

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

February 8, 2021

7:00 PM Board of Selectmen - Hybrid 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, home in my office

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

II. Public Comment [Time limitation of three (3) minutes per caller] - None

III. Announcements and Community Calendar

Sel. Barnes discussed North Hampton's code of ethics, noting in 2020 and by petition warrant article they rescinded their code of ethics.

Sel. Bridle acknowledge the passing of Marie Cushing and Elaine Schaake. Chairman Waddell offered a moment of silence for both.

IV. RSA 41:14-a First Hearing

1. 4 14<sup>th</sup> Street Map 183, Lot 26

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Petitioner's request: The petitioner seeks to modify Deed Restriction #4 in order to allow for a minimum of a 4' setback on the western boundary of the property, as measured from the boundary line to the drip edge and 3.9' from the eastern boundary of the property, as measured from the boundary line to the drip edge. The petitioner seeks the modification in order to bring the existing structure and future construction into compliance.

Public Hearing opened at 19:04. TM Sullivan asked for a brief description and noted the Planning Board and Conservation Commission have no objections.

The petitioner explained a 20 x 25 addition on the western edge of the boundary, and noted going to the ZBA regarding the setback, and noted the eastern boundary is preexisting construction, and wanting to be in compliance.

TM Sullivan asked if there will be an increase in bedrooms or use as other than a single family home, and the answer was no, the addition is for a garage and kitchen pantry and closet space above. The petitioner explained support of the neighbors.

Sel. Woolsey noted concern about the setback.

Sel. Barnes noted the request is to bring into compliance.

Sel. Rage noted it looks good with plenty of open space.

Chairman Waddell noted all the prior approvals, Planning, Conservation, and ZBA.

Atty. Gearreald asked if the living area above the garage will be an apartment, and the answer was no, it will not be usable as any separate living space.

Sel. Woolsey asked about relief from the setback restrictions. TM Sullivan reiterated the ZBA approving the request and all documents are in the packet.

Public Hearing closed at 19:12.

## V. Approval of Minutes

### 1. January 25, 2021

Sel. Barnes discussed a portion of minutes stated her comments were not heard on tape. She asked to wait for edited version before approving.

TM Sullivan asked her to state what she wanted added.

Approval was tabled.

## VI. Consent Agenda

### 1. Hawkers and Peddlers License: Jacob Lange representing Liberty Mutual Insurance

TM Sullivan noted the requirement for selling door to door and the state permit process.

Selectman Barnes MOTIONED to APPROVE the Consent Agenda, 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

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## VII. Appointments

### 1. Hampton Legislation Delegation

On the line is Rep. Emerick, Rep. Edgar, Rep. Loughman, and Sen. Sherman.

Sen. Sherman gave an overview of Senate sessions and their meeting remotely. He discussed passing SB2, noting it was not passed by the House, the bill being about COVID-19 restrictions for elections being extended. He noted sessions being productive, and discussed introducing new bills. He noted bills regarding municipalities and discussed the Hampton jetty bill. He noted Sel. Barnes asking for a comment on SB99, regarding rooms and meals, and SB91 which is omnibus legislation, and explained that process, and noted they are coming to committee.

Rep. Emerick discussed the house having committee meetings, noting both live and remote, and noted meetings on the 24<sup>th</sup> and 25<sup>th</sup> at UNH, noting rules for in person voting. He discussed early bills, and noted Sel. Barnes questions, but not a lot of information right now, and discussed bills being in committee. He commented on the bill regarding 40 percent revenue sharing with rooms and meals, noting it an RSA and explained the process, discussing HB1 and HB2. He noted SB2 was not considered as the date of implementation was after voting.

Rep. Loughman further discussed the rooms and meals percentage, and how the budget effects the process.

Rep. Edgar noted his agreement and further discussed the percentage.

Sel. Woolsey commented on recent flooding and asked if the state is taking any measures for a wall or something. She discussed state parks and the people, waste, fireworks, and traffic.

