

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

October 18, 2021

6:30 p.m. Non-public session

PRESENT: Russell Bridle, Chairman
Charles Rage, Vice-chairman
Regina Barnes, Selectman
James Waddell, Selectman
Richard Sawyer, Selectman

Jamie Sullivan, Town Manager
Mark Gearreald, Town Attorney
Justin Richardson, Attorney for North Hampton

At approximately 6:30 p.m. on the MOTION made by Sel. Waddell, SECONDED by Chairman Bridle, the Board voted unanimously by roll call (5-0) to go into a non-public session under RSA 91-A:3, II,(e)[litigation]. VOTE: 5-0-0

[Minutes Sealed]

At 6:55 p.m., a MOTION was made by Sel. Waddell, SECONDED by Sel. Barnes to leave the non-public session, which was approved unanimously, and the public session was reconvened. VOTE: 5-0-0

At approximately 6:56 p.m. back in public session, Sel. Waddell MOVED to seal the minutes of the Non-Public Session, SECONDED by Sel. Barnes on the basis that disclosure of these minutes could jeopardize the actions to be taken and affect reputations.

This motion to seal the minutes passed unanimously by roll call vote. VOTE: 5-0-0

At 6:57 PM, the Selectmen recessed their public session to the downstairs Selectmen's meeting room.

After the recess of the non-public session, the Board resumed the public session of the meeting.

7:00 p.m. Board of Selectmen's Room

SALUTE TO THE FLAG

PRESENT: Russell Bridle, Chairman
Charles Rage, Vice-chairman
Regina Barnes, Selectman
James Waddell, Selectman
Richard Sawyer, Selectman

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Jamie Sullivan, Town Manager

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I. Public Hearing: RSA 231:59-a Emergency Lanes

1. Ballard Street Petition

TM Sullivan discussed the Ballard Street petition this is a private road and is two ways, they are requesting that it be plowed as an Emergency Lane.

Rick Starmer, Ballard Street, discussed being here to support the petition.

TM Sullivan noted the plowing issue during winter and discussed the recommendation of all departments. He read the recommend motion.

Sel. Rage MOTIONED to DECLARE. After a public hearing, I hereby move under NH RSA 231:50-a to declare Ballard Street, a Private Way, an Emergency Lane to allow the public need for keeping such private way passable as required by emergency vehicles, by plowing snow or other such work identified by the Town for this limited purpose. The Board makes the following findings to support this declaration:

1. Ballard Street homes are on a small street very close to one another along the marsh making them susceptible to high wind hazards during fires,
2. The Fire Chief, Police Chief and Public Works Director all have indicated it is in the public interest to keep this area accessible to emergency vehicles during the winter and recommend plowing snow as required to meet this need,
3. Access to emergency vehicles and safety interests on this street surpass or differ from any private benefits to landowners abutting such roads.

SECONDED by Sel. Barnes. VOTE: 5-0-0

TM Sullivan: The Fire Chief has recommended that Ballard Street, both sides, also be declared a Fire Lane under Town Ordinance Chapter 805:41 Article VI A entitled Fire Lanes Defined.

Sel. Waddell MOTIONED to DECLARE Ballard Street as a Fire Lane, SECONDED by Sel. Rage. VOTE: 5-0-0

The Public Hearing closed at 19:04

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

Joe Turly, Woodlawn Road, discussed that he would like to encourage the town to abolish and abandon machine vote counting at all elections. He mentioned working on petitions and asked if it will be discussed since it is on the agenda and will it be on the ballot in March. He voiced his opinion on the past election. He further discussed the petition.

Dee Backus, Hampton resident, noted speaking on behalf of Linda McGrath, and read a statement from her, seconding the statement. The statement discussed a bipartisan hand count of ballots.

Marie Tonto Dinardo, 470 Winnacunnet Road, discussed 2017 election integrity being under the DOD, the Homeland Security, and the Cyber Infrastructure Securities Act. She discussed Dominion and conflict of interest and the removal of machines in elections in NH.

Ken Kolchek, 241 Drakeside Road, discussed his career in the state department and noted other counties are using paper ballots, noting it being transparent. He noted all electronic systems can be hacked.

