

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

August 30, 2021

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  
Jamie Sullivan, Town Manager

- I. Public Hearing Pursuant to RSA 31:95-b, III (a) to take testimony from those who wish to be heard concerning the following: To apply for, accept, and expend unanticipated monies in amounts of \$10,000 or more from the following agency and its subsidiaries in 2021.

The Stanton Foundation (Grant for the establishment of the K9 Unit)

TM Sullivan explained the grant that Chief Hobbs had discussed at an earlier meeting and that it has been awarded to the town.

Public Hearing opened. No public comments, discussion to the Board.

Sel. Sawyer noted talking about this at length and noted the Chief's excellent presentation.

Sel. Sawyer MOTIONED to APPROVE Accepting the Stanton Foundation Grant, SECONDED by Sel. Barnes. There was general discussion on the public hearing process.  
Vote: 5-0-0

Public Hearing closed at 7:02pm.

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

Michelle Smith, 16 Chase Street, noted their cottage is next to a new house being built. She discussed the water situation at the cottage from the new building. She discussed the probable mold issue and the swarms of mosquitos due to the stagnant water. She asked if something can be done, noting the value of the property being diminished. She noted they have pictures available.

Susan Cronin, 8 Chase Street, noted her property abuts the aforementioned building being built. She discussed having a disability and this issue impacting her health and explained reasonings. She asked that the town issue a stop work order until the situation is resolved.

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Joe Difraia, 28 Highland Ave., noted his property is also affected by this house being built. He noted the foundation started during the drought and discussed research regarding the permits. He discussed they would like the work stopped until it is figured out what is going on. He noted the mosquito issue and what happens after a rainfall. He discussed mold and the loss of trees and vegetables. He noted a pipe needing to be fixed.

Tim Monagle, 4 Chase Street, he discussed flood zones and codes and it states there should be no adverse effects on abutters. He discussed the building of his house on his property. He noted the new building's driveway, and, discussed water at his property being in the house pursuant to the tides. He discussed water tables and noted the town must be aware. He discussed water disbursement. He stated this needs to have a cease-and-desist order until this can be addressed.

Michael Deshler, Chase Street, noting he got involved to help Ms. Cronin, and discussed her attorney recusing himself. He noted his experience in sewer and concrete inspection. He discussed wanting to prove why this situation is wrong and highlighted a conservation information sheet on water ponding on a property. He discussed wetland vegetation, showing examples and noted the property is on a wetland and explained rotten vegetation. He discussed the property listing and the red flags. He summarized and listed the facts, noting the permits, and, explained research that was regarding a tidal trench. He discussed the building permit and what it says regarding wetlands.

Ms. Smith returned to the podium and noted she spoke with the building inspector who came and looked, but the water situation has not gone away.

Norman Carpentier, Carpentier Construction, stated he is the builder. He discussed the reasoning for the water is a drainage culvert that is clogged, and the culvert is located on private property. He discussed wetlands permits were not needed for this job as it was out of the buffers. He discussed no variances, so no need to notify abutters. He discussed meeting all criteria. He discussed the mold and mitigation at the old house. He discussed being the first person to bring up the culvert issue and noted prior issues. He reiterated the wetland permit issue and the clogged pipe issue. He noted wanting it on record that his company has done everything by the book.

Ms. Cronin returned to the podium and discussed the pipe. She discussed the culvert's purpose was to take care of rising and falling tides, nothing else.

Mr. Difraia returned to the podium to discuss Mr. Carpentier's comments, noting they are wrong, and referenced his own research. He reiterated wanting the building stopped and how serious it is in the area.

Mr. Deshler returned to the podium and noted this property has filled in the wetlands and referenced the law. He discussed the property being in the zones and left reading material for the Board.

### III. Announcements and Community Calendar

Sel. Waddell announced that school starts tomorrow, please drive slowly and pay attention. He announced that anyone in the five-town area, Hampton, Rye, North Hampton, Hampton Falls, and Seabrook can get discounted wrist bands for the Seafood Festival anytime this week at the Chamber office.

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Sel. Sawyer offered congratulations to Post 35 for the excellent Wounded Warrior event at the beach on Friday.