Sel. Barnes thanked everyone and Sen. Sherman for answering emails. She discussed SB2, and asked for verification of the same date of the public hearing, and a governor's emergency order. Sen. Sherman discussed that yes, an emergency order was issued, and further discussed SB2 and what it allowed. He discussed the absentee ballot process and noted the emergency order issued, as SB2 would not have been in place in time. Sel. Barnes noted there are at least six bills regarding overseeing the governor and his state of emergency, and commented that the legislators are the law making authorities. She discussed comments about certain Concord practices happening behind closed doors, noting the redistricting process. She noted now that legislators are back in session, the process should go through them and end with emergency orders. She discussed SB99 and noted if the 40 percent were to pass and Concord could find the money, the return would go from an estimated \$69 million to over \$124 million. She discussed the census and asking for results, noting numbers from the Hampton checklist that has been filed with the state, as of the Nov. 3<sup>rd</sup> election; the list was at 16,075 people, noting compared to 2019, there are an additional 580 voters. She and Sen. Sherman discussed updates of the checklist and he discussed tools to keep updated. She discussed the checklist growing but the population number stagnant, which is the number that is used to determine rooms and meals. She asked Sen. Sherman about HB288 and its repeal of the housing repeals board which is in judiciary and wanted his comments. Sen. Sherman noted he opposed the housing repeals board and sponsored bills to repeal it, noting he knows of none of the eleven towns he represents being for the board, and noted his concern. He noted thinking the chance of that bill passing is zero and explained,

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and, noted he will be watching closely as the board gets underway. She noted understanding the convenience of the law, and reiterated the eleven towns not in favor. They discussed how the original bill became law. She asked Sen. Sherman about the possibility of a Hampton location for COVID-19 vaccines. He discussed it would depend on the numbers, and noted using the National Guard, and discussed helping countless people caught up in the scheduling, and noted moving away from the federal scheduling system to a state one. He discussed the person in charge being Perry Plummer and his confidence in him. He offered if anyone needs assistance to reach out to him or his office and further discussed places in Hampton that are health facilities.

Sel. Rage asked the delegation about swept taxes and donor towns.

Sen. Sherman noted his opposition and discussed educational grants being a better model. He noted opinion will most likely be non-partisan, but by district. He discussed charter schools and funding, and education savings accounts, noting all will increase the cost of public education. He discussed public schools and the need for those to be fully funded, but not through a donor model.

Rep. Emerick discussed the dismantling of donor towns and the differential for certain communities, with them receiving more per student. He discussed 6 years ago, a bill to start reducing that differential and with schools receiving less, the pressure is now on for their education systems. He discussed not having an answer, but it is about changing education models, or funding changes.

Rep. Edgar discussed the lack of funds and maintaining our system.

Rep. Loughman highlighted the school voucher bill, and the costs and consequences, noting quality and efficiency and discussed the raising of property taxes. Someone noted HB420, which allows allocation per student funding to go with the student, wherever they go to school.

Chairman Waddell asked if there were any in person committee hearings, and the answer was no, but testimony over Zoom was noted. He asked how someone would know when the Zoom meetings were, and the answer was to go to the House or Senate home page, the calendar, and a dropdown box for committee and bill with a link to go to. Chairman Waddell and Rep. Emerick discussed the process further.

Rep. Loughman noted he and probably others will share instructions on social media.

Sel. Barnes asked the representatives about HB220 establishing medical freedom, and asked if they agreed.

Rep. Emerick commented, live free or die.

Sel. Barnes commented on the swept bill and that the state doesn't have any money, and noting filling out the blue sheet on bills she has strong stances on, and that she appreciated them all coming in. She discussed social media, noting not always seeing what she should, and asked for information to be emailed to her.

Rep. Emerick noted that Finance is not due to receive the governor's budget until Feb. 15<sup>th</sup>.

Chairman Waddell and the legislation discussed a link on the town website.

2. Terry O'Brien, 8 Portsmouth Avenue

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a. Request for Pavers in Right of Way

TM Sullivan gave the board an overview of the resident having pavers in the right of way and DPW agreeing to this with recommendations, and he noted the Board had pictures.

Mr. O'Brien discussed putting the pavers in, noting he did not realize they were not allowed.

Selectman Rage MOTIONED, to hereby move that the Board grant its permission to allow the presence of the 12 Portsmouth Avenue driveway pavers in the Town's Portsmouth Avenue right of way to the extent that such pavers have already been installed, provided that such pavers are not expanded further into the right of way and provided that the owners execute the Hold Harmless and Indemnification Agreement prepared by the Town Attorney and adhere to its requirement that the owners procure and keep in force a policy of property and liability insurance that names the Town as an additional insured and carries a minimum coverage limit of \$2,000,000, Seconded by Selectman Woolsey.

Sel. Woolsey noted it looked nice, and asked about a plow. TM Sullivan noted that is the issue, and why they don't generally do, but this is best solution for this instance.

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

3. Rick Smith, 9 Ocean Blvd

a. Permission to erect a wall with roof, two feet on sidewalk of Ashworth Avenue

TM Sullivan discussed Mr. Smith doing improvements, wanting to install a safety fence to separate construction.

