

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

June 29, 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. Public Comment

None

II. Announcements and Community Calendar

Chairman Waddell announced a Resolution in recognition of service. He read the resolution dedicated to Frederick W. Welch, Town Manager for 13 years, the longest town manager.

Sel. Barnes read an announcement that is on the DPW website, the department looking for applicants for seasonal beach crew workers. She announced that the recreation department has put out stay at home program ideas for the summer and they hope to resume senior activities in the fall, and she listed some other events they are offering.

Sel. Rage announced that music will resume at Hampton Beach on Weds., slightly different, with a side stage. He announced the playground opened today.

Sel. Bridle announced the recreation senior picnic that started last week and that we are looking for ways to find things for seniors to do, while still protecting them. He announced that people are looking to have the town office opened.

Chairman Waddell announced this weekend will be warm, stay safe. He reiterated job openings for young people.

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III. RSA 41:14-a First Hearing

1. 4 14th Street Map 183, Lot 26

Petitioner's request: Removal of Deed restriction #3: No fences may be erected upon said premises other than ornamental fences of no more than a three-foot height.

Sel. Woolsey noted having no intention of voting to remove restriction.

Atty. Gearreald discussed the restriction, noting it is for removal, however, the applicant is looking for 4 feet, and noted looking for board direction for deed modification. He noted this is residential and it does make sense.

Sel. Barnes commented being ok with the 4 feet, but not higher than that.

Sel. Rage commented 4 feet not being unreasonable.

Sel. Bridle noted looking to hear from applicants at next hearing.

IV. Approval of Minutes

1. June 15, 2020

Selectman Bridle MOTIONED to APPROVE the minutes of June 15, 2020, 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

Re: 14th Street, Cheryl Boyd-Bruhm, owner called in, discussed the fence is for a pet, how busy the area is and is looking for at least a 4 foot fence in the backyard, commented it would also hide trash receptacles.

Roman Walden, called in on behalf of Ms. Boyd-Bruhm, discussed the requested fence will not obstruct anyone's view.

Chairman Waddell closed the public hearing at 19:14.

V. Consent Agenda

1. Cemetery Deed: Frederick Gillis 20/I-2/4/1-4, Norm Silberdick 20/I-1/1/3
2. Lane Library Trustees Alternate: Shelia Ewell
3. Limousine License: Seacoast Executive Transportation, LLC
4. One Day Entertainment License: Chris Avery, Lawn Party 07-04-2020
5. Waiver of Code of Ordinances Section 328-5 Hours of Construction – Ashworth Avenue
6. 8 Ocean Boulevard Leased land: termination of current lease and execution of new lease

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

Sel. Bridle asked about the waiver of code 328-5, if it is 7am. Mr. Welch answered it is, and noted they need to dig across the road at Ashworth Ave. and they are asking to do late at

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night as to not disrupt traffic. He asked about neighbors and duration and the answer was short, just one water connection and one sewer.

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. Kristie Pulliam, Finance Director
 - a. Monthly Financials

This is the fifth report of 2020 and the expenditure target is 41.67%. I am going to provide comparisons on revenue from May 2019 to May 2020. The month's total income was \$830,491. When you compare May revenue of 2019 to 2020 we are down \$41,142. In 2020, we received Land Use Change Tax of \$58,830. • Interest on Taxes is lower than 2019 by \$28,269. • Motor Vehicle Fees is lower than 2019 by \$160,743. Although this number seems large it is only under the budget projection by 3.18%. • Building Inspection Permits are higher than 2019 by \$26,675. • Sludge is higher than 2019 by \$23,013. • Transfer Station is lower than 2019 by \$24,936. • Parking Lot Revenue is lower than 2019 by \$27,681., but I will note that last weekend was the highest parking lot revenue we have seen, so there may be some relief there. • Interest on Deposits is higher than 2019 by \$19,653. • Land Rent is higher than 2019 by \$34,010. • Real Estate Trust is higher than 2019 by \$12,369. The last thing I would note is that the first half bill for school resource officers was sent out in May, so that revenue will be coming.

