

September 14, 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 toll free **1-857-444-0744** and use the code **156034**. If anybody has a problem, please call **603-929-5805**.

SALUTE TO THE FLAG

#### I. Presentation

Chief Pat Murphy, Chief of the Hampton Beach Lifeguards

Chairman Waddell discussed the summer and the constant that was the Hampton Beach Lifeguards, noting the outstanding leadership, training, and constant surveillance of the lifeguards. He read a proclamation from the selectmen and citizens of Hampton, to the lifeguards, detailing their appreciation for their commitment, dedication, and excellence.

Chief Murphy discussed his appreciation for being honored. He discussed the challenges of this past summer. He noted the support of the town means everything to him and his crew, and discussed they will continue to make Hampton Beach one of the safest in the country.

Sel. Bridle read a letter from Robin Jones who expressed gratitude for the lifeguards and the help they gave to their family and 88 year old mother who wanted to see the beach with use of one of the beach wheelchairs.

Sel. Rage noted how impressed he is everyday when he sees what they do. There was general discussion of the age of lifeguards and much appreciation offered to Chief Murphy.

#### II. 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, 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

### III. Public Hearing Pursuant to RSA 41:9-a Establishment of Fees

1. To increase the cost of a single cemetery grave.

Public Hearing opened at 19:05.

There were no public comments.

Dep. Manager Welch discussed the proposal for the cost change, noting the current fee of \$701.00, for a single lot. He discussed a survey and listed other towns fees. He noted the funds from the fees go into an account to maintain the cemeteries. He discussed the new road built last year and the addition of four more roads in the future. He discussed the need for continued work in the cemeteries and the road needing paving but funds are not available.

Sel. Rage commented the need to make sure it is affordable for all residents.

Sel. Bridle agreed it needs to be affordable but also needs to cover some costs. He discussed looking at some sort of cremation wall.

Sel. Woolsey asked if there is a four person lot, are you digging four graves and the answer was yes. She noted her concern about a price increase on the two deep lots. Dep. Welch discussed the layouts of the lots. She reiterated her two deep lot concern, noting one on top of the other. Dep. Welch reiterated his lot layout and discussed the stones. She again noted concern about the cost of a two deep lot.

Sel. Barnes noted understanding wanting to raise the cost, and asked about the regulation that states one headstone per four gravesites. Dep. Welch noted that is correct and the regulation would need to be changed if someone wanted something different. She noted the board might want to look at that in the future.

Sel. Woolsey again noted two deep lots and Chairman Waddell asked for confirmation on what that is. Dep. Welch further explained the one person to a grave. There was general discussion on stacking, one grave on top of another. TM Sullivan asked for clarification. Dep. Welch discussed the vault collapsing issue in stacking, and noted the requirement now is a single burial in a single lot. There was general discussion on stacked lots. Sel. Bridle asked about someone who had purchased that situation and what do we say to them. Dep. Welch stated if it was in their deed to do that, it would be honored, but at their own risk of possible collapse.

Chairman Waddell closed the public hearing at 19:19pm.

Selectman Bridle MOTIONED to APPROVE the increase the cost of a single cemetery grave from \$701.00 to \$1200.00, SECONDED by Chairman Waddell.

Sel. Bridle noted this is only for the cost and there are other issues to be discussed. TM Sullivan noted Dep. Welch is working on cemetery issues to be looked at.

Sel. Barnes reiterated that the board is agreeing to review cemetery regulations and consensus was yes.

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

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

Jonathan Scanlon, 64 Leavitt Road, noted he is a recent transplant to town and happy to call Hampton his home. He discussed a governmental representative ignoring marginalized people and favoring others, and not supporting the whole community. He commented that Regina Barnes refuses to acknowledge the existence of black, brown, and LGBT members of the Hampton community, noting she finds amusement in their bigotry. He discussed the Hampton he knows rejects that prejudice and attitude. He noted this will not go away until Ms. Barnes resigns, discussing calls will continue until that time.

Sarah Elliot, 368 Winnacunnet, called to echo the comments of the former caller. She noted she found the public comments of Selectwoman Regina Barnes inappropriate. She discussed the comments a detriment to Hampton with the press received being negative. She called for the resignation or an apology.