Mr. Smith discussed the fence would be put in temporarily and will be done in sections. He noted being in touch with the state who referred him back to the town.

TM Sullivan discussed this being recommended with language in the motion from the town attorney.

Selectman Barnes, MOTIONED to hereby move to grant permission to 9 Ocean Blvd., LLC to place temporary covered walls on 2 feet of the width of Ashworth Ave. sidewalk adjacent to the premises at 9 Ocean Blvd., until the end of March 2021, on the condition that the remaining 5 feet, 8 inches of sidewalk remains clear and open to pedestrians, hold Harmless and Indemnification with its tenant, insurance requirement is provided by the town's attorney is signed, the owner of 9 Ocean Blvd., agrees to keep snow cleared for the remaining width of the Ashworth Ave. sidewalk, and the sidewalk is restored by said owner back to its original condition, Seconded by Selectman Woolsey.

Sel. Rage discussed that this building is in desperate need of repair and he is all for, but worried about the March deadline.

TM Sullivan asked Mr. Smith for a guarantee that the work will be completed in the timeline given and the answer was yes.

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Sel. Barnes noted one of Chief Hobbs comments was that this could potentially effect the entrance to Charlie's Tap House. TM Sullivan noted it was looked at and the alley way does give them access if need be. She noted agreeing with Sel. Rage this is needed.

Sel. Woolsey asked if this is on State property. TM Sullivan stated no, and gave a description of the location. She asked about a roof and TM Sullivan asked Mr. Smith who noted it is a "lean to" for the elements. They discussed the fence and what it will be made of. TM Sullivan asked about the structural soundness and if the Fire Department had been made aware. Mr. Smith noted he had not been to the Fire Department, he had been instructed to go to Police and Public Works, and he has been to the Building Inspector.

Sel. Barnes added amendment to the motion that it is approved by the Fire Department.

Sel. Woolsey stated she wasn't finished. She asked how wide is the sidewalk. TM Sullivan noted that with the structure there will be remaining 5 feet 8 inches for walking. There was general discussion of the space.

There was discussion on temporary status, and there until March.

Motion with Fire Dept. and Building Inspector added:

Selectman Barnes, MOTIONED to hereby move to grant permission to 9 Ocean Blvd., LLC to place temporary covered walls on 2 feet of the width of Ashworth Ave. sidewalk adjacent to the premises at 9 Ocean Blvd. until the end of March 2021, on the condition that the remaining 5 feet, 8 inches of sidewalk remains clear and open to pedestrians, hold Harmless and Indemnification with its tenant, insurance requirement is provided by the town's attorney is signed, the owner of 9 Ocean Blvd., agrees to keep snow cleared for the remaining width of the Ashworth Ave. sidewalk, and the sidewalk is restored by said owner back to its original condition, also with the condition of approval by Fire Department and Building Inspector, Seconded by Selectman Woolsey.

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: abstain, Sel. Barnes: yes, Chairman Waddell: yes. VOTE: 4-0-1

4. Ed Tinker, MRI Contract Assessor
  - a. 2020 Abatements

Mr. Tinker discussed seven 2020 abatements and the Board had them in their packets, with 5 recommended and 2 denials. The total to be abated is \$5,682.02.

Sel. Barnes discussed the property with the largest amount and noted the property recently sold. Mr. Tinker discussed its market value and it had been vacant for a time, and noted an increase in 2021 assessment due to renovations.

Selectman Barnes MOTIONED to APPROVE the recommendations for the 2020 Abatements, as presented, 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

- b. 2020-07 "Supplemental" Tax Warrant

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Mr. Tinker discussed Pan AM being the owner of the right of way which is the rail trail, noting they sold to the state, but retained an easement. He noted there was an assessment on the easement and billed to Pan Am and should have been Boston and Maine Corp. He explained the abatement and supplemental warrant to correct.

Sel. Barnes clarified we billed and are abating one and issuing a warrant for the new corp.

Atty. Gearreald discussed wording for the motion.

Selectman Barnes and Selectman Woolsey amended their motion and second to reflect wording of town council.

Selectman Barnes MOTIONED to sign the Supplemental Property Tax Warrant to enable Boston and Maine Corporation to be taxed for \$9,118 on its retained easement under the now NH DOT owned rail bed, and to grant an abatement in that same amount that was previously incorrectly billed to Pan Am Railways, 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

c. 22 Dumas Ave.

Mr. Tinker discussed the 2019 appeals, and noted a settlement offer with the property owner. He discussed the view factor process and this property being one step higher than neighboring properties and this offer would correct.