On the expense side we are 37.27% spent or under budget by \$1,149,050. In May of 2019 we were under spent by \$1,032,138. This shows we are pretty much right in line on the expense side. We do have a large amount of open purchase orders, but the majority of them are related to warrant articles and not budget lines. Zoning remains over target at 103.54%. The item driving this is supplies & expense line. Emergency Management is at 356.14%. This is the line item we have been using to run the majority of the COVID-19 expenses through, but wages are still spread out amount those accounts. 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 \$254,596. Fund 25, Cable Committee has a balance of \$396,078. Fund 26, Private Detail has a balance of \$278,151. Fund 27, EMS has a balance of \$310,430. Wastewater System Development Charge, fees collected in 2020 total \$32,282 with a balance in this account of \$229,431. The Board has approved expenditures from this fund of \$143,907, which are not reflected in the balance above.

Sel. Bridle noted good report, will be interesting to see June and July.

Sel. Woolsey said the same, great job.

Sel. Rage, said same thing, great job.

Sel. Barnes commented excellent, and reiterated the expenses at 37%, still under target, and parking lot revenue for June being good, noting we seem to be in good shape. She commented that through May, for two and a half months, we have not been at full operations, not offering full services, and wondering what the schools will be doing. She noted liking the tracking of emergency management in one account, and she asked about record keeping

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for DPW assisting the state with trash. Ms. Pulliam discussed the process of billing the state for the employees who have worked doing that trash, including NHRS and tax costs, as well as costs for equipment and vehicles.

Chairman Waddell commented good report and good to see, noting so many other towns in trouble financially, noting NH doing well. He asked if we will still be getting the same rooms and meals tax as last year, and the answer was that is what we have been told, right in line with last year and will be in December. He commented on applauding all on keeping budgets in line.

2. Chief Sawyer, Police Department & Deputy Town Manager Sullivan
 - a. COVID-19 Update

Chief Sawyer discussed O Street, all issues discussed have been addressed, lighting, crosswalk, and the speed bump. He discussed the weekend, and closing of South lot at 8pm, ticketing at 9pm and the beach closing at 9pm, noting it went well, the state did the ticketing, noting a message board being there. He discussed firework issues that were addressed, noting no warnings are being issued, and there were summons issued, and highlighted that those efforts will continue for the 4th holiday. He noted this past weekend much calmer than the prior one, but there were some arrests at bar closing time, with the additional staffing handling it quickly. He discussed expecting good weather for the holiday weekend, conference calls to prepare for that, with agencies help for back up staffing, state police, the sheriff's department and other departments, noting he anticipates much illegal fireworks issues. He discussed a rip tide incident on Friday that was quickly taken care of, with fire dept. responding, and discussed his request for state lifeguard presence to assist. He noted they are prepared for the 4th of July weekend.

Sel. Woolsey asked the chief for a listing of personnel. The chief agreed and noted having to again deal with misinformation he is seeing on social media. She noted getting complaints about fireworks on Cole Street. She asked about the grant from the NH Dept. of Justice, and was he getting the entire \$93,758.24. The chief addressed that fireworks are everywhere, noting an article in the Boston Globe, it being a national issue as well. He discussed fireworks are governed town to town. He answered about the grant money, that yes, they will receive that entire award, and discussed the reimbursement process. She asked about help for Riverview Terrace noise ordinance, and the answer was that it is on the town website. Dep. Sullivan noted the complainant has been mailed the ordinance and encouraged to call the police if an issue. She discussed emails she has received regarding complaints about the beach, that she is working with Sen. Sherman, and asking those who email her for permission to forward those emails to him. She commented she would like the governor to close the beach for the rest of the season.

