

July 27, 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

Would each member state their presence:

Sel. Rage, present, Selectmen's Meeting Room
Sel. Bridle, present, Selectmen's Meeting Room
Sel. Woolsey, present, Selectmen's Meeting Room
Sel. Barnes, present, Selectmen's Meeting Room
Chairman Waddell, present, Selectmen's Meeting Room

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

Sel. Regina Barnes, speaking as a member of public, 95 Presidential Circle, she spoke of nine matters, discussing: 1. The 9pm curfew at the beach; 2. Fights in front of and on taxpayers properties; 3. Trash removal not up to Hampton's standards; 4. The danger and destructive behavior at the beach; 5. Comparison of the beach to Nashville with no social distancing or masks, but shoppers having to do so; 6. Some selectmen's answers rehearsed and if the Blvd. has performers, why can't we have selectmen's meetings open; 7. When will the Town Offices be open to the public; 8. When will senior activities resume and with limited services offered, will budgets be adjusted and monies given back to the taxpayers; 9. Most taxpayers do not want the Town turned upside down, with the HBVD taxes being 1.2% of total taxes and please open Ocean Blvd, and if the State does not have enough help maybe we need to limit people visiting the beach.

III. Announcements and Community Calendar

Sel. Rage announced there will not be fireworks.

Sel. Woolsey noted not knowing when elections are and will people be able to get absentee ballots, and Chairman Waddell noted it will be discussed at the next meeting.

Sel. Barnes thanked all town departments, noting the three major ones, fire, police, and public works and also thanked the taxpayers for paying their taxes.

Chairman Waddell noted the heat and encouraged all to stay safe, cool, and hydrate.

A public comment came in at this time:

Claire Libby, 307 Mill Rd., she noted all doing a fantastic job, and she discussed the pandemic, other areas seeing increases in COVID-19 cases due to re-openings, noted not wanting things to open more, the chaos at the beach needs to be addressed, but, the answer is not to open it more. Her view is she would like to see things more closed down.

IV. Approval of Minutes

1. July 13, 2020

Selectman Woolsey MOTIONED to APPROVE the minutes of July 13, 2020, SECONDED by Selectman Bridle.

Sel. Bridle noted he wanted the minutes AMENDED to state that the two public comments during the meeting, both mentioned they were discussing Sel. Regina Barnes, and feels that should be corrected.

Sel. Rage seconded the motion as amended.

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

V. Consent Agenda

1. 2020-05 "Supplemental" Tax Warrant
2. Cemetery Plot sell back: Kehoe to Town F/612/1-4
3. Donations to Parks and Recreation Dept in the amount of \$500 & \$30 (Anonymous), \$250 from Blue Water Mortgage
4. PA-28 Form, BoS not using form

Town Manager Sullivan noted #4 is an assessing form the Town does not use, but must be reported that we do not use, and it is an annual thing.

Selectman Bridle MOTIONED to MOVE the Consent Agenda, SECONDED by Selectman Woolsey.

Sel. Woolsey asked what the form was in #4 and TM Sullivan stated it was an assessing form.

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

VI. Appointments

1. Kristi Pulliam, Finance Director
 - a. Monthly Financials

This is the sixth report of 2020 and the expenditure target is 50%. I am going to provide comparisons on revenue from June 2019 to June 2020. The month's total income was \$804,132. When you compare June revenue of 2019 to 2020 we are up \$52,295. I will point out that total revenue in 2020 is down \$23,809 from 2019. Under Taxes you will see that we have billed for the payment in lieu of taxes for \$120,000. • Interest on Taxes is lower than 2019 by \$20,425. • Motor Vehicle Fees is lower than 2019 by \$144,860. • Building Inspection Permits are higher than 2019 by \$28,952. • Parking Ticket are higher than 2019 by \$20,279. • Sludge is higher than 2019 by \$30,390. • Transfer Station is lower than 2019 by \$22,802. • Parking Lot Revenue is higher than 2019 by \$54,998. This has changed from last month when we were behind. • Real Estate Trust is lower than 2019 by \$11,773.