Dawn Psaledas, 21 Leavitt Road, noted she echoed the comments of the last two callers, and asked the board to recognize this as a serious matter, asking them to treat this with urgency and develop a plan of action. She discussed ethical behavior and was looking for a code of conduct for people serving the town. She discussed all that is happening in the world and the town should have representatives that seek to improve the town. She discussed abhorrent behavior she has witnessed from a member of the BOS and a member of the Zoning Board and detailed a couple of those occasions. (There was discussion on comment time) She noted the first amendment and asked the board to implement a code of ethics.

Chairman Waddell made a MOTION, "The Hampton NH BoS respects the rights and freedoms of all individuals, and is a non-partisan body. The expressions of individual selectmen on political matters are their own responsibility, and should not be seen as a position of this board." SECONDED by Selectman Bridle.

Sel. Rage noted we need to be careful of the social unrest going on and need to be respectful. He discussed representing the town and that people are looking for an apology and we should be thinking about it and moving forward.

Sel. Bridle noted receiving emails and phone calls with people being upset. He noted when you speak as a selectman it reflects on everyone here, and noted you should do the right thing.

Sel. Woolsey noted social media is a disgrace to the community.

Sel. Barnes stated she agreed with the motion and she will not be resigning. She noted forwarding emails to the police department. She discussed free choice and amendment rights. She noted she was not acting as a selectman when she made the comments and it was on a private page.

Chairman Waddell noted that they do have a code of ethics, commenting he believed it is on the website. He discussed the personal responsibility of each of them to know that whatever

they say, they are an elected official. He noted they need to be careful in what they say, and jokes they pass on, and that anything racist or homophobic is wrong. Sel. Barnes commented that this is slander, and she is not racist or homophobic and these emails wouldn't be allowed to be discussed if it were anyone else. The two discussed it further.

Sel. Bridle noted being asked if they can ask her to resign and he stated that no they cannot and in the state of NH there is no recall.

Chairman Waddell wanted to go on record stating he is against any type of statement or jokes like that and is for the motion.

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

#### V. Announcements and Community Calendar

Sel. Rage discussed the event held on Sept. 2<sup>nd</sup> by the Hartnett's as a thank you to personnel. He thanked the businesses that donated, noting the fantastic job done by the restaurants.

Sel. Bridle noted that was just not Hampton employees, but also the state, and they were really appreciative. He discussed the record turnout for voting and it was great, as well as absentee ballot turnout. He asked about political signs and if the ones still campaigning can leave theirs out till November. TM Sullivan noted the town and state are different as far as ordinances, but he believed they could, and he will look into further. Sel. Bridle encouraged those that should remove theirs to please do so.

Sel. Woolsey discussed working at the polls and helping those without masks and there were not many. She noted voters being there consistently the whole time. She discussed a gentleman who was disabled and was determined to come and vote and did so.

Sel. Barnes discussed the USS Virginia meeting that took place prior to the BoS meeting and noting the committee will be presenting Cinnamon Rainbows with a letter of appreciation for A Day of Surfing.

Chairman Waddell noted the success of the election and the work of the Town Clerk's office to make it so, and thanked them. He also noted and thanked moderator Bob Casassa.

#### VI. Approval of Minutes

##### 1. August 24, 2020

Selectman Woolsey MOTIONED to APPROVE the minutes of August 24, 2020 (with correction), SECONDED by Selectman Bridle.

Sel. Barnes had a correction that on page 11 Sel. Barnes discussed a petition to open Rt. 1A, not Hampton Beach.

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

##### 2. August 31, 2020

Selectman Woolsey MOTIONED to APPROVE the minutes of August 31, 2020, 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

## VII. Consent Agenda

1. 2020 All Veteran's Credit: Valhalla Trust (Hurt, George ½ Benefit)
2. Cemetery Deeds: Joan Remick/Paul Remick, William Sullivan, Tracy Czarnecki
3. Entertainment Licenses: Bernies Beach Bar, The Goat Bar & Grill, Wally's Pub

Selectman Bridle MOTIONED to APPROVE the Consent Agenda, 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. Appointments