Sel. Barnes reiterated the Wounded Warrior being a great event. She reminded the public of the 2022 Master Plan meeting on Weds. Sept. 29<sup>th</sup>.

Sel. Waddell called for a moment of silence for the 13 service men and women killed in Afghanistan.

Chairman Bridle reiterated the school opening, and announced the swearing in of our newest firefighter, Nick Africano, wishing him all the best.

#### IV. Approval of Minutes, August 23rd

Sel. Waddell MOTIONED to APPROVE the minutes of August 23<sup>rd</sup>, SECONDED by Sel. Rage. VOTE: 5-0-0

#### V. Consent Agenda

1. Cemetery Deed: Lynne R. & E. Thomas Dumont 33/I-2/4/1-4/RD 12
2. Pole Petition: Verizon at 15 Towle Farm Road Pole #1711/14/7
3. Seafood Festival Sidewalk Vendors Permit: Graphic Creations Tees, Impression Beachwear, Maggie's Beachwear, The Shirt Factory
4. Jane's House, Raffle and 1-day Entertainment License.

Sel. Barnes MOTIONED to APPROVE the Consent Agenda, SECONDED by Sel. Sawyer. VOTE: 5-0-0

#### VI. Appointments

1. Ed Tinker, MRI Contract Assessor  
a MS-1

Mr. Tinker discussed the MS-1 reports are completed. He noted the cover sheet detailing some value changes. He discussed an increase of 1.6 percent in taxable value, noting the majority from Seabrook Power Plant. He discussed the precinct and that increase.

Sel. Barnes reiterated we are at 3.9 billion value and the utility increase. She asked if there was an additional utility, and the answer was no. She asked about exempt properties, like the Courthouse, and Mr. Tinker noted town property.

Sel. Waddell asked what assessment the power plant is being taxed at. Mr. Tinker explained the tax calculation process for it. Sel. Waddell noted it needs to be reassessed and may be a problem, and Mr. Tinker agreed.

Sel. Waddell MOTIONED to APPROVE and sign the MS-1, SECONDED by Sel. Rage. VOTE: 5-0-0

##### b 2022 Value update

Mr. Tinker discussed the ratio factors and the current market. He noted the next revaluation was scheduled for 2024 and discussed ratios and exaggerated sale prices as well as an approximate 15 percent change in the equalization ratio. He noted that going past 2022 would result in a sticker shock scenario. He discussed the three-year time frame for

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reevaluation. He asked the Board to consider doing a reevaluation in 2022 and noted Rye is doing one then.

TM Sullivan summarized the question for the Board's consideration.

Sel. Rage asked about doing the whole town at the same time making a difference. Mr. Tinker discussed the ratios getting out of whack and discussed the equalization and such an increase in people's values, discussing things not being uniform like they use to be.

Sel. Barnes noted not being ready to commit to another reevaluation, noting we know why it is going up, the market, and old things being torn down, being replaced with bigger new things. She discussed the equalization, and Rye doing a reval, and asked what if the market turns. Mr. Tinker noted it a possibility. Sel. Barnes discussed the last reval, and people's increases and their difficulty with that. She noted more important things needing to be addressed with warrant articles this year.

Sel. Waddell noted it difficult to time the market and discussed if we wait, people will get more of a shock. He noted needing to be realistic.

Sel. Sawyer noted Sel. Barnes made good points, but he is torn and discussed increases and what it will be by 2024.

TM Sullivan noted this does not have to be decided tonight, we can take time to process while the budget process is ongoing. He discussed the recent change in values, the increases, noting the stability of the tax rate. He discussed value and the appropriate assessment.

2. Kristi Pulliam, Finance Director
  - a Monthly Financials

Ms. Pulliam noted these are July financials and they are on the website. is the seventh report of 2021, and the expenditure target is 58.34%. When you review the attached Revenue report you can see the differences in revenue from 2020 to 2021. The 2021 revenue is lower than 2020 revenue by \$296,133. Some driving factors here are Transfer Station (now have recycling fund), Parking revenue (July of 2021 had 9 days that were clear and above 80 and in 2020 had 22 days). The month's total income was \$527,856 of that total, Motor Vehicles came in at \$258,898; Interest on Taxes at \$7,721; Building Permits at \$29,070; Departmental at \$63,313; Parking Lots at \$81,461; and Real Estate Trust at \$68,238.

