

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

February 3, 2021

12:00 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, Selectmen's Meeting Room

Sel. Woolsey, present, in my den

Sel. Barnes, present, Selectmen's Meeting Room

Chairman Waddell, present, Selectmen's Meeting Room

Town Manager Jamie Sullivan, present Selectmen's Meeting Room

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

Rebecca Berlen, 480 High Street, she discussed the deliberative session and warrant article 22, noting residents have reached out to town council and have not heard back. She noted the petition and warrant article were put together with wording from the state. She referenced North Hampton and asked for clarification on the legality of article 22. She discussed other towns having code of ethics including social media and enforced. She asked that if article 22 is in fact not legal, that the board amend the current code of ethics to be binding and enforceable.

III. Announcements and Community Calendar

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Sel. Barnes discussed deliberative session being a great meeting done in record time. She asked about the video tape of the meeting. TM Sullivan noted a few technical issues and she stated the microphones were terrible.

Sel. Woolsey noted an issue at the town office on Monday and receiving emails regarding it, and she contacted Chief Hobbs and asked for email contact to the board if there is a problem.

Sel. Rage announced the Hampton Beach Village District will be having their yearly meeting on April 30th, a month later than usual and all voters will be informed.

Sel. Bridle noted a very good deliberative session, and the voters had their opportunity to speak. He noted a good job all around and commended the moderator, and discussed the many he has attended and this the quickest he has ever seen.

IV. Approval of Minutes

None

V. Consent Agenda

1. Hampton Garden Club permission to display “Gardens maintain by” signs at garden sites

Selectman Barnes 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

Chairman Waddell stated any items to be voted on would be done at this time.

TM Sullivan noted the Comcast extension, and Atty. Gearreald discussed and referenced the board vote to enter into the six-month extension, and noted he has the form to accomplish that. He stated he is fine with the form and it needs signatures.

TM Sullivan asked the board to entertain a motion that with Chief Sawyer’s retirement, that means there needs to be a new emergency management director appointed. He recommended appointing Chief Hobbs.

Selectman Barnes MOTIONED to have the Hampton Board of Selectmen appoint Chief of Police David Hobbs as Emergency Management Director for the Town of Hampton under the authority of RSA 21-P39, effective immediately, 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

TM Sullivan discussed the fire study, noting votes needed. He noted we are about to enter into a contract with one of the vendors and waivers are needed. He discussed the vendor, Chief Marunouchi of Ann Arbor, noting the board had the bio and highlighted his credentials, noting part of his team will be Lisa Jones. He noted it will all be under one contract. He discussed the waiver for sole source, the bid policy, and approval to enter into a contract not exceeding \$25,000.00.

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Selectman Bridle MOTIONED to APPROVE Waivers for the contract of Chief Marunouchi, of Ann Arbor, being the sole source, and the Bidding Policy, SECONDED by Selectman Barnes.

Sel. Barnes asked about limiting the scope, so we don't do anything not needed. TM Sullivan noted the contract is being worked on to do that, and discussed items for the contract. She discussed that on Saturday, there was a motion to reinstate the \$25,000.00 back into the budget, and she noted that the budget committee did not cut \$25,000.00 out of the budget. She referenced that the motion passed and what will that mean for the 2021 budget, will that money be there. TM Sullivan noted that the amount voted on will go back to the budget. She noted the motion claimed a false statement, and she is clarifying for the public that the \$25,000.00 did not go to the BOS or the budget committee. She asked about money from the 2020 budget and the answer was it is closed.

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

Selectman Bridle MOTIONED to APPROVE entering into the contract of Chief Marunouchi, Stone Productions LLC, for Comprehensive Study of Hampton Fire Rescue, said contract not exceeding \$25,000.00, 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

Sel. Woolsey asked how soon can we get this done and the answer was very soon and discussed the process. She noted she does not want it to drag.

TM Sullivan discussed the coalition of communities regarding school funding, noting Portsmouth has received final approval of completed memorandum of understanding. He asked the board for direction and do we want to sign on.

Chairman Waddell MOTIONED to APPROVE the Signing On to the Coalition of Communities, upon understanding the financial obligation, SECONDED by Selectman Rage.

