

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

March 1, 2021

7:00 PM Board of Selectmen - Hybrid Meeting by teleconference

As Chairman of the Hampton Board of Selectmen, I have determined that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, that to properly ensure the safety of the public and that of several of the Board members who are within the CDC guidelines needing to take special precautions, this public body is authorized to meet electronically.

Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming we are:

We are utilizing a teleconference service for this electronic Meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public may join this electronic meeting by calling **1-857-444-0744** and use the code **156034**. If anybody has a problem, please call **603-929-5805**.

SALUTE TO THE FLAG

I. Roll Call

Chairman Waddell asked each member state their presence and location.

Sel. Rage, present, Selectmen's Meeting Room

Sel. Bridle, present, Selectmen's Meeting Room

Sel. Woolsey, present, home in my den

Sel. Barnes, present, home and alone

Chairman Waddell, present, Selectmen's Meeting Room

Town Manager Jamie Sullivan, present Selectmen's Meeting Room

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

III. Announcements and Community Calendar

Sel. Barnes announced the NHDOT Rt 1A public hearing March 2nd, and an EPA Coakley update Weds. March 3rd, at 6:30pm, both being done remotely.

Sel. Bridle announced voting on March 9th, hoping everyone gets to the polls which are open from 7am to 8pm at Winnacunnet High School.

Chairman Waddell reiterated the voting. He noted the extreme cold for tomorrow and urged care.

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

IV. Approval of Minutes - None

V. Consent Agenda - None

VI. Appointments

1. Attorney Katherine Miller
 - a. Cable Contract Negotiations

Atty. Gearreald introduced Katherine Miller of Donahue, Tucker, and Ciandella, and gave a synopsis of her education and career, and noted her specialty in renewing cable contracts.

Atty. Miller noted working with the town on the current cable contract when it was negotiated. She gave a background history of cable contracts. She noted early in the process, the many small companies offering service and competition, and federal and state laws along those lines. She discussed the cable companies consolidating over time, into large ones and no competition, noting an economic choice, noting that leaves towns with just one cable operator. She discussed more recently, some competition coming in from satellite tv and internet streaming. She noted the franchise that is in Hampton is not an exclusive one, and noted there is one other company in NH, Atlantic Broadband, who is beginning to offer other towns cable service and offering competition. She discussed that down the line, cable companies may move to internet only. She discussed the challenges of contract negotiations, noting the municipality's authority limited by law, and highlighting the contract is cable tv service only, not internet or phone. She discussed rate regulation and the restrictions on it. She noted most things customers are upset with regarding their cable, such as rates, channels, tiers, etc., the town has no jurisdiction over, and highlighted the things that can be discussed in the negotiations. She discussed the FCC regulations for customer service. She discussed her goals of pushing hard for the things we are able to address, and offered to inquire with the other company in the state, Atlantic Broadband, if they would be interested in Hampton.

Sel. Bridle noted we should talk to Atlantic Broadband, and noted the concerns of the public caller and that Atty. Miller might want to look at those. Atty. Miller noted having some of her information.

Sel. Woolsey discussed her Comcast service of tv and phone.

Sel. Barnes agreed we should speak to Atlantic Broadband. She asked about franchise fee payment statements going out to the public. Atty. Miller discussed documents and the 91A law, and what is written in the franchise contract with Comcast regarding financial information, and it would all have to be looked at. Sel. Barnes noted her main concern with Comcast being the annual review and report that is in the existing contract and wanting a Comcast representative to come in. Atty. Miller discussed that review is done by written request, and discussed if customers have concerns, there is a government representative. They discussed how to get that contact information. Sel. Barnes thanked Atty. Miller for coming in and explaining everything.

Sel. Rage noted agreeing about Atlantic Broadband. He discussed the many seasonal properties in town and noted Comcast used to offer seasonal service but now it is only offering contracts where people pay all year round. Atty. Miller noted that is not in the

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

town's negotiating jurisdiction, and discussed thinking that Atlantic Broadband may offer. She noted she can bring it up as a point of information.

2. Chris Jacobs, DPW Director - Postponed till next week.
 - a. WWTP Equipment Purchase
3. Kristi Pulliam, Finance Director
 - a. Monthly Update

Ms. Pulliam noted the budget has not passed yet and discussed January revenues, she noted the target is 8.3%, and noted the revenue compared to 2020 was lower by \$26,065.00, with the total month's income at \$518,820, and Motor Vehicles \$311,354, Interest on Taxes \$13,862, Building Permits \$14,600, Dept. Income \$13,822, District Court Fines \$7,631, and the Real Estate Trust \$153,601. Expenditures were at 7.08% underspent, under by \$328,199. The Recreation Fund balance is \$192,357, Cable Committee is \$440,816, Private Detail is \$207,546, EMS is \$356,568, and Wastewater System Dev. Charge is \$164,053.