We have submitted the first round of reimbursements from several grants and there is an attached sheet for that in your packet. Submitted request include: \$195,600 for First Responder Stipends, \$31,803.27 from CARES Act, and \$78,717.61 from FEMA, which represents 75% of total submitted to FEMA, the other 25% is included in CARES Act. On the expense side we are 45.65% spent or under budget by \$1,136,019. In June of 2019 we were under spent by \$832,499. Zoning remains over target at 103.54%. This has not changed over the past few months. Emergency Management is at 390.46%. This is the line item we have been using to run the majority of the COVID-19 expenses through. Hydrants is at 50.29%, which is related to the fact that we are billed semi-annually. Patriotic Purposes is at 78.71%.

Warrant Articles can be reviewed on page 18. Fund 24, Recreation has a balance of \$228,759. Fund 25, Cable Committee has a balance of \$390,256. Fund 26, Private Detail has a balance of \$277,009. Fund 27, EMS has a balance of \$350,316. Wastewater System Development Charge, fees collected in 2020 total \$37,970 with a balance in this account of \$217,472.

Sel. Barnes discussed parking tickets and lot revenue being up, but dept. revenue down and asked about the payment in lieu of taxes, and Ms. Pulliam noted it is the NextEra settlement, being billed in halves in the same time frame as tax bills. Sel. Barnes noted being in good shape for halfway into the year.

Sel. Bridle noted great report, and thanks for all the work, especially all the extra reimbursement issues, and thanks for all you and your department do.

Chairman Waddell asked how many more years on the NextEra settlement, and Atty. Gearreald stated this year, 2020. He asked about the reimbursements and Ms. Pulliam noted they are submitted but we have not received payment yet. He asked about more and she noted those are through May and we will be submitting June's, and she discussed submission dates and the extension, and possible amounts including supplies and wages and overtime. He asked if anything goes badly will it be brought to the board and the answer was absolutely.

2. Donna Bennett, Tax Collector
 - a. Tax Deeding

Atty. Mark Gearreald was present for Ms. Bennett. He discussed the deeding for delinquent taxes was to happen in May, but put off due to the governor's emergency order. He discussed the process of additional title searches needing to be completed for accuracy, and two things happening in that process, the title searcher being very busy, and the governor's order extension till August 7th. Ms. Bennett is therefore asking for a new deeding date of October 19th.

Selectman Barnes MOTIONED to APPROVE the Tax Deeding for October 19th, 2020, 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

3. Chris Jacobs, DPW Director & Jen Halle, DPW Deputy Director
 - a. Locke Road Improvement Project Bid 2020-005

Dep. Dir. Hale discussed the Locke Road bid, she noted the approved warrant, and that the work includes replacing sewer and drainage, as well as repaving. She noted 13 requests going out and several postings and then receiving 6 bids, with American Excavation Corp., being the lowest bidder at \$777,258.00. She discussed the engineers Tighe and Bond have vetted the bid and the company and recommend to award the bid to them. She discussed that due to the size of the project, that Tighe and Bond administer the project construction, being on site. She noted a 12-week project timeframe. She noted the final cost of \$893,853.00, with the appropriation being \$850,000.00 and asking the balance come from DPW funding. She read the motion request for awarding the bid and funding.

Sel. Woolsey asked about the timeframe and Dep. Dir. Hale explained the progression and that the expectation is to be done by the second week in November.

Sel. Barnes noted good work and reiterated the \$43,000.00 that will come out of the public works budget. Dep. Dir. Hale noted a couple ways they can do it and it being a necessity.

Sel. Rage noted he agrees.

Sel. Bridle asked if we had used this company before and the answer was yes, before she was here, but that Tighe and Bond completely checked their references.

Chairman Waddell clarified the work being done now was done by who, and the answer was it is Aquarion's work, being done by Jamco.

