

February 10, 2020

7:00 PM

PRESENT: Jim Waddell, Vice-chairman
Rusty Bridle, Selectman
Regina Barnes, Selectman
Mary-Louise Woolsey, Selectman
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

ABSENT: Rick Griffin, Chairman

SALUTE TO THE FLAG

I. Fire Department Officers Swearing-in.

1. Lieutenant Wisner to Captain

With the statutory Oath, Lieutenant Wisner was sworn in as Captain.

2. EMS Officer Denio to Lieutenant

With the statutory Oath, EMS Officer Denio was sworn in as Lieutenant.

3. Firefighter Meehan to EMS Officer

With the statutory Oath, Firefighter Meehan was sworn in as EMS Officer.

4. Joseph Isabel to Firefighter

With the statutory Oath, Joseph Isabel was sworn in as a Firefighter.

Chief Ayotte thanked Town Clerk Shirley Doheny for the swearing in procedures.

The Board, individually, congratulated all of tonight's honorees.

Sel. Woolsey read a thank you letter to the Board regarding the excellent response and work of the Fire department and employees, from a resident who needed emergency assistance.

II. RSA 287-I:6 Public Hearing

1. "Shall we allow the operation of sports book retail locations within the Town of Hampton?"

Hearing is opened at 19:18pm. This is the first of three public hearings being held tonight.

Chris Nevins, 36 Ashbrook Drive, stated he was here to advocate for sports betting. He discussed Ocean Gaming Casino and the 35 charities that benefit financially from charitable gaming and bingo and potentially sports betting. He stated he is not a gambler and referenced learning much about gambling when he ran for State office.

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Rep. Nevins referenced the positive State betting and discussed that it is a business, and that he has seen the good being done, and discussed how it has enhanced the winter season. He discussed the competition and that we should be able to better compete. He noted State proceeds going for gambling addition programs. He encouraged the Board and the public to be positive about sports betting.

John Kaforte, NH Lottery Commission, he commented that the Lottery Commission does not take a position on the passing of the bill, but they are available to answer any questions. He discussed the State bill that was passed, and the mobile app that went into effect, and discussed the retail aspect which is what the warrant article for sports betting is about, noting there will be 10 in the State. He discussed the responsible gaming issue and the creation of the public entity for that purpose, funding with lottery funds along with health and human services.

Sel. Woolsey asked about the Maine/NH border, and the answer was Maine is in the process of an override of a veto and expects Maine to have sports betting relatively soon.

Sel. Barnes asked if town meeting passes this, is Ocean Gaming guaranteed to be one of the ten, and the answer was they are not, and the process of the contractor Draft Kings was discussed. It was discussed that the vote, if passed, would welcome the gaming if location is presented. It was noted the entities with prior approvals and already working with charities would be looked at first. Sel. Barnes reiterated the good work that Ocean Gaming does for the town.

Sel. Bridle noted it is a good thing for the town and it would be nice if we could pass it and if we could get one in Hampton.

Charlie Preston, Glade Path, stated he totally supports this, Ocean Gaming has done a phenomenal job. He discussed Ocean Gaming, referencing "Giovanni's", noting it is an 18 and over venue, he also discussed other than gambling, it is a great place to eat, great pizza and all beverages, with a deck outside, noting it is open year round. He discussed his family attending. He also discussed the benefit of going in person for a bet, as opposed to online. He discussed the traffic issue and Route 1.

Mike Edgar, 7 Ann's Terrace, stated he wanted to speak in favor of this. He is involved with Ocean Gaming through the American Legion. He discussed checking out the place and all it's positives. He mentioned discussion with people who come and stay in town and eat at restaurants to be able to go to Ocean Gaming, stimulating business. He hopes the town's people vote it in.

Sel. Waddell asked Mr. Welch if it is already on the warrant and the answer was yes. It was discussed that one public hearing is all that is needed.

Public hearing is closed at 19:34pm.