Sel. Barnes asked about Assessing data processing of \$16,488, and the answer was Vision maintenance contracts. She asked about Police support services summer coverage in January being \$15,261 and is it left over. Ms. Pulliam noted it is not left over, it is Jan. wages, and she will look into. She asked about the budget after the deliberative session and have they received a revised budget. Ms. Pulliam stated there is no revised budget, and noted the MS 737 budget that was filed prior to the deliberative session is the budget form until after the election. They discussed what will happen after the vote.

Chairman Waddell noted that from the first month you really can't see the process, and the answer was no, but monthly reporting is required.

Ms. Pulliam discussed a memo to the board regarding the compensated leave trust, noting the board being the agents and their ability to vote on transferring any money left on Employee Separation and/or the Buyback accounts into the leave trust. She noted the total at the end of 2020 is \$79,543.61. She noted doing research on past years and totals regarding these accounts.

TM Sullivan recommended that we do this, and discussed what the total liability is. Ms. Pulliam further explained how the budget would benefit if necessary.

Sel. Barnes asked about the amount in the Jan. budget for buyback and the answer is we only pay that once. She reiterated the totals and said it was a good idea.

Sel. Rage asked where the money goes if we do not do this and the answer was to the unassigned fund balance.

Selectman Barnes MOTIONED to APPROVE the Transfer of Funds from Employee Separation and/or the Buyback accounts into the Compensated leave trust fund at \$79,543.61, 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

- b. Channel 22/IT Back-up Storage purchase

Ms. Pulliam discussed Ch 22 and their storage for all of the meetings, and that they have only 8% capacity left. She noted they wanted to purchase two new backups so that there would be

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

two copies of all meetings available, should one become unusable. She noted the cost of the actual devices is \$8,271.12 and the hard drives at \$5,565.20, both being vendors with the lowest price. She discussed researching what is being stored and noted the majority of the 92% capacity is meetings.

Sel. Woolsey asked why this was not included in the 2021 budget and the answer was it is not the general fund, it is fund 25, the Cable Committee fund. She asked why the storage is so low and TM Sullivan stated that is why they are asking for more. She asked how often this is checked and Ms. Pulliam discussed an upgrade, the additional storage the upgrade needs, and what would be left.

Sel. Barnes discussed going down to 8%, but agreed it needs to be done.

Sel. Bridle discussed the 8% and noted we have 20 years on there now so 8% not that big of a deal.

Ms. Pulliam discussed the process of putting years of past meetings on.

Sel. Barnes noted this could have been reflected in the cable fund balance prior to the end of the year.

Chairman Waddell asked how many years can go on the new storage and the answer was tons.

Selectman Bridle MOTIONED to APPROVE the Channel 22/IT Back-up Storage purchase at \$8,271.12 and \$5,565.20, 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

4. E Tinker, MRI Contract Assessor
 - a. 2021 Sewer Abatement

Mr. Tinker noted the sewer abatement for 2021 is 45 cents per thousand, with a total refund amount of \$102,562.00. He noted it is similar year to year.

Sel. Woolsey asked why we are doing these refunds noting there are pages full. Mr. Tinker told her that is the list of refunds and discussed how the list is determined. She asked why don't we know who is on sewer. Mr. Tinker stated the list is the people without sewer. She reiterated her questions on why are we doing this. Mr. Tinker explained the process and how it relates to budgeting and the tax rate.

Sel. Barnes asked this is about 600 properties and the answer was yes. She discussed this is built into the tax rate and then rebated to people who don't have sewer, and the answer was correct. She noted this is done every year and roughly \$100,000.00 every year, and Mr. Tinker agreed. She reiterated this is money they paid for sewer, through taxes, and since they don't have sewer, they are given it back.

Sel. Rage asked if there are people who don't get this abatement because they can go on the Exeter sewer system, and the answer was correct. He asked about the distance, and TM Sullivan noted a proximity to the line and that we pay Exeter. He asked about a specific resident that was not given an abatement because they are near Exeter. Mr. Tinker explained the people on the abatement list have no way of hooking into any sewer line, and he discussed a map showing such.

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

Sel. Bridle noted an explanation that he received years ago is that; if sewer goes by your house, whether Hampton or Exeter and if you have the ability to hook up to it, you are not eligible for the abatement. Mr. Tinker agreed that was correct. Sel. Rage reiterated his concern for the resident and cost of hooking into sewer and TM Sullivan noted he will research further.

Selectman Barnes MOTIONED to APPROVE the 2021 Sewer Abatement for \$102,562.00, SECONDED by Selectman Bridle.