Sel. Barnes discussed getting the same email regarding fireworks at Cole Street and asked if the police are taking action, and the chief noted it is illegal to possess and display and yes they are taking action, noting, seizing them. She reiterated the Riverview resident noise issue and commented on seeing police presence this past weekend, and reiterated the Riverview resident to call the police when needed. The chief reiterated calls need to be made at the time of the incident or complaint. She discussed closing of the beach, and that the closures contribute to the anxiety for everyone, and she is opposed. She discussed other states increased cases and noted it being due to late night barroom activities, so closing of the state

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park would do nothing and people need to be respectful, and she would be opposed to that idea. She noted the activities restarting at the beach, like music, will help lend to the family atmosphere. She reiterated last weekend much better at the beach than the previous one, but residents on south beach are still wary. She noted liking seeing the police there. She discussed O Street, and asked about the speed bumps and the chief noted they should be there tomorrow, and District 6 will be putting 2 on Ocean Blvd. She reiterated the town always taking care of the beach, and she appreciates what the police, fire, and DPW departments do.

Sel. Rage noted being excited about the ATV purchase, and is happy to see the horses at the beach. He noted an issue with street musicians and donation requests, and concern with crowds forming, but the deputy chief handling it. The chief addressed the street performer issue, noting if it does not impede people moving, there is not much they can do, but will keep watch on it, and noted it is not unlawful for people to donate to them. He noted having hundreds of notes of positive comments on what is happening at the beach. He reiterated everyone working together, doing a great job.

Sel. Bridle noted it is really good that the plan discussed on Weds. is almost complete by Monday. He noted hoping the talks are continuing with DOT regarding moving the island, if not for this year, then the next ones. He noted the chief doing a good job on firework complaints.

Chairman Waddell noted good job and like the bullet points of what's being done. He discussed being distressed at people going to the select board before going to the appropriate department. He reiterated there are lots of positives, with a few negatives to still work on.

Sel. Woolsey asked who is handling the trash, and Dep. Sullivan will discuss later. She read a letter from the state DOT to Chairman Waddell regarding pedestrian signs and giving approval for a permit for said signs, and she asked who is going to buy them. Chairman Waddell noted the deputy will discuss.

Dep. Town Manager Sullivan commended the chief and his team for all the work they have been doing, as well as DPW and Fire Dept. at the beach, as well as the town offices trying to respond to all citizen's issues. He read the latest state and local Covid19 statistics. He addressed the letter Sel. Woolsey read, noting it is in response to several complaints. He discussed that now there is the permit, does the board want to proceed. He discussed the playgrounds, noting the issue of not being able to clean and disinfect them to standards, but offered that we could post signage for use at their own risk, for town liability purpose, and how would the board like to proceed. He discussed still seeking a contractor for the town office barriers, but currently all services are still being taken care of, noting town clerk's office, online registration, and tax office with the drive up window. He addressed the traffic pattern and the suggestion of Ashworth being two way for the entire way, noting the earlier time frame discussed, and in a follow up today, the governor addressed and is looking into whether or not that time frame can be adjusted.

Sel. Rage asked if there is a charge to register your car online, and it was discussed there is a fee if you use a credit card, but not a fee to use online. He asked about the traffic pattern and if there can be a left turn after the island. Dep. Sullivan noted that is one of the engineering challenges and the relief for O Street and side streets.

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Sel. Woolsey asked if there are any state employees at the state beach and the answer was there are about 9 there, noting lifeguard staff is different. She asked about trash pick up and Dep. Sullivan noted they are doing some with staff and contractors and we are doing ours and augmenting with an addition pick up. She asked who owns Route 1A and the answer was the state. She asked why is the town paying and maintaining the pedestrian walkway devices, and the answer was it is our choice to have them, and noted residents asking for them.

Sel. Bridle noted four states having cases decline, with NH being one. He noted you can still come to the town office vestibule to do a registration, just put the paperwork in the box, and use the phone to call the town clerk. He reiterated the charge for using a credit card online, but no charge for a direct withdrawal from your bank. He discussed not having a problem with the use at your own risk signage for the playgrounds, hoping we will be cleaning as much as possible with the staff we have.

Sel. Barnes asked about Covid19 cases at out assisted care facilities. Dep. Sullivan noted we are not able to know who cases in town are, but he is not aware of any issue at those facilities. She asked about any Hampton deaths related and the answer was none that we are aware of. She noted that due to all being dealt with, that the cost of the pedestrian signs is money well spent and if other areas need them as well, it is a good investment for the town. She discussed the safety factor of it all. She discussed being ok with the appropriate signage for the playgrounds, noting parental choice. She asked about the village playground and Sel. Rage noted, signage.