Sel. Waddell noted the Police Chief has a public service announcement that was supposed to be before the public hearing.

Police Chief Sawyer discussed the vote taking place tomorrow at Winnacunnet High School. He noted there is a SAU training day and there will be a lot more cars. He noted preferred parking for in the morning and the lunch hour is going into Lot A, and when pulling into Lot

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A, there will be an officer to direct you where to go. He asked for the public's patience and any possible car pooling that can be done. He noted a large turnout is expected.

He then discussed the I Street issue. He noted storage of the building components and the request to use the Island Path lot, noting the time frame does not impact the summer season but Island Path is being used due to the Casino starting concerts in March. He stated the Police Department had no objections with the use of the lot.

III. RSA 41:14-a Public Hearing

1. Second Hearing 2 17th Street Tax Map 168, Lot 78/1 - Release Deed Restriction #4 of the seven foot setback for out-building

Opening Time, 19:37 pm.

Henry Boyd, Millennium Engineering, spoke, noting the owners were in the audience. He also noted there was one hearing already which Sel. Waddell confirmed. He noted they are asking for the release for a shed, noting it's placement on a plan he had with him.

Sel. Woolsey asked how this affects the surface on the lot, and Mr. Boyd noted they are under the sealed surface threshold that is required, also noting that Conservation and Planning have looked at this and stated their approval. Sel. Woolsey noted the map is helpful.

Atty. Gearreald noted the proposal last year that was not recommended, with some changes made to the site for permeable surface, and Mr. Boyd discussed the confusion with compliance and explanations. Atty. Gearreald noted that there needed to be two restriction releases due to the shed not being attached. It was discussed that the second can be added.

Sel. Waddell stated this was the second hearing and in two weeks there will be the vote.

Hearing closed at 19:41pm.

2. First Hearing 4 2nd Street Tax Map 223, Lot 53 – Supplemental Request for Relief from Deed Restriction #4 “The only structures permitted to be erected or placed upon said lot shall be one single-family dwelling with no more than a two-car garage. The Grantee will not erect any buildings upon the premises within seven (7) feet of any boundary line....” The petitioner previously obtained relief to tear down two existing dwellings at 4 Second Street and construct a new single-family home upon the property containing five (5) bedrooms, but this supplemental request for additional relief is needed based on a subsequent plan revision showing a three-car garage that lies within the 7 foot setback.

Atty. Peter Saari, Casassa Law Office, noted this project should seem familiar, it has been going on a while. He noted the complexity of the project. He noted two poor looking buildings are being replaced with one nice one, noting the setbacks and the garage.

Atty. Gearreald noted previous approvals have not been recorded, rather waiting to do one document. He noted this is now a three car garage with a setback issue.

Sel. Woolsey asked which lot is this, (on the map). Atty. Saari showed her.

Sel. Waddell stated this is first hearing, we will have a second hearing in two weeks, and then in another two weeks we will vote.

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Public Hearing closed at 19:46pm.

3. First Hearing ~~941~~ 741 Ocean Blvd Tax Map 223, Lot 53/1 – Relief from Deed Restriction #4 “The only structures permitted to be erected or placed upon said lot shall be one single-family dwelling, containing no more than four bedrooms, with no more than a two-car garage...[n]or shall the premises be subdivided.” This request relates to a previously approved two-lot subdivision that has already resulted in the construction of a new dwelling structure on Lot 53-1 having 3 bedrooms, and is anticipated to result in the construction of a new dwelling structure on Lot 53 (as noted above) that will have 5 Bedrooms.

Opened at 19:46pm. Sel. Waddell noted the correction to the agenda, it is 741 not 941 Ocean Blvd.

Atty. Gearreald noted this lot and the prior lot were at one time the same lot, subject to the same deed restrictions. He explained this is to clear up deed restrictions that will be violated now that they are separate, noting the bedrooms and garages, and the correction of the subdivision.