1. Chris Jacobs, DPW Director and Jen Hale, DPW Deputy Director
  - a. Quarterly update

Dir. Jacobs noted the copies of reports that the board received. He discussed things are going good, with one retirement happening in Nov., and for the first time in five years, they are fully staffed, noting four recent hires. He discussed wanting to do a bid opening for two trucks but they received none. He discussed upcoming bids for line marking and master electrician services, chemical bids, as well as the sludge and grit bid. He discussed awaiting the state's winter salt bid. He discussed that as tree warden they have taken down 29 trees, and the expense of them being over budget (with approval) and it being necessary due to the hazard the trees posed. He discussed the removal of trees at the High St. Cemetery and those being done by the electric company, noting the problem of the trees rotting in the center.

Dep. Dir. Hale discussed the current major projects. She discussed Blacksmith Shop renovations, noting no work done this year, due to them exceeding the budget and scaling back because of Covid. The next step will be shoring up the foundation and to replace the sill beams. She discussed the WWTP upgrades and construction has begun. She detailed items being done and that weekly coordination meetings are being held. She discussed the Hampton Harbor study, and noted the online meeting on Weds. where the results will be presented. The meeting will start at 5:30 and the link to it is on the town website and on social media. She discussed Elaine St. improvements, with the town sewer work being done, Aquarion doing their work, and with letting trenches sit this fall and it being complete in the spring. She discussed Locke road improvements with water already doing their work, we are replacing the sewer, and noted facilitating all, and the gas company finishing and being done as well. She discussed continuing to work on planning board reviews, noting doing inspections, and many projects down on Ocean Blvd.

Dep. Dir. Hale discussed the second hazardous waste day, with DPW handling traffic, and in spite of the rain it all ran smoothly, and was well attended. She gave a listing of asset management facts, and noted the pump station assets going on board shortly. She noted the board had a summary of all permits issued to date. She discussed the highway department being extremely busy, reiterating they need more employees, and discussed all the support of other departments they supply as well as the work with the Ocean Blvd closure and reopen, and election set-up and take down. She noted they prioritize and special events support may

mean something else doesn't get done right away. She discussed waiting for the line stripping bid and the concerns of that not being done, noting the crosswalk work needing to be done. She discussed they will be street sweeping until it is too cold to do so and fall leaf collection is coming, and work is happening on small tree limb clean up. She discussed the welcome to Hampton sign and the priority list. She noted you can bring leaves to the transfer station before the leaf pick up if you wish. Dir. Jacobs noted leaf pickup goes on longer than just the one pickup, they make an effort to get everything.

Dir. Jacobs discussed vehicle maintenance, noting Sept. is inspection month with an uptick in costs, also noting doing all other department vehicles. He discussed trucks 46&47, with a change from needing new engines, to needing new fuel injectors at much lower cost. He mentioned the new one ton truck approved in 2019 has arrived, and the new transfer loader will be here in about three weeks. He noted sewer and drain has been extremely busy and they have offered assistance to many projects, highlighting drains and inspections. He discussed plant operations with about 58% flow, comparing to 2019, noting a marked decrease with 2018 being the highest. He noted sludge is staying constant at 68%, with septage the same. He discussed the biological oxygen demand, a means to tell how the plant is doing, is down, meaning the brewery improvements are very successful, and reducing the need for a new plant. He discussed brush and stump removal is completed, and discussed the composting being done. He discussed recycling, noting the two new containers are coming on the 16<sup>th</sup>. He discussed the assistance to the state for trash, with employees volunteering and the state covering costs. He discussed refuse tracking and being about 70% as this time last year, with recycling at 60%. He discussed the town being awarded a \$2500.00 grant to purchase an oil filter crusher. He noted this week returning to non-summer schedule for trash and recycling, noting that during snow season the schedule is off a day, with transfer station closure if personnel is doing snow removal, as well as holiday closures causing a day of delay. Dep. Hale offered an update on the Winnacunnet Rd., High Street investigating of the sewer, with all the data having been collected, noting the size of the project and the age of the pipes, with their condition being studied next.