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Angela Skinner, 8 6th Street, discussed the Dominion voting system and corruption. She discussed percentages regarding a vote in Hampton. She discussed voter fraud and having it fixed. She discussed voter integrity and it being the heart and soul of this republic. She discussed going back to basics, paper ballots, and voter id.

Marty Kosta, Woodland Road, discussed thinking there will not be a problem getting enough people to count the votes. He noted why even bother with machines.

Kimberly Westcott, 491 Winnacunnet Rd., she discussed backup information regarding the voting machines, noting ownership and who services the machines, referencing conflict of interest.

III. Announcements and Community Calendar

Sel. Barnes reminded the public of the master plan forum a couple of weeks ago, and that there is an online survey on the town website hamptonnh.gov. She noted the Planning Board has their monthly steering committee meeting this Wednesday.

Chairman Bridle asked for a moment of silence for the passing of Jack Lessard.

IV. Approval of Minutes

1. September 27, 2021 & October 4, 2021

Sel. Barnes MOTIONED to APPROVE the Minutes of September 27, 2021, and October 4, 2021, SECONDED by Sel. Waddell. VOTE: 5-0-0

V. Consent Agenda

1. Cemetery Deeds: Priscilla B. Fanning 33/I-1/2/1+3 RD12, Lynne Smith 27/I-1/1/3 RD12
2. The Big Bad LLC Food Truck permission to operate at Hampton Academy's "THINK" event
3. Surplus Declaration of Fire Department Vehicles 2008 F-150 and 2011 Crown Victoria

TM Sullivan asked to have items 2 & 3 removed.

Sel. Sawyer MOTIONED to APPROVE the Cemetery Deeds on the Consent Agenda, SECONDED by Sel. Rage. VOTE: 5-0-0

TM Sullivan discussed The Big Bad LLC Food Truck's request for permission to operate at Hampton Academy's "THINK" event and for the truck to be allowed on school property.

Sel. Waddell MOTIONED to APPROVE under town ordinance 628-11 the school's request for The Big Bad LLC Food Truck to operate on school property for the Think event, SECONDED by Sel. Barnes. VOTE: 5-0-0

TM Sullivan discussed the request from the Fire Dept. to declare 2008 F-150 and 2011 Crown Victoria as surplus vehicles. He referenced the letter received from the Fire Chief.

Sel. Sawyer MOVED to APPROVE the declaration of two vehicles: 2008 F-150 and 2011 Crown Victoria as surplus vehicles, having no value, and for use in training, and to properly dispose of them, when necessary, SECONDED by Sel. Barnes. VOTE: 5-0-0

VI. Appointments

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1. Chief Hobbs & Deputy Chief Reno
 - a Police Department Budget Review

TM Sullivan gave an overview of the budget and process, noting being as close to the default as possible per board direction. He discussed tonight's Police and Fire budgets as being maintenance budgets.

TM Sullivan asked Fin. Dir. Pulliam to give an overview of the budget as it now stands. Dir. Pulliam did so use a power point presentation and stated the 2022 proposed budget is \$30,106,460.00, with 42% being wages. She gave a breakdown of high budget items and compared them to 2021. She presented slides for the Police budget, which is at \$4,738,325.00, and also presented percentages and comparisons. She did the same for the Fire budget at \$4,039,264.00.

Sel. Waddell asked how many personnel for the budget number. Dir. Pulliam noted when all is counted, around four hundred with about one hundred sixty full time employees.

Chief Hobbs discussed the pre-disaster mitigation grant, noting the town has received \$9,999.75. He noted the board had the grant agreement.

Sel. Waddell MOTIONED to APPROVE and accept the terms of the Pre-Disaster Mitigation grant program as presented in the amount of \$9,999.75 to update the community's local hazard mitigation plan. Furthermore, the Board acknowledges that the total cost of this project will be \$13,333.00, in which the town will be responsible for a 25% match (\$3,333.25), SECONDED by Sel. Sawyer. Vote: 5-0-0

Chief Hobbs discussed the budget noting a 1.48% increase. He discussed administration, highlighting increases in gasoline, and tuition reimbursement with not a big difference in vehicle maintenance.

Sel. Barnes asked about the increase in gas and diesel and is it a new increase or what was in the book and the answer was it is what is in the book.

Sel. Waddell asked if the tuition reimbursement gets used each year and the Chief answered he is pro-education and is encouraging more officers to pursue such.