Chairman Waddell discussed that the beach is clean. He discussed being 100% for the playground signs. He discussed being all for the pedestrian signs, noting it is too bad we have to pay for them, but if it helps people pay attention, it is worth it.

Selectman Rage MOTIONED to APPROVE the Purchase of 12 Pedestrian Crosswalk Signs, SECONDED by Selectman Bridle.

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

There was general discussion on the traffic pattern and the consensus was to get the plan and then come back to the board.

VII. Town Manager's Report

1. We are currently working with the Fire. Dept. on the sewer disposal line from the old building at headquarters, trying to repair. They may need to put a liner in. We will report back to the board with any repair costing necessary.
2. The Fire Dept. had to do a rescue this week with people on the jetty, and have previously requested the state block access to the jetty. We have been in discussions on repairs, but funding takes 18 months to get from Congress. I suggest the board contact the Army Corp of Engineers regarding blocking off the jetty till it is repaired.
3. Regarding the tax office and taxes being collected, we are at 64% of the first half taxes that have been collected, even in these trying times. We give kudos to the tax office and the town clerks office.

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4. We have received kudos from people on Mill Road regarding the work that is being done by Jamco on the road. They are hydroseeding and watering as well.
5. The trees at the High Street Cemetery that are at the edge of the roadway, growing into the wires are being taken down, we are working with Unitil. We are using internal roads to avoid having to have police details.

Sel. Woolsey asked about the Elliott family request for sod. Mr. Welch noted having walked the grounds and if we do that, we could end up spending hundreds of thousands to sod all the graves. He discussed the objective of ground animal control to help grass grow, and possible replacement of the water system. He discussed the animal control taking time and the stump removal. He noted the hard work of the employees at the cemeteries.

Sel. Barnes noted great to hear about the tax collection, thank you to the tax employees and to the taxpayers.

Chairman Waddell thanked Mr. Welch for his report, for all his reporting and that it has all been good.

VIII. Old Business

Chairman Waddell noted these are the votes after two prior public hearings. Atty. Gearreald noted these three requests have originated in the planning board approval process. The first being an accessory dwelling, the second a commercial property, and the last a condo conversion. He discussed they all need a deed restriction modification and all applications had legal representation. He noted developing the motions and read them.

1. RSA 41:14-a Vote
 - a. 7 Eight Street Tax Map 210 Lot 1-1

Selectman Bridle MOTIONED to MOVE that the Board modify deed restriction #4 contained in the Quitclaim Deed from the Town to Domenic J. Bramante and Josephine Bramante dated June 4, 1984 and recorded at the Rockingham County Registry of Deeds in Book 2494, Page 1452, which now reads as follows:

4. The only structures permitted to be erected or placed upon said lot shall be one single-family dwelling, containing no more than four bedrooms, with no more than a two-car garage. No commercial use shall be made of the premises except that which is in existence on the execution of this deed.

So that deed restriction #4 will then read as follows:

4. The only structures permitted to be erected or placed upon said lot shall be one single-family dwelling and one Accessory Dwelling Unit (ADU) that complies with the Hampton Zoning Ordinance, together containing a total of six bedrooms [the single-family having four bedrooms and the ADU having two bedrooms], with no more than a two-car garage. The property must revert to single-family use (with only one single-family dwelling unit) if the current or future property owner no longer occupies either the principal dwelling unit or the accessory dwelling unit as his or her principal place of residence. No commercial use shall be made of the premises except that which is in existence on the execution of this deed.

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Said modification is 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 Rage.

Sel. Barnes commented she liked the wording that the current or future owner must reside in the principal residence or ADU. There was general discussion of that being the law and it being in the deed and recorded.