Atty Greg Ramsey, for owners of 741 Ocean Blvd, reiterated this is to clear up title issues.

Sel. Woolsey asked where this is on the map, and what about the pervious surface, and the answer was there is no construction on this lot.

Sel. Barnes clarified that this is just granting what already exists and the answer was correct.

Sel. Bridle noted this was done in 1986 and wasn't completed and this is just to clear up.

Sel. Waddell stated this is first hearing, we will have a second hearing in two weeks, and then in another two weeks we will have the vote.

Public Hearing closed at 19:51pm.

IV. Public Comment

There are none.

V. Announcements and Community Calendar

Sel. Barnes announced the Presidential Primary tomorrow at Winnacunnet High School, and if before 2:30 look for the police officer directing traffic and please be patient.

Sel. Waddell reiterated to remember to vote tomorrow, and pay attention to parking.

VI. Approval of Minutes

1. January 27, 2020 Public and Non-public sessions

Selectman Woolsey MOTIONED to APPROVE the Public and Non-public sessions minutes of January 14, 2020, SECONDED by Selectman Barnes.

VOTE: 4-0-0

VII. Consent Agenda

1. 2020 Veteran's Credits New: Berube, James A & Linda K, Fahy, Bryan, Gunville, Mark, Johnston, Alison Revocable Trust, Schevis, David P & Michelle, Tobia,

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- Family Revocable Trust of 2017, Valentino, Jacquelyn M Revocable Trust, Vanesse, Daniel G & Susan M
2. 2020 Veteran's Credits Renewals: Aiello, John J & Patricia A, Bragini, Peter & Linda, Johnson, George & Sandra, Nersesian, Daniel & Diane
 3. Cemetery Deed: Peter & Barbara MacKinnon 20/I-1/1/1
 4. Conservation Appointment: Debra Wrobel to full member
 5. Pole Petition License AT&T: 139 Ocean Blvd & 145 Ocean Blvd

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

VOTE: 4-0-0

VIII. Appointments

1. Chief Ayotte, Fire Department
 - a. Departmental update

Chief Ayotte thanked the Board for allowing the earlier honor ceremonies, and noted Dep. Cutting was attending the festivities celebrating those.

He noted all the changes in the department. He highlighted John Stevens retirement, and reiterated the earlier promotions and new firefighter. He noted 4580 service calls in 2019, fire calls, and patient calls, with an increase of over 250 from previous year. There were 16 structure fires, smaller fires and mutual aid, and he gave a time frame of them all. He described many of the other types of calls. He discussed mutual aid and the increase in that need.

He discussed the Alpine Software upgrade and highlighted all of it's uses. He stated to the Board that there will be some changes in how calls are reported and he will update the Board more at a later time. He noted no structure fires in Jan. of 2020. He discussed emergency medical services, noting 2412 patient contacts, noting all transports to various hospitals. There were 176 patient contacts in Jan. of 2020, that is a 9% increase over 2019, describing them all. He offered his thanks to Nate Denio and his all past work with emergency services, highlighting several of his accomplishments.

He discussed two firefighters going to paramedic school, as well as starting the process for a new ambulance purchase. He talked about fire prevention, permits and revenue collected, and noted upcoming summer inspections, and fire prevention talks with students. He discussed communications and an award of a DHS grant for reprogramming radios. He discussed software and SOP reviews that Dep. Cutting is doing. He also talked about a grant for radios that he is currently working on. He also noted upcoming promotions and hires.

Sel. Woolsey thanked Chief Ayotte for his report and noted his having to hire two new firefighters.

Sel. Barnes stated excellent job and asked about the 54 calls for overdoses and asked about that as compared to last year and the answer was about the same.

Sel. Bridle stated good report and asked how the changes in dispatch are working out, and the answer was very well, with the software being very user friendly, and noted the learning curve and, all of the data entry being done. He asked if any issue because it is different and

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the answer was not at this time and reporting is very similar. He asked about additional training and the answer was there is still some training time left that is owed.