The Chief discussed crime control and investigations, noting wage increases and nothing else significant.

Sel. Waddell noted career incentives were down, and the answer was a change in personnel.

Sel. Barnes asked about the lesser amount on the mounted patrol. The Chief noted a savings in the change of the stable the horses are boarded at.

The Chief discussed traffic control and patrol, noting an increase in wages and overtime, highlighting the overtime for the canine program. He noted the overtime training line includes seven officers, not six like last year, and referenced training going on now. He mentioned an increase in the motorcycle lease and discussed sick and vacation time. He discussed an increase in replacement equipment due to rising costs.

Sel. Barnes asked how we are doing on staffing. TM Sullivan noted two positions open currently and discussed they are in contract negotiations now and those changes would be a warrant article.

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Chief Hobbs noted there is no change in training.

Sel. Waddell asked if it were for all training, and the Chief discussed the ammunitions and part time staff. Sel. Waddell asked if the Chief feels it is an adequate amount with training be crucial, and the answer was other training is in the overtime lines as well. TM Sullivan noted this is generally supplies for the training.

Chief Hobbs discussed support services. He discussed the increase, noting contract increases and part time coverage. He discussed full time wages, increased presence at the beach over the summer, many types of coverage, and administrative costs. He discussed staffing issues and shortages and the importance of maintaining the police presence. He discussed training and recruitment and highlighted a stipend, noting significant changes happening to part time certification. He discussed losing people due to non-payment during the training process.

Sel. Barnes thanked the Chief and deputy for the summer work. She discussed the state of police forces across the country, and noted our force covers the town as well as the beach, discussing they are making sure the state park is safe. She asked the cost of the stipend for the academy and the answer was \$45,000.00.

Sel. Waddell asked how many hours they must go to the academy and the answer was 241. There was general discussion of a drastic increase in hours of training needed.

Sel. Barnes and the Chief discussed the committee of Police Chiefs that are in discussions regarding staffing, noting it through the academy.

Sel. Rage asked if we think the stipend is enough. Sel. Sawyer shared information from his recruiting role that people are receiving a \$10,000.00 signing bonus for a two-year commitment. There was general discussion on that. Sel. Rage noted he would like to see the stipend higher. TM Sullivan addressed and discussed ways to approach the payment. There was general discussion on the ongoing labor shortage and hiring amounts.

Sel. Sawyer asked about the possibility of placing the stipend program on as a warrant article, and the answer was yes.

Sel. Waddell asked if the certification is beneficial to the person's resume. There was general discussion on changes due to openings across the state. There was continued discussion on the stipend. Chief Hobbs discussed the numbers of parttime officers in the state.

Chief Hobbs discussed the police station and buildings, noting the increase in wages.

Sel. Waddell asked about any idea on electric. TM Sullivan noted electric, and gas are ongoing.

Sel. Waddell noted good job coming up with such a tight budget. Chief Hobbs gave thanks to Dir. Pulliam. TM Sullivan noted this budget has been cut by his office.

Sel. Barnes noted the goals and objectives report received and noted staffing issues. She noted two recommendations, traffic division and supervisors, and they are not in this budget. The Chief discussed a possible warrant article for additional staffing. She asked about a recommendation of community policing and engagement and what does that mean. Chief Hobbs discussed more community events and getting the community involved.

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TM Sullivan discussed grants applied for. The Chief announced they are receiving both grants they have applied for. TM Sullivan discussed particulars and that more information will be forthcoming with final documentation. There was discussion that writing the grants is a team effort.

Chief Hobbs discussed parking enforcement and noted the transition to meters. He noted considering additional meters in the Ashworth Ave. lot. There was general discussion of purchasing at end of year with surplus.

The Chief discussed animal control with increases in wages and gas.

TM Sullivan discussed emergency management with a standard amount each year.

2. Chief McMahon
 - a. Fire Department Budget Review

Chairman Bridle commented how great the open house was yesterday. The Chief agreed. They discussed the horses and the drones.

Chief McMahon discussed his budget process and the cost of adding personnel, noting a possible warrant article. He mentioned the replacement of breathing apparatus down the road and a possible grant.

The Chief discussed the administration budget and noted the increase is gas and diesel and wage changes.

Sel. Barnes noted the contracts that passed last year.