On the expense side you will find that we are 55.44% spent or under budget by \$787,897. In July of 2020 we were underspent by \$345,238. This month I will point out any departments/sections that are over 58.34%. I will also point out where the three big departments stand. Personnel Administration is at 63.78% driven by Employee Separation and Bank Buy-Back Program. Police Department is at 57.37%. Fire Department is at 56.73%. Hydrants is at 99.05%, as we made the second and final payment in July. Public Works is at 52.14%.

Fund 24, Recreation has a balance of \$201,475. Fund 25, Cable Committee has a balance of \$554,980. Fund 26, Private Detail has a balance of \$209,955. Fund 27, EMS has a balance of \$224,754. Fund 41, Recycling has a balance of \$142,173. Wastewater System Development Charge has a balance of \$186,738. There are approved expenditures by the Board of \$142,869.

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Sel. Barnes noted the parking revenue being down and the amount of rain. She noted the balance of the recycling fund and asked when it was set up. Ms. Pulliam noted last year and reiterated the balance and that there are expenditures from there. Sel. Barnes noted the possibility of a similar type of fund for parking enforcement.

Sel. Waddell asked if motor vehicles revenue is about where it was, and the answer was a little higher.

Sel. Rage asked about parking revenue for 2019. Ms. Pulliam noted she did look at and we are down from 2019 as well. Sel. Rage discussed the State being at 50 percent parking last year, so we received more revenue.

Chairman Bridle noted the EMS fund and asked has the ambulance been paid. Ms. Pulliam stated yes, that is the reasoning for the drop.

Ms. Pulliam discussed a memo sent to the Board regarding the audit RFP. She discussed where it was sent and the responses. She discussed the only proposal being Plodzik & Sanderson, for three- or five-year contracts. She noted \$26,000 for the first 3 years and \$27,000 for the last 2. She discussed the price of the single audit being \$2000 for the first 3 years and \$2400 for the last 2.

TM Sullivan explained the single audit. He explained the purchasing policy as in the best interest of the town.

Sel. Sawyer MOTIONED to APPROVE the award of the Audit 5-year Contract, to Plodzik & Sanderson, as presented, and in accordance with the provisions of the Town of Hampton Purchasing Policy Chapter 718, Section 718-5-1, and without bidding as required under 718-3A that is in the best interests of the Town of Hampton, SECONDED by Sel. Barnes.

Sel. Barnes noted Plodzik & Sanderson do a good job and asked if everyone else too busy. Ms. Pulliam noted she talked to Tyler; our lead auditor who noted people can not find workers. Sel. Barnes noted the contract states completion by June 30<sup>th</sup> and that does not happen. Ms. Pulliam noted it rarely happens. Sel. Barnes asked about the 2020 audit and the answer was we have received journal entries for review, and it should be done soon after that.

VOTE: 5-0-0

Ms. Pulliam discussed the Channel 22 upgrade to the studio proposal. She noted that during the walk through for scheduling it was found things in the Selectmen's room that need to be done, AC work, and patching and painting. TM Sullivan explained the repairs. Ms. Pulliam noted the cost at \$11,929.72. They discussed it will be paid for from the Cable fund.

Sel. Waddell MOTIONED to APPROVE the added renovations to the Channel 22 upgrade, SECONDED by Sel. Barnes. VOTE: 5-0-0

### 3. Jen Hale, DPW Director & Joseph Lynch, DPW Deputy Director

Dir. Hale noted things have come up since the agenda and discussed Park Ave. She noted it has not been paved due to circumstances, weather, and the paver not available, as well as the start of school. She noted roadway prep will happen during school hours and hopefully paving by Friday.

#### a Wastewater Treatment Plant

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Dir. Hale noted Mike Curry from Wright-Pierce is here. She discussed two memos the Board received regarding the influent pipe station and phase 2 being upon us. She showed a power point presentation of where we are in the WWTP's plan for the future. During the presentation she discussed the facilities study, the timeline, a listing of the improvements, the influent pump station, and its status, along with a description of the pumps, an emergency plan for the failure of the influent pump station, and the reasoning to repair the pump station now, highlighting the cost.

Sel. Barnes discussed this is something we definitely have to do.