Selectman Bridle MOTIONED to APPROVE the AWARD of contract to American Excavation Corp. for \$777,258.00 and AUTHORIZE Tighe and Bond to provide construction administration services in the amount of \$75,000.00, allowing the Town Manager to execute said contracts, 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

Sel. Bridle asked if the striping of the roads is starting tonight and the answer was tonight, for Lafayette and Park, with the rest being discussed in two weeks.

Sel. Woolsey clarified that Route 1 is tonight and that answer was yes.

Sel. Barnes clarified that in two weeks is additional striping, and the answer was yes, there needs to be discussion regarding bidding for additional which has double from what past bids have been.

Sel. Rage asked what made them double and the answer was high demand and only one bid.

Sel. Barnes asked if the WWTP was on schedule and the answer was yes, 100%.

VII. Town Manager's Report

1. COVID-19 Update

Town Manager Sullivan discussed the most recent statistics for Covid-19 for the State and Town, noting things are status quo for the moment and numbers are good.

Sel. Woolsey noted the information at NH.gov.

2. Report

1. The Ashworth Ave. two way proposal has been discussed with DOT and they are not in favor of that happening, the engineers deeming it not safe enough and would create too much traffic congestion.
2. The DPW is doing a phenomenal job with the trash issue, backing up the State with a 5:00 a.m. run, and that overtime is going to be reimbursed by the State.
3. The crosswalk signs were delivered today and those will be put out as soon as they can be.
4. Some of the work has been done at the Town Offices, with more work to do in planning and building and we are looking at the timeline to get that done. That will determine the reopening process.
5. We are looking at recreation programs, and they currently have a staffing shortage, with that effecting programs and with that have postponed flag football until spring.
6. Unutil will be doing a right of way cleaning, vegetation clearing. There are forms to be filled out by Aug. 14th should you wish to be informed before they begin in your area.

Sel. Bridle asked to clarify you can still come to the town offices, to the vestibule, to register your vehicle and the answer was yes, all services are still being offered, with the Town Clerk's office working very hard to get all done.

Sel. Barnes noted the DOT shut down the Ashworth Ave. proposal and the answer was they will not support it, the Governor could still order it, but does not see that happening. She asked if a crosswalk sign will be placed at Winnacunnet and King's Highway and the answer was yes. She asked about Winnacunnet and High street and if they could be resident only parking and the answer was, we can check with the Chief. She reiterated her public comments earlier were as a resident, not as a selectman. She discussed the parking issue being less at the beach and the overflow that moves north and the issues that creates for taxpayers there. She reiterated the possibility of resident only parking there. There was consensus that could be done, needing signage and discussion that Little Jack's has been fenced in.

Sel. Rage asked if there were a time frame for the lighting at C Street and the answer was, we don't have one and we will reach out again.

Chairman Waddell noted his concern of resident only parking on High Street as there are businesses there. Consensus was to look at just Winnacunnet for resident only.

Sel. Woolsey asked if anyone other than DPW has a key to get into the public works yard, and the answer was the State, to drop off their trash. She asked if they are going after hours and the answer was yes. She asked if it is State vehicles or a contractor, and the answer is the contractors do not have access and will get confirmation on that. TM Sullivan discussed the State getting their trash truck soon and that will be going to the yard during the day. She asked if the trash is being weighed and the answer was always. They both discussed the weighing process. She asked about the revenue from the State and they discussed the revenue, the colored bag process, and what is State and/or Town trash. There was continued discussion regarding payment of the trash and trash workers wages. TM Sullivan reiterated the process and discussed the reimbursement by the State. There was general discussion on bathroom trash. Sel. Woolsey discussed the public works employees being stressed and overworked and Chairman Waddell noted the directors have not come to the board with that and they are running the department. There was continued discussion and Chairman Waddell asked if there was a motion.

Selectman Woolsey MOVED to be advised on what all other State Parks do for waste, SECONDED by Selectman Barnes.