Sel. Waddell noted the increase in holiday pay and the Chief noted all stipends and they are paid in Nov.

Chairman Bridle asked about staff development and tuition reimbursement and asked if we are missing anything. The Chief noted we are, and that the training budget will aid that. They discussed taking all opportunities and the National Fire Academy.

The Chief discussed fire suppression, noting it their largest area with firefighter's and officer's wages and the increases due to CBA. He noted a change in overtime wages, and this year it is over due to a change in a vacant captain's position and two worker's comp. issues.

Chairman Bridle noted nothing in new equipment and replacement equipment is low. The Chief explained some new equipment purchased this year with grants and a bequest.

Sel. Barnes asked about career incentives and the negative amount in 2021. Chief McMahon discussed the changes in the contract as to how the incentives are paid and it is no longer in the line.

The Chief discussed fire prevention, noting the increase in wages and a vehicle purchased in 2021 that will not have to be replaced in 2022.

Sel. Barnes asked about the new fire prevention officer and there was discussion it is still in the testing phase. She noted the fire prevention vehicle.

Chief McMahon noted no changes in training and discussed a new training program.

Chairman Bridle noted personnel going to the fire academy.

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Sel. Barnes noted the actual spent for 2021 is low and the Chief noted pro leave, and some will be used later this year. He highlighted some swimmer classes that need to be done.

The Chief discussed communications and the increase being the CBA voted this year and he explained the overtime amount.

Chairman Bridle asked about new equipment. Chief McMahon discussed an upgrade to the radio system, in conjunction with police and public works and in the form of a warrant article.

The Chief discussed repair services, discussing all the vehicles in the fleet, noting the fleet is aging. There was general discussion on the vehicle out of service due to the accident and waiting for parts. The Chief discussed how being down that vehicle effects other calls.

Chief McMahon discussed fire stations and buildings, noting some previous issues, but no change to this year. He noted watching for heating fuel and electricity.

Chairman Bridle noted they have already expended the requested amount to date. The Chief noted items that happen at the first of the year, noting maintenance.

TM Sullivan asked the board to officially appoint Fire Chief McMahon as our Emergency Management Director.

Sel. Sawyer MOTIONED to APPROVE the Appointment of Fire Chief McMahon as our Emergency Management Director, SECONDED by Sel. Barnes. VOTE: 5-0-0

3. Terry Diadone, 17 & 19 L Street
 - a Permission under paragraph 11.c. of the Leased Land Lease

TM Sullivan gave an overview noting the planning board process and that a portion of the property is leased land. He noted the proposed permanence of some of the Covid outdoor dining items and the front of the property changing use.

Mr. Diadone noted the town manager summed up the request. TM Sullivan noted the board needs to authorize the project to move forward and highlighted the stage issue.

Sel. Barnes asked if he is in the correct zoning for all this and the answer was yes.

Sel. Rage MOTIONED to GRANT the requested permission under paragraph 11.c. of the Leased Land Lease with respect to leased land changes, SECONDED by Sel. Barnes. VOTE: 5-0-0

4. Selectman Barnes & et al.
 - a Petition request for special meeting

Present is Kimberly Westcott, 491 Winnacunnet Road, and Sel. Barnes.

Sel. Barnes noted she is working with the Marigold Coffee Club, a statewide organization.

There was general discussion on if this is a request for a special town meeting. Chairman Bridle read the petition regarding a special town election to remove voting machines. Sel. Barnes further explained, and then she discussed Accuvoting that the town uses and that the software is very old. She read a statement from LHS that the software runs on Windows XP, and read a statement from the Concord Monitor, regarding the age of the machines. She discussed the state law of paper ballots. She discussed a right to know law request and information from the town regarding the machines used. She discussed the numbers of the

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last vote in Hampton, discussing overvotes and undervotes and noted peoples votes not counted. She asked, when was the last time there was an audit on the machines.

The group played a video sent from Melissa Sisson, a Hampton resident. The video discussed the probability of hacking voting machines. Sel. Barnes discussed the audit in Windham and played a clip from a public hearing held there.

Sel. Barnes discussed there is some Hampton public support for going back to paper ballots and hand counting. She discussed the town clerk getting more help and discussed more transparencies. She reiterated the request for a special election. She discussed elections becoming more of a community event. She reiterated the vote counts from the last election. Ms. Westcott noted many people in accord not wanting to use the machines. Sel. Barnes discussed the RSA that the machines were adopted on a trial basis.