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

b. 2020 Abatement (2)

Mr. Tinker explained two abatement recommendations. He noted an abatement to refund a tax credit that should have continued.

Selectman Woolsey MOTIONED to APPROVE the 2020 Abatement (#1), 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

Mr. Tinker discussed the second one, noting state parking spaces, noting an error with one being assessed twice, this is no money involved, just correction.

Selectman Woolsey MOTIONED to APPROVE the 2020 Abatement (#2), SECONDED by Selectman Barnes.

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: yes, Sel. Barnes: yes, Chairman Waddell: yes (not heard on tape). VOTE:5-0-0

Mr. Tinker discussed the yearly leased land rent, noted the board should have the list, and stated the total is the same as last year, the assessments have not changed, it being \$193,778.00.

Sel. Barnes asked about any leases being renewed this year and the answer was he did not believe there were. She discussed the amounts if being taxed instead, being around the same, and asked about selling these properties. Mr. Tinker explained the process should a resident wish to do so.

Sel. Rage noted they pay taxes on the land as well and Mr. Tinker noted that is correct.

Mr. Tinker discussed the board needs to sign.

Sel. Bridle commented for Sel. Woolsey that when she was looking at Dearborn Ave., she was looking at the mailing address, not the street property address.

5. Chief Hobbs, Police Department and Dep. Chief Reno

Chief Hobbs discussed hearing concerns on what to expect at the beach this summer, noting discussing it with many people and organizations. He stated his recommendation for safety purposes is that we return to normal as designed.

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

Sel. Woolsey mentioned talking with the state and Chairman Waddell noted a meeting is scheduled. She noted wanting no resources of Hampton used at the parks, with the exception of police.

Sel. Barnes noted she loved the Chief's opening comments.

Sel. Bridle agreed with the public safety of it and the Chief is doing a great job.

Sel. Rage asked about the side streets. They discussed the streets, cruising, where the bottlenecking happens, and possible two way alternating. The Chief noted they will take a look.

Chairman Waddell noted the Chief's opening statement good and reassuring to people.

a. Resident Parking

The Chief noted they are exploring a display or parking app to use rather than the ticket from the booth, discussing going electronic and eliminating cash handling, and noted it's potential for the future. He discussed needing more signs.

Sel. Rage noted that he asked for resident input on resident only parking and most people are for it, highlighting the quieter areas.

TM Sullivan discussed getting information to prepare for a public hearing regarding parking, noting many options. Sel. Rage noted it was the same with people at North Beach.

Sel. Bridle commented hearing from people, and they appreciated the resident only parking, and agreed about more signs. He noted the opportunity for pay as you go parking, and that he fully supports resident only parking.

Sel. Woolsey commented about sitting down with the state and Sel. Bridle noted this is about town streets. She discussed people parking on Rt. 1A. She and Chairman Waddell discussed further.

Sel. Barnes noted that she can see on the lettered streets and some others, but does not see resident only parking at North Beach would work, noting the zoning, and discussed families needing parking. She discussed the surfing community and their parking needs as well as they are being helpful.

Chairman Waddell noted the Chief doing a great job and likes the idea of going electronic, as well as the public hearing for their input.

Chief Hobbs noted there was good with resident parking, but challenges as well.

b. Outdoor Dining Permits

The Chief discussed that the governor's order continues to allow for outdoor dining, noting the local entity has authority to permit. He noted he and the fire chief meeting with the chamber and businesses and they are looking forward to getting approval and getting going. He discussed the permit process would be similar to last year, and noted the procedure and inspections.

TM Sullivan discussed businesses need to know we are looking to move forward but the road closure is not happening. He noted due to some challenges, we will need to tighten up on the permits, and we need to address the challenges of the entertainment aspect.

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

Selectmen Rage noted it is great, people enjoyed the outdoor dining and agreed with issues of the decibel level and enforcement, as well as time issues and noted respecting neighbors.

Sel. Bridle agreed, noting the tents on private property, and discussed some people still not comfortable with inside dining. He noted the music does have to be addressed.

Sel. Woolsey noted she would like an overview first. There was general discussion on permits and types of tents. TM Sullivan explained the directive for this evening was asking if the board is in favor of doing similar to what we did last year.

Sel. Barnes noted she is in favor of businesses expanding, as long as it is not on town or state property or the road. She discussed the entertainment ordinance that was recently passed, and discussed bands and places that book national acts, and noted the rule needs to be the same for everyone. She discussed enforcement of the ordinance and the decibel level. Chairman Waddell noted the discussion is on the outdoor dining.