Sel. Waddell stated good report.

Mr. Welch suggested a vote on the DHS grant.

Selectman Bridle MOTIONED to APPROVE the ACCEPTANCE of the DHS GRANT, SECONDED by Selectman Woolsey.

VOTE: 4-0-0

2. Kristi Pulliam, Finance
 - a. End of year Encumbrances & Financials

Ms. Pulliam noted not much has changed since her last appointment. She stated total income figures at \$1,509,170.00 with Motor Vehicles @ \$370,690.00, Building Permits @ 30,082.00. Rooms and Meals @ \$72,832.00, Department Revenue @ \$192,782.00, Rye Sewer @ \$17,898.00, Interest @ \$18,735.00, Real Estate Trust @\$56,400.00. The 2019 revenue is higher than 2018 by \$515,258.00. She noted on the expense side, we are 97.9% expended, being under budget by \$528,201.00, noting that is a comfortable number for a 28 million dollar budget. She also noted these are unaudited numbers, with a few more 2019 bills to process. She read the balances in special revenue funds, Recreation @ \$235,359.00, Cable @ \$256,621.00, Private Detail @ \$276,769.00, and EMS @ \$291,835.00. She stated the Waste Water Development Charges in 2019 were \$74,860.00 with the balance in that account @ \$257,257.00. She noted the numbers will be going into the annual report.

Sel. Barnes thanked Ms. Pulliam for report and noted 1.9% on a 28 million dollar budget was very accurate.

Sel. Bridle stated excellent job.

- b. Warrant Articles

Ms. Pulliam discussed year end purchase order encumbrances and warrant articles being carried forward or lapsing, noting the Conservation sale that did not go through and that money going back to the fund balance. She asked the Board about the Waste Zero encumbrance.

Mr. Welch noted the purchase order should lapse as there has not been a contract signed.

Sel. Barnes commented letting it lapse is a good idea, not being comfortable with the pay as you throw process being the thought.

Ms. Pulliam stated that the amount of purchase order encumbrances at the end of 2019 without the Waste Zero purchase order, is \$1,279,975.00 with \$850,988.00 being the general fund amount. The warrant article total is \$1,165,254.00, having been reviewed by all, that should be carried forward. She noted there is \$74,745.00 in warrant articles not being carried forward that will be returned to the unassigned fund balance.

Sel. Barnes asked about those expiring March 31st, and whatever is not an open purchase order will expire and the answer was correct, with Ms. Pulliam noting unless there is a contract, as that would keep it open as well.

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Selectman Barnes MOTIONED to APPROVE the PURCHASE ORDERS AND WARRANT ARTICLES as presented, for YEAR END 2019, SECONDED by Selectman Woolsey.

VOTE: 4-0-0

Ms. Pulliam noted the information will be put on the website with financials for anyone wishing to see.

3. Ed Tinker, Contract Assessor
 - a. Leased Land Commitment

Mr. Tinker presented the leased land commitment for 2020. He stated there are 31 parcels and the total is \$193,778.00.

Sel. Waddell asked Mr. Tinker to explain what leased land is. He explained that there is land that the town owns, at one time 600 parcels, that people pay taxes on, but also pay a 2% land lease fee. There was a discussion that all town land that is sold, goes into the real estate trust fund. Mr. Tinker noted there is a vote needed and signatures needed on the last page.

Selectman Bridle MOTIONED to APPROVE the Leased Land Commitment, SECONDED by Selectman Barnes.

VOTE: 4-0-0

- b. 2020 Lease Land Renewals (3) 7&9 A Street, 24 K Street, 22 Epping Avenue

*Note: item b was done after item c.

Selectman Bridle MOTIONED to APPROVE the 2020 Lease Land Renewals (3) 7&9 A Street, 24 K Street, 22 Epping Avenue, SECONDED by Selectman Woolsey.