Roll call vote: Sel. Rage: no, Sel. Bridle: no, Sel. Woolsey: yes, Sel. Barnes: yes, Chairman Waddell: no. VOTE: 2-3-0 (does not carry)

VIII. Old Business

1. RSA 41:14-a Vote
 - a. 4 14th Street Map 183, Lot 26

Atty. Gearreald discussed the last two public hearings on this matter and the prepared motion.

Selectman Woolsey MOTIONED to move that the Board modify deed restrictions #3 contained in the Quitclaim deed from the Town to Eugenia L. Callahan dated December 17, 1984 and recorded at the Rockingham County Registry of Deeds in Book 2525, Page 1650 which deed restriction #3 now reads

“No fences may be erected upon said premises other than ornamental fences of no more than a three-foot height.”

So that said deed restriction #3 will then read “No fences may be erected upon said premises other than ornamental fences of no more than a four-foot height.”

Said modification to be memorialized in a Modification of Deed Restriction document drafted by the Town Attorney for the Selectmen's signatures and recording, 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

2. Solid Waste Committee

Sel. Bridle discussed the committee getting back together and coming up with a warrant article to deal with solid waste and being more specific. TM Sullivan discussed the process needed to reconstitute the committee.

Selectman Bridle MOTIONED to Reconstitute the Solid Waste Committee, SECONDED by Selectman Rage.

Sel. Woolsey asked if the goal were for a warrant article for 2020-2021. Sel. Bridle noted however they come up with and noted their previous recommendations. TM Sullivan discussed the motion to be reconstitute the committee, get that done and then come back with directives.

Sel. Barnes noted she is open to looking at what the Town Manager presents, but opposed to doing anything now without knowing the details. She discussed previously stating the policy that was proposed by DPW should be adopted, regarding service agreements and the 77 properties that have more than 10 bins.

Sel. Rage asked who would be writing the warrant article. There was discussion on that process and the board's approval if it's a selectmen's article.

Chairman Waddell noted he would like to see it reinstated, discussing their past work and having more specific goals for them going forward. There was general discussion on the number of committee members.

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: yes, Sel. Barnes: no, Chairman Waddell: yes. VOTE: 4-1-0

3. Comcast Cable Franchise Update

Chairman Waddell noted asking for an update after seeing a slide show on what the federal govt. is doing, during a committee meeting. Atty. Gearreald spoke on the update. He discussed the current franchise agreement is on an extension until Feb. 3, 2021, with the possibility of another extension, and may be due to the FCC making a major change to future contracts that the 5% franchise fee is offset against in kind contributions. He noted the FCC has not ruled completely, highlighting the election process and noting things may change if the administration changes. He commented that due to that, he recommends not entering into contract negotiations at this time. He discussed our hiring outside council who specialize in the field for this and the funds come from the cable funding. He discussed issues that can not be influenced by the contract, noting, being exclusive, and rates, and channel packages.

Chairman Waddell noted being on the cable committee and commented on the problem with the franchise fee going away or being recalculated, we could lose Channel 22, noting not rushing into this and recommends that at this time.

Sel. Barnes thanked council for the explanation. She asked for this to be posted for the public. There was general discussion on that.

Selectman Barnes MOTIONED to APPROVE the Posting of the Memo regarding the Cable Franchise Fee Update, 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

IX. New Business

1. Discussion of 2020 Warrant Articles

TM Sullivan explained he was looking for direction from the board regarding 2020 warrant articles that have been put on hold. He discussed we are in a good place with cash flow. He discussed options with regard to the articles and that they are in the tax rate setting process regardless. He noted taxpayers voting and wanting these things done, reiterated being in a good place and recommending we start moving forward. He asked for a motion to do so.

Selectman Woolsey MOTIONED to APPROVE the UNFREEZING of the Hold on Warrant Articles and for the Town Manager to move forward addressing them, 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. Barnes reiterated agreeing that the taxpayers want this done and we should move forward if we are in the place to do so. She asked for a highlight on the July financials of warrant articles that will expire in March and the answer was yes.