Sel. Sawyer asked for further explanation of the 17%. Sel. Barnes noted the 91-A request that got the tapes from the seven machines in Hampton. She noted overvotes and undervotes and Sel. Sawyer asked what that meant. The founder of Marigold explained an overvote and an undervote and how those votes were not counted.

Chairman Bridle discussed, that in order to hold a special meeting, you need 5% of the number of registered voters in town. He explained to process to put it on as a petition warrant article. TM Sullivan reiterated the petition process and the 25 valid names needed.

VII. Town Manager's Report

1. A reminder of the ten-digit dialing that goes into effect October 24th.
2. TM Sullivan gave an update on active Covid cases in the state and in Hampton.
3. It is the time of year for people to submit any private petition articles for consideration, with a deadline of January 7th.
4. Trick or Treat will be Sunday, October 31st, from 5:30 to 8:00.
5. The NHMA is seeking directive from the board on who is able to seek legal opinions.

Sel. Waddell MOTIONED to GRANT the Chairs of Committees and Town Staff the authority to request legal opinion form NHMA, SECONDED by Sel. Rage. VOTE: 5-0-0

6. Mr. Tinker has supplied more information on the revaluation, and we recommend a date for him to come in and speak to the new ratios.

Consensus was agreement to invite Mr. Tinker.

VIII. Old Business

Sel. Barnes noted she is being told that the law states the petition should be 5% or 25 registered voters, whichever is lower. TM Sullivan disagreed and noted they could get town council to verify. They discussed. Consensus was to submit to the clerk's office.

A question from the audience was asked about inhabitants as opposed to registered voters. TM Sullivan offered they should submit the document and the Town Clerk's office will seek out what legal counsel they need.

Sel. Barnes discussed the difference between resident and inhabitant and what state law allows.

IX. New Business

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1. Signing of MS 535

Dir. Pulliam discussed that the audit is complete with the MS 535 needing to be signed to submit to DRA.

Sel. Waddell MOTIONED to APPROVE the signing of MS 535, SECONDED by Sel. Sawyer.

Sel. Barnes asked, is this what was actually spent for 2020 and the answer was yes. She noted we were underspent by \$1.6 million. VOTE: 5-0-0

2. Estherbrook Way request for solid waste collection

TM Sullivan explained the new development requesting service, and it has been approved by DPW with a stipulation.

Chairman Bridle MOTIONED to APPROVE the Estherbrook Way request for the Town of Hampton to provide trash and recycling collection services and other associated collections, such as Christmas trees and leaves etc., on Estherbrook Way, prior to final acceptance of the roadway by the Town of Hampton, as all the lots have been sold and the final layer of pavement has been placed, and in doing so, the Town of Hampton and its duly appointed agents and employees shall be held harmless against any action for personal injury or property damaged sustained by granting this approval, SECONDED by Sel. Rage. VOTE: 5-0-0

Sel. Barnes asked TM Sullivan about renovations at Tuck. He stated there is nothing to report yet, but the goal is a proposal for a warrant article. She noted that at the September 27th meeting they talked with Dir. Hale about the bridge project and asked about including the Sun Valley sewer line. TM Sullivan noted they are still working on that.

Dir. Pulliam mentioned discussion about the bond sale. She discussed there is a sale in January, with the rates very attractive. She discussed one of our bonds eligible for refinance could save us approximately \$38,000.00. She asked if the board was interested in pursuing, noting it does make sense.

Sel. Waddell MOTIONED to APPROVE the pursuit of the refinance of the bond for the January sale, SECONDED by Sel. Barnes. Vote: 5-0-0

X. Closing Comments - None

XI. Adjournment

Sel. Waddell, at 20:54 MOTIONED to adjourn, SECONDED by Sel. VOTE: 5-0-0

Sel. Barnes asked about her presentation earlier and if it is the boards pleasure to not do anything with it. Discussion was it needs to go to the clerk and is not the power of this board.

Sel. Waddell, at 20:54 MOTIONED to adjourn, SECONDED by Sel. Sawyer. VOTE: 5-0-0

Russell Bridle, Chairman