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

b. 97 Ocean Blvd Tax Map 290, Lot 117

Selectman Bridle MOTIONED to MOVE that the Board modify deed restrictions #3 and #4 contained in the Quitclaim Deed from the Town to Joan M. Freeley dated October 21, 1985 and recorded at the Rockingham County Registry of Deeds in Book 2571, Page 2395 which now read as follows:

3. No fences may be erected upon said premises other than ornamental fences of no more than a three-foot height.
4. All outbuildings, other than a private garage, shall be connected with and attached to the dwelling house on the lot.

So that said deed restrictions #3 and #4 will then read as follows:

3. No fences or boundary walls may be erected upon said premises without site plan approval from the Hampton Planning Board and a building permit and any necessary variances from the Zoning Board of Adjustment.
4. All outbuildings, other than a private garage, shall be connected with and attached to the main structure on the lot.

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

c. 9 Bradford Avenue Tax Map 293, Lot 157

Selectman Barnes MOTIONED to MOVE that the Board modify deed restriction #4 as contained in two certain Quitclaim Deeds from the Town to Thomas M. Higgins dated August 19, 1985 and recorded at the Rockingham County Registry of Deeds in Book 2559, Page 1105 and Book 2559, Page 1116 which now reads as follows:

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. All outbuildings and sheds, other than stables or garages, shall be connected with and attached to the dwelling house, stable or garage on the lot.

So that deed restriction #4 will then 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

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Hampton Zoning Board of Adjustment by variance once said variance becomes final. Any outbuildings and sheds, other than stables or garages, shall be connected with and attached to one of the two dwelling houses, stables, or garages on the lot.

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

Atty. Gearreald noted the documents were there for signing.

Sel. Barnes asked about what the library is doing. Dep. Sullivan noted that they are doing what we are doing and are awaiting barriers to be built. She asked if the barriers and other items to open will be reimbursable, and the answer was yes.

Sel. Woolsey had a question for the state regarding 1A and Chairman Waddell directed her to contact them.

IX. New Business

1. Acceptance of Offsite Improvements Construction Costs estimate for \$25,704 for Ocean's Edge, 533-535, and 537 Ocean Blvd.

Mr. Welch noted this has all been approved and recommends board acceptance.

Sel. Woolsey asked where is the money coming from and the answer was the builder.

Selectman Bridle MOTIONED to APPROVE the Acceptance of Offsite Improvements Construction Costs estimate for \$25,704 for Ocean's Edge, 533-535, and 537 Ocean Blvd, 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

2. Acceptance of Offsite Improvements Construction Costs estimate for \$73,317 for Silver Glass Subdivision off of Mary Batchelder/Timber Swamp

Mr. Welch noted it is the same scenario.

Selectman Bridle MOTIONED to APPROVE the Acceptance of Offsite Improvements Construction Costs estimate for \$73,317 for Silver Glass Subdivision off of Mary Batchelder/Timber Swamp, SECONDED by Selectman Barnes.

Sel. Woolsey commented on the need for a substation for the Fire Dept.

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

Sel. Barnes asked about the governor's order #56, schools and districts and expenditures if annual meetings have been postponed due to Covid. Sel. Rage discussed the village district and they are using what they did last year, not going over budget and underspending at this time, and any left over funding goes back to the taxpayer. He discussed trying to get a meeting held and those challenges. She asked about fireworks and he stated to ask the piping plovers.

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X. Closing Comments

Sel. Woolsey stated she and the community will miss Fred.

Sel. Rage noted he doesn't think we will miss him, he is still going to be here, and he is glad of that. He wished everyone a safe 4th of July.

Sel. Bridle noted we will not miss Fred as he will still be here and if will benefit all for him to be around, and he commented on the good work he is doing in the cemeteries. He thanked him for all he has done for the past 13 years.

Sel. Barnes reiterated all that has been said, and agreed about the cemeteries, and noted the work with the assessing department. She reiterated to the public all the help he gave her. She noted Fred and Jamie working as a team and that continuing even when they switch roles. She wished everyone a fun, safe 4th weekend, and that all goes well.

Chairman Waddell stated: ditto.

XI. Adjournment

At 20:40 p.m. Selectman Bridle MOTIONED to adjourn the Public Session, 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

Jim Waddell, Chairman