Sel. Woolsey asked what is the circular hot topped area at the transfer station, and the answer was the residential drop off area, and waiting for the new containers. She asked about leaf pickup and it being on Fridays, and the answer was that it didn't work and it will be one time, on your regular trash day. She discussed sewer hookups and temporary ones. She discussed getting a lot of complaints on the condition of the roads. She asked if there was a market for the wood from the tree removal, and the answer was the wood is offered to people but at a risk as it is often filled with insects, and having the wood chipped is a cheaper price that it being cut into sections. She asked how long phase 1 of the WWTP will take, and the answer was a year and maybe not done until the end of 2021. She commented that at the March election, she would like to see commercial waste pick up be removed from the DPW.

Sel. Rage discussed line striping and a suggestion to grind the old lines to be looked into. He asked if they saw a change in a lot of bars going from glass to cans, and the answer was that will show up in tonnage, but none in overall operations. He asked about change in equipment with less weight and the answer was no tipper problems this summer due to that. There was general discussion on that and the changes Covid brought to make comparisons.

Sel. Barnes discussed replacing some of the sewer mains helping with infiltration, and asked if that showed when doing Lafayette and Church streets. Dir. Jacobs noted seeing a

reduction when doing Church, but difficult to measure, and discussed upcoming CIP projects with that in mind. She and Dep. Hale discussed crosswalk painting schedules. She asked about the funds in the town roads capital reserve fund and any expenditures planned, and the answer was the High St. and Winnacunnet study, and the higher amount is because Lafayette was not finished. She asked about paving some roads next year, and they answer was that it is always considered and there is the extreme cost of just paving. Dir. Jacobs discussed how projects are funded being a part of that, with general discussion on that effecting road repair timing, as well as traffic for roads being repaired. She discussed taxpayer concerns and Dir. Jacobs discussed bonds. She asked about Church St., with a lot of people going the wrong way, and the answer was it will be looked into, signage and such.

Sel. Bridle asked about getting volunteers for the Blacksmith Shop, and the answer was it is methodical work and that can be looked into. He noted the link up for the Harbor study and asked about no trespassing signs on Towle Farm Rd., town property, and the answer was that we did not put them up, they are not enforceable. He asked about the Hampton Beach trailer park and infiltration, and the answer was it is scheduled for late Oct. or Nov. but they have done a great job with our requests to address any leaks. He asked about the plant flow projections being down maybe being because the beach wasn't as busy, and the answer was that will be a part of it, along with the drought.

Chairman Waddell reminded the Board of getting questions to the town manager for the recycling committee and noted good report.

b. Declare Unit 30 surplus and permission to be sold

Dep. Hale discussed this truck has been dead lined since 2018, with no one wanting as a trade. They are asking the board to declare as surplus and to sell as salvage.

Selectman Bridle MOTIONED to APPROVE the declaration of Unit 30 as surplus and no longer usable and accept the offer of \$460.00 from Salisbury Auto Salvage for the 2002 F450 XL-1 Ton (Unit 30) with the monies collected to be placed in the General Revenue Fund, 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. Town Manager's Report

1. The traffic pattern at the beach has been restored to its original form. There are some traffic issues being worked out but it seems to be back to normal.
2. The town has completed the support of the state parks trash collection.
3. The work in the town offices for protective barriers was completed today, we will be looking to open other offices on the first floor, and the second floor will remain appt. only.
4. Aquarion will be here at the next meeting to do their quarterly update. It might be a good time to look at drought conditions and possible water bans.
5. Progress is being made in the budget process, I hope to have to you at next meeting or during that week.
6. The Fire Dept. has had some maintenance issues, at both stations, the beach needs a new air conditioner, and there are sewer issues at headquarters. There are other maintenance issues that also need to be looked at.

7. There was blasting this week at the Silvergrass development, will continue for a few days and it is going very well.
8. TM Sullivan shared the most current Covid 19 statistics.

Sel. Barnes noted the Rt. 1A opening and asked if there are any plans to clean the road. TM Sullivan noted the street sweeper, but stated any steam cleaning in the past was done by the Seafood Festival. She asked about people who are renting getting resident parking stickers. TM Sullivan explained if they have proof of residency and noted the policy for rentals. They discussed short term as opposed to monthly rentals. Sel. Rage and TM Sullivan discussed the same. There was continued general discussion and consensus that TM Sullivan would get town rules regarding such.