VOTE: 4-0-0

- c. Assignment of Lease 14 O Street

Mr. Tinker noted the assignment to be done. Atty. Gearreald discussed the lessees not paying the land rent, but the bank stepping in and paying, with eventual foreclosure, noting the bank is now selling, therefore the need for the assignment.

Selectman Bridle MOTIONED to APPROVE the Assignment of Lease 14 O Street, SECONDED by Selectman Barnes.

VOTE: 4-0-0

- d. 2019 Abatements

Mr. Tinker stated they have the list of 12 abatements and the tax collector's abatement list, for bookkeeping. He noted the abatement refund amount was \$3,420.00.

Sel. Barnes asked about the abatements for bookkeeping purposes. Mr. Tinker explained the State purchasing one parcel and it is no longer taxable, as well as a cell tower that was an address change and while still being taxed, the process needs to abate the incorrect address.

Sel. Bridle asked about the campers listed. Mr. Tinker explained the process of not taxing a camper if registered, but if it stays into the next tax year, being unmovable, they consider it taxable, noting there is no set rule. Mr. Welch noted the removing of wheels.

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Selectman Barnes MOTIONED to APPROVE the 2019 Abatements, SECONDED by Selectman Bridle.

VOTE: 4-0-0

4. Derrick Sietz, Windover Constr. & Joe Coronati, Jones & Beach
 - a. I Street Closure for 03/03/2020 thru 03/06/2020 & 04/06/2020 thru 04/10/2020

Mr. Sietz and Chuck Belmore, owner of property introduced themselves, as did Mr. Coronati. Mr. Sietz explained the handout, noting what is proposed for street closure for the project, the dates, and the setting up of the crane. He discussed I street being 2-way during the durations of road closure.

Sel. Woolsey asked about the length of time. Mr. Sietz reiterated a week for steel and a week for module.

Sel. Barnes asked about the people that live on I street, and the answer was they will be able to travel.

Sel. Bridle noted it was an excellent plan, similar to another property done.

Sel. Waddell asked about residents on the street and the answer was they all know about it and they will be reminded and there will be signage.

Mr. Welch commented a vote is needed for making me street 2-way.

Selectman Bridle MOTIONED to APPROVE the MAKING I Street 2-WAY during CONSTRUCTION, SECONDED by Selectman Barnes.

VOTE: 4-0-0

Selectman Bridle MOTIONED to APPROVE the STORAGE OF TRAILERS AT ISLAND PATH, during CONSTRUCTION per Police Chief, SECONDED by Selectman Barnes.

VOTE: 4-0-0

- b. I Street re-striping

Mr. Coronati discussed the plan of restriping that was presented to the Board, noting the curb cuts, and stating they want to move the permanent striping to not lose any parking on I Street. He noted the placement changes are on the plan.

Sel. Waddell asked if this has been run by DPW, and the answer was it has and looks good to them.

Mr. Welch noted that if DPW approved it, it is fine.

Selectman Bridle MOTIONED to APPROVE the RE-STRIPING OF I STREET, SECONDED by Selectman Barnes.

VOTE: 4-0-0

IX. Town Manager's Report

1. Please vote tomorrow at the State National Primary held at Winnacunnet High School from 7AM to 8PM, (note parking issues for early day).

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2. The Department of Environmental Services has issued new wetlands rules. If you are planning to do work on your property that may involve wetlands you should consult the State DES Website to examine the new rules.
3. The No Overnight parking ban from 1AM to 7AM is still in effect. During this period no vehicles should be parked on Town roadways.
4. Property owners interested in obtaining exemption or credits from property taxes should contact the Assessor's Office to obtain the necessary forms.
5. Requests for abatement from property taxes must be filed by March 1, 2020. The necessary forms are available at the Assessor's Office.
6. Those voters interested in obtaining absentee ballots for the March 10 Annual Town Meeting should contact the Town Clerks Office.