Selectman Bridle MOTIONED to APPROVE MOVING FORWARD WITH OUTDOOR DINING, SECONDED by Selectman Rage.

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

Chairman Waddell noted the tenting is temporary and TM Sullivan agreed. Chief Hobbs noted the permits had an expiration date.

c. Alcohol Compliance Grant Acceptance

Dep. Chief Reno discussed applying for the grant and explained it, noting being able to be reimbursed for alcohol compliance checks. He noted approximately 73 current licensees for alcohol in town. He explained the operations process, noting it is annual. He noted the grant award is for \$2000.00 and asked for board approval to accept.

Selectman Bridle MOTIONED to APPROVE the Acceptance of the Alcohol Compliance Grant, 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

VII. Town Manager's Report

1. Report on current COVID-19 numbers, state and town of Hampton.
2. The DOT Zoom meeting for Rt. 1A is March 2nd at 6:00pm, links are on our website and the DOT website.
3. The DOT has notified us of a traffic impact, the moving of large equipment from Portsmouth to Seabrook, for the next three days, at 9pm, and there will be delays.
4. Offering thanks to Dir. Jen Harper, from HACM, for help in vaccine issues for residents, and anyone with difficulty can give us a call.
5. Reminder of the polls and election.
6. Reminder it is time to renew entertainment licenses.

Sel. Barnes asked about a list of seniors that was discussed last week. TM Sullivan noted discussing with the Rec. Director and noted privacy issues, and he mentioned perhaps we can do the reverse and give the seniors the information to reach out to the group. She asked

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

about Red's Good Vibes. TM Sullivan noted he has not been in contact this week and will follow up.

Sel. Bridle asked about the firefighters doing shots. TM Sullivan discussed helping with manpower at vaccine sites and we executed the agreement today with DHHS, it is a voluntary overtime basis, and will not affect daily operations. He noted this is different from the, in the community activity, in recent news, but we have reached out for that. Sel. Bridle noted the contract is great but would like to see the other program and getting the shots here in Hampton. TM Sullivan assured we are working on that.

Chairman Waddell noted he agreed on the Rec. Dept. issue and we should not be giving out information.

Selectman Bridle MOTIONED to ACCEPT Contract with DHHS for Manpower to help with Vaccines, and to Pursue the Area Health Network Contract for in town vaccine assistance, SECONDED by Selectman Rage.

Sel. Woolsey noted not being comfortable with this.

Sel. Barnes asked about financial aspect. TM Sullivan noted the DHHS is fully reimbursed, and thinks the other has a cap, but he has not seen yet. She noted not being able to vote on.

Roll call vote: Sel. Rage: yes, Sel. Bridle: yes, Sel. Woolsey: no, Sel. Barnes: no, Chairman Waddell: yes. VOTE: 3-2-0

VIII. Old Business

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

Atty. Gearreald noted the prior two public hearings. He noted asking for the set back and that we have done in the past.

Selectman Bridle MOTIONED to move that the Board modify the second sentence of deed restrictions #4 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 said second sentence in deed restriction #4 now reads

4. The Grantee will not erect any buildings upon the premises within seven (7) feet of any boundary line, nor shall the premises be subdivided.

So that same will now read as follows:

4. The Grantee will not erect any buildings upon the premises within the setbacks prescribed in the Hampton Zoning Ordinance except to the extent allowed by the Hampton Zoning Board of Adjustment by variance once said variance becomes final, nor shall the premises be subdivided.

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 Barnes.

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

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

Sel. Barnes noted she emailed the legislator and committees regarding the housing bills she had concerns with, and she thanked Rep. Emerick who emailed her immediately that HB586 was tabled.

IX. New Business

1. Election Schedule

Chairman Waddell noted that he and Sel. Woolsey are unavailable due to being on the ballot. TM Sullivan noted he will reach out to the rest of the board.

Atty. Gearreald noted sending to the board a copy of the order from the PUC, that was issued in the Aquarion 2020 rate case, with a deadline to file to intervene. He noted we have intervened previously with success, highlighting savings in billings. He noted he would need authority to petition to intervene.

Sel. Barnes noted the savings is excellent.

Selectman Barnes **MOVED** to **APPROVE** the Filing of the Petition to Intervene, **SECONDED** by Selectman Woolsey.

TM Sullivan clarified this is just to file and any further action would come to the board, and Atty. Gearreald noted that was correct.

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

X. Closing Comments

Sel. Barnes noted letters being put in resident mailboxes without postage, regarding the town elections. She stated that is illegal and goes against state election laws.

XI. Adjournment

At 20:44 PM, Selectman Bridle **MOTIONED** to adjourn, **SECONDED** by Selectman Rage, which was passed unanimously by roll call vote.

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

James Waddell, Chairman