullivan discussed the time frame and possible delay depending on the board's decision, and outlined how the process was done last year.

Sel. Woolsey discussed the fund balance back when Dep. Welch was hired, noting warrant articles are now paid using it, and she wants it to continue.

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Chairman Waddell asked if they use \$1,000,000.00 from the unassigned fund balance, what will it then be, and the answer was \$7,571,867.00. Ms. Pulliam discussed that is right in the middle of recommended amount.

Chairman Waddell discussed the funds are the taxpayer's money. Ms. Pulliam noted it has been consistently managed well even though we are using it. He asked what happens if the tax rate is set lower. TM Sullivan noted we do not set the tax rate, DRA will; they are authorizing the amount for the offset.

Sel. Barnes noted Kristi's estimates usually being correct or even a little high, and she is comfortable with using the million of taxpayer money to offset the tax rate.

Selectman Rage MOTIONED to AUTHORIZE the use of the Unassigned Fund Balance, Not to exceed \$1,050,000.00, to OFFSET the Tax Rate and keep it at \$5.92, SECONDED by Selectman Bridle.

Sel. Woolsey reiterated the amount.

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: yes, Sel. Barnes: yes, Chairman Waddell: yes. VOTE: 5-0-0

XI. Closing Comments - None

XII. Adjournment

At 21:10 PM, the Selectmen adjourned the Public Session on MOTION of Chairman Waddell, SECONDED by Selectman Barnes.

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: yes, Sel. Barnes: yes, Chairman Waddell: yes. VOTE: 5-0-0

James Waddell, Chairman