Attorney Gearreald asked to speak to items #2 & #3 together.

2. 230 Mill Road

Agreement with Aquarion for 230 Mill Road “Estherbrook Way”

3. 236 Winnacunnet Road

Agreement with Aquarion for 236 Winnacunnet Road “Loy Drive”

He noted both being the same agreement. He discussed subdivision roads approved by the planning board, in a new development, which will ultimately become a town road. He discussed the utilities being installed as the road is being built. He noted Aquarion asking the developer for an easement for the entire width of the road. He discussed if that were to be a permanent easement, the Town would inherit that when accepting the road as a town road. He noted asking that the easement be temporary until the road is accepted and then the easement would expire. He discussed that if they then wanted to work on the road, they would need an excavation permit, noting the benefit of taxing.

Selectman Bridle MOTIONED to APPROVE the Agreements with Aquarion for 230 Mill Road “Estherbrook Way”, and for 236 Winnacunnet Road “Loy Drive”, 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

4. Mary Batchelder Road/Timber Swamp Road Silvergrass Development

- a. Hold Harmless and Indemnification Agreement
- a. Sight Distance Maintenance Agreement
- b. Drainage Easement

Atty. Gearreald discussed all points. He noted this is a 46 single family dwelling development. He noted documents were submitted to his office for review and the above three need board approval. He noted this development involves forced mains for sewer, and

the hold harmless agreement means they are liable and not the Town. He discussed the engineers for the development asking for the sight maintenance agreement for the junction of the roads, the maintenance being at the homeowner's association expense and insured. He discussed public works wanting the drainage easement, this being necessary for the Town to work on drainage infrastructure owned by the Town. He noted all documents have been reviewed by public works and himself. He noted this is a complicated development but with these documents, others, and the plans, it should be approved soon.

Selectman Bridle MOTIONED to APPROVE the Hold Harmless and Indemnification Agreement, the Sight Distance Maintenance Agreement, & the Drainage Easement for the Mary Batchelder Road/Timber Swamp Road Silvergrass Development, SECONDED by Selectman Barnes.

Sel. Bridle asked if the house lots that abut Mary Batchelder Road, those driveways are coming off of the new road and the answer was yes.

Chairman Waddell asked if the sewer was private and goes into Liberty Lane and the answer to both was yes. He asked about the Liberty pump house and it being upgraded and the answer was there is a plan to do so. Atty. Gearreald discussed the shared pump station situation. He asked if the cemetery situation had been taken care of, and the answer was that the cemetery and the buffer around it will be deeded to the Town, and that there is a right of way being worked on.

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: no, Sel. Barnes: yes, Chairman Waddell: yes. VOTE: 4-1-0

Sel. Barnes commented on the time spent by Atty. Gearreald put into assuring that the Town has no liability. She noted State is recklessness on their property, and she is concerned the State will not accept liability should something happen. She stated the taxpayers in the Hampton beach village district will not remain silent and will not go away.

X. Closing Comments

Sel. Woolsey commented we are overbuilding in town and will have disastrous consequences.

XI. Adjournment

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

At 8:22 PM, Selectman Bridle MOVED to go into Non-Public Session, under RSA 91-A:3,II,(c) Reputation and (e) Litigation, SECONDED by Selectman Rage, which was approved unanimously by roll call vote.

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

PRESENT: Jim Waddell, Chairman
Regina Barnes, Vice-chairman
Mary-Louise Woolsey, Selectman
Rusty Bridle, Selectman

Chuck Rage, Selectman
James B. Sullivan, Town Manager
Mark Gearreald, Town Attorney

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

At 8:31 PM, a MOTION was made by Selectman Woolsey, SECONDED by Selectman Rage, to leave the non-public session, which was approved 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

At approximately 8:32 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 approved 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

X. Adjournment

At 8:32 PM, the Selectmen adjourned the Public Session on MOTION of Selectman Bridle, SECONDED by Selectman Woolsey, which was approved 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

Jim Waddell, Chairman