Selectman Barnes MOTIONED to authorize the tax assessor to resolve the pending tax abatement case before the BTLA as to 22 Dumas Avenue by granting this property an abatement/reduction in the assessed value of \$104,100, 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

#### VIII. Town Manager's Report

1. TM Sullivan read the current COVID-19 numbers for the state and town of Hampton.
2. Congratulations to our First Responders who were recognized with the President's Award at the Chamber of Commerce annual meeting. A tip of the hat to all of our first responders, police, fire, and public works for their work during the pandemic.
3. The storms are upon us, and we encourage folks to pay attention to emergency parking bans and drive safely.
4. Our Fire Department is interested in getting involved in helping at vaccination sites, and we need to look at reimbursement issues, but looking for Board consensus.

Sel. Woolsey commented it looks like it would benefit the community, and discussed elderly having to go out of town. TM Sullivan discussed this is for our personnel to help at other sites.

Chairman Waddell asked about transportation and the answer was it will all have to be figured out.

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Sel. Woolsey asked about salary and TM Sullivan reiterated the reimbursement issues needing to be looked into. Consensus was to continue looking into if it is reimbursed.

5. Due to the need in the building office, we would like to bring in contracted assistance, the same person as before.

Sel. Bridle MOTIONED to Authorize the Town Manager to enter into a parttime contract with the MRI Building Inspector for Building Dept. Assistance, SECONDED by Chairman Waddell.

Sel. Barnes noted we are going to hire MRI and the answer was a guy that works for them that helped us last time.

Sel. Rage asked about filling a position and the answer was temporarily.

Chairman Waddell asked about time and the answer was paying hourly and mileage as need be.

Sel. Barnes discussed receiving clarification on the building report and noted 2020 inspections were 32% of what they were in 2019, with weekly inspections dropping and not enough manpower. TM Sullivan discussed the issues of work back logged.

Sel. Woolsey commented wanting to make sure they are going on site, and the answer was assuredly they were.

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

6. Reminder that next week is a holiday and the next meeting will be February 22<sup>nd</sup>.

## IX. Old Business

Sel. Bridle asked about the street performers. TM Sullivan noted the town attorney is looking into what they can and cannot do and will put on a future meeting.

Sel. Woolsey discussed the filming incident that happened at Town Offices, and that the Board should get emails. She discussed moving to get blinds on the first floor and discussed going to the Town Offices to apologize to the employees.

TM Sullivan discussed the incident, that there was no danger, that he dealt with the person, that there are people in the world that do these sorts of things. He noted the best thing to do is go about your business. He discussed the Town's liability of removing such a person. He discussed it can be uncomfortable for people. and it happens to Police and Fire all the time. He discussed the blinds would be fine, but they must be open when doing business. He noted if they want to be emailed, he will do so.

Sel. Woolsey reiterated her comments.

Chairman Waddell discussed the laws that allow people to come in and videoing. TM Sullivan noted consulting with town council and the attorney general during this time.

Sel. Barnes commented on finding out about this after a YouTube video was sent to her. She noted people being terrified, and that it is a public building and people have rights. She noted someone coming in during the pandemic is a problem. She commented the blinds is a good idea. She discussed we live in an iffy time, and homeland security issuing a warning.

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She discussed the town office employees not seeing things like Police and Fire do on a regular basis. She noted going forward making sure they know we are protecting them and possibly a police car at town hall.

TM Sullivan noted how unusual this situation was and noted working on training. He reiterated it was uncomfortable, but not dangerous, and monitored by himself and law enforcement.

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#### X. New Business

Sel. Barnes asked that we have a discussion with Chief Hobbs on what we think the summer of 2021 is going to look like.

She discussed attending a NHMA Conference regarding assessing and their recommendation on software, the Lexis Nexis system. She discussed the work that assessing has already done, especially with exemptions, but software where things could be more easily tracked, should be discussed.

Sel. Rage noted looking into Lexis Nexis for the Village District.

TM Sullivan noted privacy issues and costs.

Sel. Rage noted having town council research and TM Sullivan noted having done it before, but can do again.

Sel. Woolsey asked about the state park coming and it was noted it is on the schedule for March 15<sup>th</sup>.

#### XI. Closing Comments

Sel. Rage gave a shout out to DPW for amazing work in the storms.

Sel. Barnes agreed they do an awesome job.

#### XII. Adjournment

At 20:44 PM, Selectman Woolsey MOTIONED to adjourn, SECONDED by Selectman Barnes, 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

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James Waddell, Chairman