Sel. Barnes commented on the DES rules, noting she ran it by the Town Planner. She noted the Town Planner's impression was possible additional challenges and fees for the home owner and the town, noting it does apply to decks and sheds.

Sel. Bridle asked if there was same day registration at the polls tomorrow and the answer was yes. He noted you must bring proper identification with proof of residency.

X. Old Business

There was none.

Sel. Barnes asked if the next meeting, the 24th, the DPW will be in, and the answer was yes.

XI. New Business

1. Acceptance of Misneatch, LLC Conservation Easement Deed for 343, 363, & 379 Exeter Road (Tax Map 51, Lot 3)

Atty. Gearreald explained the wetlands permit issue for a driveway expansion for truck access, that was the purpose of this conservation easement being offered as mitigation. He noted the map provided to the Board, it showing this adds to an easement given with the Cornerstone project. He noted this has been reviewed by his office and he recommends to the Board to approve.

Selectman Barnes MOTIONED to APPROVE the Acceptance of Misneatch, LLC Conservation Easement Deed for 343, 363, & 379 Exeter Road (Tax Map 51, Lot 3), SECONDED by Selectman Bridle.

Sel. Woolsey asked if there was a format to inspect properties at a future date for compliance. Atty. Gearreald explained there is a process for an annual inspection.

VOTE: 4-0-0

2. Appointment of Chris Jacobs, DPW Director and Jen Hale, DPW Deputy Director to the NH Seacoast Transportation Corridor Vulnerability Assessment & Plan (STCVA)

Selectman Bridle MOTIONED to APPROVE the Appointment of Chris Jacobs, DPW Director and Jen Hale, DPW Deputy Director to the NH Seacoast Transportation Corridor Vulnerability Assessment & Plan (STCVA), SECONDED by Selectman Barnes.

Sel. Barnes read the goal of the STCVA for enhanced coordination for future transportation planning.

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Sel. Woolsey noted she appreciated the goals but worried about the workload of the director and deputy director.

Mr. Welch noted it was at their request.

VOTE: 4-0-0

Sel. Waddell noted they needed to cover Poll hours. He stated he can be there at 9 AM to early afternoon. Sel. Bridle stated he can be there at in the morning to 2 or 3 and Sel. Woolsey stated she could be there after 1 PM or 2 PM. Sel. Barnes stated she can be there from late morning on. It was discussed a majority needs to be back to sign the ballot after the count, and Sel. Waddell, Sel. Bridle and Sel. Barnes all agreed.

XII. Closing Comments

Sel. Bridle stated to get out and vote.

Attorney Mark Gearreald asked the Board to go into Non-Public Session, under RSA 91-A:3,II,(c) Reputation and (e) Litigation.

At 8:45 PM, Selectman Barnes MOVED to go into Non-Public Session, under RSA 91-A:3,II,(c) Reputation and (e) Litigation, SECONDED by Selectman Bridle, which was voted unanimously by roll call (4-0).

PRESENT: Jim Waddell, Vice-chairman
Rusty Bridle, Selectman
Regina Barnes, Selectman
Mary-Louise Woolsey, Selectman
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

[The Minutes were sealed by vote following the resumption of the public session]

At 8:53 PM, a MOTION was made by Selectman Woolsey, SECONDED by Selectman Bridle, to leave the non-public session, which was approved unanimously (4-0)

At approximately 8:54 PM, back in public session, Selectman Bridle MOTIONED, SECONDED by Selectman Woolsey, to seal the minutes of the non-public session on the basis that disclosure of the minutes could jeopardize the actions to be taken, which was passed by a roll call vote of 4-0.

XIII. Adjournment

At 8:55 PM, the Selectmen adjourned the Public Session on MOTION of Selectman Bridle, SECONDED by Selectman Woolsey, which passed unanimously (4-0).

Jim Waddell, Vice-chairman