Sel. Rage asked if a motion was needed.

Sel. Barnes MOTIONED to APPROVE to authorize the town manager to execute the change order from Penta Corp., in a value not to exceed \$1,170,000.00, for the Influent Pump Station, to be funded by the Phase 1 project contingency in a value not to exceed \$300,000.00, and to expend the ARPA funding received in 2021, in addition, approximately \$59,000.00 will be spent from the 2021-2022 Waste Water Supply and Expense line if needed, and if additional contingency available, it will be used, or other sources that become available to the town, in the best interests of the town, SECONDED by Sel. Rage.

Sel. Waddell asked if the pump stops, what do we tell people. Dir. Hale noted we would go into emergency mode, getting a back up and talking reducing use. Sel. Waddell noted that would cost extra money as in the Church Street issue.

VOTE: 5-0-0

Dir. Hale discussed Phase 2, noting we are going into warrant article season. Mr. Curry discussed Phase 2, noting medium criticality items to be completed through 2025. He continued the power point presentation and discussed a listing of the more critical needs of Phase 2, the cost of Phase 2 at \$15.730.000.00 which includes the pump station, the timeline moving forward, and being proactive.

Sel. Sawyer commented he agreed with Sel. Waddell that this is something we have to do. The consensus was agreement that we do have to do this. Sel. Barnes noted the power point is excellent and asked if it will go on the website and the answer was yes. She noted the WWTP is the heart of the town, we can't afford for it to fail. She asked if the \$15 million was submitted to the Clean Water State Revolving Fund and the answer was yes. She commented on hopefully getting state funding, and that she likes the timelines.

Dir. Hale noted that the motion for the influent pump station needed a waiver and concurrence.

Chairman Bridle MOVED to APPROVE the Waiver for the Influent Pump Station Motion (approved earlier) and it is being added back to the original Contract, SECONDED by Sel. Barnes. VOTE: 5-0-0

b Winnacunnet Road Speed Zone implementation

Dir. Hale discussed the Board vote to change the speed limit on Winnacunnet Road. She noted researching what the ordinance says. She gave a summarization of a memo to the Board regarding the limit. She clarified that the area now signed for 35 will go to 30, the 25 will go to 30 with an advisory sign, and the school zone will remain as is.

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Sel. Waddell MOTIONED to APPROVE the Winnacunnet Road Speed Zone implementation, as stated per Director Hale, SECONDED by Sel. Barnes. VOTE: 5-0-0

Dir. Hale noted they are currently working with DES and EPA regarding copper and arsenic limits of new permits.

Sel. Rage asked about Chase Street. TM Sullivan noted there are a lot of moving parts, and we need to get more information. Dir. Hale noted there are many parts and discussed Chase St. being private, but noted we need to circle back with more information.

Sel. Barnes asked about warrant articles and about replacing the water line at DPW. Dir. Hale discussed where the line is now and where Aquarion is moving the pipe to, and that, then we will get it to the back of the transfer station.

Sel. Barnes noted Winnacunnet and High Streets, referencing the CIP, and discussed an ideal yearly appropriation and that Aquarion has done work on High Street. Dir. Hale noted Aquarion has done an amazing job and described the road work they have done. Sel. Barnes discussed not paving just to pave, noting infrastructure that needs to be done. She discussed considering putting something on the warrant to do some sections. Dir. Hale discussed changes to the CIP over time and discussed areas being broken into sections along with time frames. Sel. Barnes noting hoping to approach things in a different way.

TM Sullivan asked about Drakeside Road, Dir. Hale noted we were waiting till next meeting and explained.

## VII. Town Manager's Report

1. A reminder to the public regarding the mandatory ten digit dialing effective Oct. 24<sup>th</sup>.
2. School is back in session, please drive safe.
3. We have been notified by Dept. of Labor that they will be here the first week of Sept. for an inspection.
4. The budget development is underway.
5. The COVID numbers are increasing again,
6. We discussed Chase St. and are getting further information.
7. I am asking the Board to authorize me to sign any additional permits for the Seafood Festival.

Sel. Sawyer MOTIONED to APPROVE the Town Manager to sign and authorize any remaining Seafood Festival permits, SECONDED by Sel. Rage. VOTE: 5-0-0

8. There is an issue of concern with people fraudulently duplicating parking lease placards. I ask the Board to give me the authority to revoke or suspend permits for such cases.