Sel. Bridle asked where we are with contract negotiations and the answer was we are scheduling dates.

#### X. Old Business

1. Assistance to Firefighter Grant for \$52,721.22 (Portable Radios)

TM Sullivan noted this is as before and making them aware.

Selectman Bridle MOTIONED to APPROVE the expenditure of the Assistance to Firefighter Grant for \$52,721.22 (Portable Radios), 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

Atty. Gearreald discussed the tax deeding procedure and the need to extend the date for that due to the governor's order extension regarding foreclosure bans. He asked the new deeding date to be November 2<sup>nd</sup>.

Selectman Woolsey MOTIONED to APPROVE the Postponement of Tax Deeding till November 2<sup>nd</sup>, 2020, SECONDED by Selectman Bridle.

Sel. Barnes asked why is this being postponed again. Atty. Gearreald reiterated the governor's order extension and the need for the 30 days for noticing.

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

Sel. Barnes discussed the code of ethics. She addressed Mr. Hanlon's August 23<sup>rd</sup> request regarding how she regards her actions as Selectman, as to sections 594:3B and 594:5:A1. She noted chapter 594 of the Hampton code is the code of ethics that was adopted in 2007. She read 594:3B, Disclosure and Disqualification: No public official shall advise, deliberate and/or vote on any matter in which he holds any interest, whether it be personal, familial, financial or pecuniary, and must publicly disclose to the public body with jurisdiction the nature and extent of that interest, and must disqualify himself from advising, deliberating and/ or voting on the matter. She recognized that she is compliant with that. She read 594:5:A1, No public official shall: Participate in any hearing, debate, discussion or vote, or in any manner otherwise attempt to influence the outcome of a matter in which he or she has an interest, whether such interest be financial, personal, familial, or pecuniary. She deemed herself to be compliant in that.

XI. New Business

Sel. Rage discussed the winter parking pan, wondering if a later time frame could be looked at, or for individual storms. TM Sullivan discussed the emergency snow ban and if he wants that for all. Sel. Rage wanted to look at and ask the chief about that, or maybe Dec. instead of Nov. TM Sullivan discussed the issue of quick oncoming storms during the night and people not having warning to move cars, and noted he would look into with the chief and DPW.

Sel. Barnes discussed some people not getting notices and roads being resident only.

XII. Closing Comments

Sel. Woolsey asked about meeting every Monday for meetings. There was discussion regarding every Monday during the budget season.

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

At 8:50 PM on MOTION made by Selectman Woolsey, SECONDED Selectman Bridle, the Board voted unanimously by roll call vote to go into a non-public session under RSA 91-A:3, II (a), (c), and (e) [personnel, reputation, and litigation].

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: yes, Sel. Barnes: yes, Chairman Waddell: yes. 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 of the non-public session were sealed by roll call vote following the resumption of the public session with the exception of item A under Personnel Matters]

1. Personnel matters:

A. Assistant Building Inspector [this item was not sealed]

Town Manager Sullivan outlined for the Board the current staffing situation in the Building Department and the resignation of the part-time Building Inspector to pursue other matters. Given the volume of construction work occurring in spite of COVID-19 work of the Department, including a number of large projects being undertaken in addition to Zoning Board of Adjustment liaison work handled by the Department, the Town Manager recommended the Board authorize resumption of the full time Assistant Building Inspector position.

After Board discussion, Selectmen Bridle MOVED, SECONDED by Selectman Woolsey, that the Town Manager is authorized to bring about the resumption of the full time position of Assistant Building Inspector. The Motion 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

[Remaining items in this non-public session were sealed]

At 9:20 PM, a MOTION was made by Selectman Bridle, SECONDED by Selectman Woolsey, 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 9:21 PM, back in public session, Selectman Bridle MOTIONED, SECONDED by Selectman Woolsey, to seal the minutes of the non-public session, except for the first item 1, A above, on the basis that disclosure of the minutes could jeopardize the actions to be taken or render the proposed action ineffective, 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

### XIII. Adjournment

At 9:22 PM, the Selectmen adjourned the Public Session on MOTION of Selectman Bridle, SECONDED by Selectman Rage, 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

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James Waddell, Chairman