Sel. Barnes noted she understands the intent and is against donor towns. She noted a synopsis of the history of this for the public. She discussed her issue with signing this, noting nothing against anyone, but where are our legislators. She discussed they are elected and noted she had stated she wanted to talk to them before doing anything with this. She asked how many towns will be involved and referenced Portsmouth doing a lot, and noted we have our legislators and we have NHMA and now we are going to pay for another lobbying firm because Concord can't do their job. She discussed the DRA annual report, business enterprise tax, and rooms and meals, noting wanting to ask legislators. She discussed the purpose of the joint board in the agreement, and referenced unending legal battles. She discussed apportionment. She reiterated wanting to talk to the legislators and she is opposed to this motion.

Sel. Woolsey noted she agrees with Sel. Barnes and she is opposed.

Sel. Bridle noted he thinks we need to do, the legislators were supposed to be here Monday but there was the storm and he does not want to be a donor down and we should do all we can.

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Sel. Rage agreed, he does not want to be a donor town, noting sure the legislators don't want that and we don't have the numbers, and it's a numbers game, so we need the help to fight being a donor town and he is for this motion.

Chairman Waddell noted that NHMA does not take a side when there are towns on both sides of an argument. He discussed it is a numbers game and it helps to have a lobbying firm to help get this does not get passed.

TM Sullivan noted he thinks we should join, but we need to understand our financial obligation, and discussed a range of \$5 to 6 thousand, up to \$10 to 12 thousand, and noted the school was willing to help. Chairman Waddell asked about getting that before joining and TM Sullivan reiterated they need to get towns to join and there is a time limit.

Sel. Rage asked if we can put a limit on the range and the answer was, do not see why not.

Chairman Waddell noted he would like to see the cost before we sign, but we can agree.

Sel. Bridle agreed.

TM Sullivan noted completely appropriate.

Sel. Bridle amended the motion to include signing on being contingent upon understanding the financial obligation. (added to motion above)

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

Chairman Waddell MOTIONED to APPOINT Town Manager James Sullivan as Representative to the Coalition, SECONDED by Selectman Bridle.

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: abstain, Sel. Barnes: abstain, Chairman Waddell: yes. VOTE: 3-0-2

Atty. Gearreald discussed getting questions regarding his legal opinion about warrant article 22. He asked direction of the board about answering and putting his opinion on the website. There was general discussion and consensus to post on website and to direct individuals to that response.

VI. Appointments

1. Kristi Pulliam

a. End of year financial report

Ms. Pulliam discussed purchase orders and warrant articles to bring forward and noted all documents are on the website. She summarized the numbers for the purchase orders and the warrant articles to be carried over at \$2,451,814.00. She and Chairman Waddell discussed instructions on how to find the documents on the website.

Selectman Barnes MOTIONED to APPROVE the Carry Over of funds of \$2,451,814.00, for the purpose of Outstanding Purchase Orders and Warrant Articles, SECONDED by Selectman Rage.

Sel. Barnes asked to get a list of the items purchase that the town manager brought to the board and the answer was yes. She asked for a list of purchase orders for the end of January and Ms. Pulliam noted working on that and had a computer issue and will get for her today.

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

Ms. Pulliam discussed end of year financials, noted a summary sheet at the end of the report, and a detail of the unassigned fund balance and that it will be going in the town report. She discussed the 2019 Audited Unassigned Fund Balance is \$9,848,994.00, which is the beginning balance for 2020: and noted the following 2020 balances: Fund Balance Voted Surplus (1,277,127) Fund Balance to Reduce Tax Rate (600,000) Unaudited Unassigned Fund Balance after Tax Rate was Set \$ 7,971,867: End of Year Unaudited Revenues/Expenses Additional revenues above amount used to set tax rate \$ 32,953, Expenditures under budget by \$859,503, Unanticipated Revenues (related mostly to COVID-19) \$673,276 Warrant Articles lapsing to Unassigned Fund Balance \$130,069, and ESTIMATED Unaudited 2020 Unassigned Fund Balance \$ 9,667,668. She discussed numbers regarding setting the tax rate, NHDRA fund balance retention guidelines, Maximum Recommended Retained (17%) \$ 11,960,964 Minimum Recommended Retained (5%) \$ 3,517,930.

Chairman Waddell asked if her letter was on the website and the answer was yes.

Sel. Barnes noted this is excellent, annual report is excellent and encouraged people to read it, noting it is self-explanatory. She stated the unassigned fund balance is in good shape due to fiscal conservative practices. She discussed the unaudited usually comes pretty close. She asked for clarification of the 17% retainage. Ms. Pulliam reiterated it is a calculation that DRA does regarding property taxes and expenditures. Sel. Barnes discussed doing a good job and unassigned fund balance comparative to last year and reports are very good. She noted the town website is awesome with all the information.