Sel. Sawyer asked for clarification on the permits being used improperly and what is being revoked. TM Sullivan discussed it is the placards for the leased spots and they are making more. Sel. Sawyer noted the original purchased ones would be revoked and the answer was yes.

Sel. Sawyer MOTIONED to APPROVE the Town Manager to authorize the revocation or suspension of any persons fraudulently duplicating parking lease placards, SECONDED by Sel. Barnes.

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Sel. Barnes commented it is happening where people bought some and they are making more, and the answer was, that is what appears to be happening. TM Sullivan explained the process to replace a lost one.

Sel. Rage asked about knowing where it is coming from. Sel. Sawyer noted the investigation process. TM Sullivan reiterated the situation.

VOTE: 5-0-0

9. I would ask the Board to make Finance Director Kristi Pulliam acting Town Manager during my authorized absence.

Sel. Rage MOTIONED to APPROVE to make Finance Director Kristi Pulliam acting town manager during TM Sullivan's authorized absence. SECONDED by Sel. Barnes. VOTE: 5-0-0

## VIII. Old Business

### IX. New Business

Atty. Gearreald discussed the Board's authorization of Atty. Kathryn Miller to solicit a second cable franchise, Atlantic Broadband, and they have come back with a proposal. He noted there will be negotiations and her firm would like a special council engagement letter, noting the same terms as with Comcast. He discussed a conflict-of-interest waiver. He read a prepared motion.

Sel. Waddell MOTIONED to APPROVE to specially engage outside counsel Kathryn Miller of Donahue Tucker & Ciandella to negotiate a cable franchise agreement with Atlantic Broadband and to waive current or potential future conflicts of interest from the representation by others in her firm before other Boards, and to authorize the Town Manager to sign the Special Counsel Engagement letter and the Conflict-of-Interest Waiver presented by Attorney Miller. SECONDED by Sel. Barnes.

Sel. Barnes asked council if he was ok with the motion, and he answered yes. Atty. Gearreald noted reviewing the documents. She reiterated that other lawyers are working on the Planning Board issue and that this law firm specializes in cable, and the answer was yes, absolutely.

Sel. Waddell asked about wrapping up the cable contract, noting a long time. Atty. Gearreald noted that in relation to most, this is moving quickly. He discussed the key thing is the competition and discussed the comparisons that are to be done.

Vote: 5-0-0-

Sel. Barnes discussed having the Legislators coming in during the fall and asked if we could have the new County Commissioner in as well. Chairman Bridle noted he will see if they want to come in.

Sel. Rage asked if there is a reason we need them to come in.

Sel. Barnes noted prior Commissioner asked to come in, and the county sheriff's department help us out a lot. She discussed funding and services.

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## X. Closing Comments

At 20:50 p.m., Sel. Sawyer MOTIONED to go into a non-public session under RSA 91-A:3, II, (a) [personnel, compensation], (d) [property disposition], and (e) [litigation], SECONDED by Sel. Barnes.

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

PRESENT: Rusty Bridle, Chairman  
Charles Rage, Vice-chairman  
Regina Barnes, Selectman  
James Waddell, Selectman  
Richard Sawyer, Selectman  
Jamie Sullivan, Town Manager  
Mark Gearreald, Town Attorney  
Julie Glover, Human Resources Director  
Jennifer Hale, DPW Director  
Edward Tinker, Contract Assessor

[The Minutes were sealed by roll call vote once the Board returned to its public session].

At 21:23 p.m., a MOTION was made by Sel. Waddell, SECONDED by Sel. Sawyer, to leave the non-public session.

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

At approximately 21:23 p.m., back in public session, Sel. Sawyer MOTIONED, SECONDED by Sel. Barnes to seal the minutes of the non-public session under RSA 91-A:3, III on the basis that disclosure of the minutes could adversely affect the reputation of any person, other than a member of the Board, or jeopardize the actions to be taken or render the proposed action ineffective.

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

## XI. Adjournment

Chairman Bridle MOTIONED to adjourn at 21:24 p.m., SECONDED by Sel. Barnes. VOTE: 5-0-0

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Russell Bridle, Chairman