Chairman Waddell reference an article about more money from FEMA and asked if it will go into 20 or 21 if received. TM Sullivan discussed our programs are set and would go to 20, and if new programs are available, that would be 21. There was general discussion we could still have some FEMA funds coming in.

Sel. Bridle asked about Fund 27 and asked if any money was spent on COVID-19 expenses from that fund, and the answer was COVID-19 expenses were out of the general fund on the civil defense line.

Chairman Waddell noted fish and game revenue was up over 500 percent, and noted rooms and meals was 99 percent of expected and noted we need to watch for next year. TM Sullivan noted that amount will likely be impacted next year. Chairman Waddell noted parking ticket revenue up over 300 percent, but does not want to be known as parking ticket capital of the world, and TM Sullivan noted we are not, striking a balance there. Chairman Waddell mentioned departments all being under and Ms. Pulliam noted police and fire were over but noted CaresAct and FEMA money received.

VII. Town Managers Report

1. The latest COVID-19 numbers regarding the state and the Town of Hampton.
2. With regard to the deliberative session, want to highlight the work that went into that, thanking the DPW staff, school staff, Channel 22, IT staff, Jen and Kristi, Mr. Casassa, Town Clerk team, and congrats to everyone on a job well done.

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3. The storm response yesterday from DPW was a wonderful job. The town office had a delayed opening, and noted working on a better way to notify folks.
4. The SAU 90 and SAU 21 have their deliberative sessions tomorrow.
5. Aquarion will be here on Feb. 22nd for their quarterly report.
6. The director of DNCR will be here on March 15th.
7. The next EPA Coakley public meeting will be March 3rd and more information will be coming.

Sel. Woolsey reiterated her concern of being informed of any issues that happen and her personal request for information and would like the board to agree to being informed via email as well. TM Sullivan offered he thinks we do a very good job of informing the board, noting Monday's incident and definition of a problem relative, it was a challenging customer and they made sure there was no threat to safety. He noted should the board change the standard we can adapt and further explained the situation and disruption.

Sel. Woolsey reiterated her emails and our responsibility to our employees, discussing they felt threatened. TM Sullivan discussed no one was threatened and discussed the law regarding individuals being able to video government, and noted being engaged with law enforcement during this. Sel. Woolsey further discussed and there was general discussion on receiving emails.

Sel. Barnes noted she watched the video (discussed above) and noted the employees were upset, and noted she learned of it on Tuesday morning on YouTube. She noted she knew the police chief was there. She discussed finding out about the line item in the budget at seacoastonline.com. She noted police dealing with situations all the time, but town office employees don't and it threw them. TM Sullivan agreed.

Atty. Gearreald noted the town manager explained the legality, and noted the cardboard over the windows would be appropriate.

Sel. Rage agreed that it may be an opportunity for training. TM Sullivan reiterated he was aware of the situation, he was engaged with the individual and with Chief Hobbs and they stayed on top of it and monitored it the whole time.

Sel. Bridle noted he saw the video and agreed to staff training.

Chairman Waddell agreed to looking at policy and training. He commented on the sound for the deliberative session, noting Channel 22's diligent hard work on it and not hiring outside sound people as they were not available.

Sel. Barnes noted not questioning Channel 22 and reiterated the sound issues. She thanked DPW, they are always there whenever we need them, whether for deliberative or plowing or whatever.

Sel. Woolsey commented on her understanding regarding the building inspector. Chairman Waddell asked her if she has brought to the attention of the town manager, telling her that is the appropriate thing to do.

TM Sullivan discussed the building office being inundated, not being able to hire a second inspector, the rental inspector is retiring, and it is very challenging. He discussed a possible sharing of an employee.

Sel. Woolsey suggested a moratorium, noted being flooded with developments.

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Sel. Barnes discussed the January inspectors report, noting it states inspections performed for 2020 is zero. TM Sullivan noted that can't be accurate and will look into.

VIII. Old Business

Sel. Bridle noted we still need to look at the street performer issue. There was general discussion on it being worked on.

Sel. Barnes discussed NHDES permit updates and asked if DPW could address next time they are in; the town manager will look into.

IX. New Business

Sel. Barnes asked that when the police and fire come in for their next quarterly updates, could they address the increase in fentanyl statewide, and the answer was yes.

X. Closing Comments

None

XI. Adjournment

At 1:07 PM, Selectman Bridle MOTIONED to adjourn, SECONDED by Selectman Woolsey, which was passed unanimously by roll call vote.

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