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2 **TOWN OF NORTH HAMPTON, NEW HAMPSHIRE**
3 **NORTH HAMPTON SELECT BOARD MEETING**

4 **AUGUST 24, 2020 7:00 PM**

5 **NORTH HAMPTON TOWN HALL**

6 ***DRAFT MINUTES***

7
8 **SELECT BOARD MEMBERS PRESENT:** Chairman Jim Maggiore, Vice Chairman James Sununu, Selectman
9 Larry Miller

10
11 **ALSO PRESENT:** Interim Town Administrator Michael Tully, Attorney Kate Miller, Public Works Director
12 John Hubbard, Frank Arcidiacono of Conservation Commission

13
14 **AGENDA**

15
16 Chairman Jim Maggiore welcomed everyone to the August 24, 2020 North Hampton Regular Select Board
17 Meeting and called the meeting to order at 7:02 pm, followed by the Pledge of Allegiance.

18
19 Chairman Maggiore said they were coming from two Non-Public Sessions; motions made in each which
20 were unanimous and Interim Town Administrator to act on the intent; intention to seal minutes.

21
22 **Motion:** To seal the minutes of Non-Public Session I of August 24, 2020.

23 **Motioned:** Vice-Chair Sununu

24 **Seconded:** Selectman Miller

25 **Vote:** Motion approved by a vote of 3-0

26
27 **Motion:** To seal the minutes of Non-Public Session II of August 24, 2020.

28 **Motioned:** Vice-Chair Sununu

29 **Seconded:** Selectman Miller

30 **Vote:** Motion approved by a vote of 3-0

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33 ***Disclaimer –These minutes are prepared by the Recording Secretary within five (5) business days as required by***
34 ***NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.***

35
36 ***A recording of the meeting can be found at: http://www.townhallstreams.com/towns/north_hampton_nh, and a***
37 ***DVD recording is available at the North Hampton Town Administrative Offices, 233 Atlantic Avenue, North***
38 ***Hampton, New Hampshire 03862.***

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First Public Comment Session

Call 603-758-1447 for Public Comments or access via Zoom; email: jmaggiore@northhampton-nh.gov

No Public Comments.

Consent Calendar

- 6.1 Payroll Manifest of August 13, 2020 in the amount of \$78,580.70
- 6.2 Payroll Manifest of August 20, 2020 in the amount of \$86,391.93

Motion: To approve the Consent Calendar as presented.

Motioned: Selectman Miller

Seconded: Vice-Chair Sununu

Vote: Motion approved by a vote of 3-0

Correspondence

Copies of all Correspondence will be attached to these minutes.

Correspondence from CASA (Court Appointed Special Advocate), dated August 11, 2020

Chairman Maggiore read the letter from CASA Director of Development Suzanne Lenz in full, thanking the Select Board for their generous donation to the organization. She said CASA of NH and their volunteer advocates work to make sure every abused and neglected child has the chance to live in a safe and permanent home.

Committee Updates

Selectman Miller said the Economic Development Committee had no meeting, and the next meeting is September 2, 2020 with a presentation from Ironwood.

Chairman Maggiore said the *Heritage Commission* met and will have news about Certified Local Government; still working through business of a routine nature. *Water Commission* has not met.

Selectman Miller said the *Budget Committee* met with the Select Board last week and the Little Boar's Head District Budget was approved.

Vice-Chair Sununu said the *CIP Committee* will meet next month to finalize its report.

Public Hearing – Proposed Amendment to Comcast Cable Television Franchise Agreement and Proposed Side Agreement on Courtesy Cable TV Service

Chairman Maggiore said this contract was negotiated by the Town in 2013, the contract came due and an extension was signed. There were changes to the law requiring us to extend this further, and Attorney Kate Miller is here to explain what we have for consideration.

Attorney Kate Miller said she did a fairly extensive rewrite of the Comcast Agreement which culminated in the current Franchise signed in 2013. She said they anticipated having competition which did not pan

86 out, though they are seeing a shift to streaming services and other video options on the internet, and she
87 wanted to make sure Cable TV would be available, and said more cable companies are moving toward
88 primarily being internet service providers and not video content providers. She said taking the Franchise
89 Agreement for a long period of time seemed to make sense at this point and continuing the obligation of
90 Comcast to provide services to residents in North Hampton.

91
92 Attorney Miller said she recommends changing the expiration date to 2028, and said the renewal period
93 begins 3 years before the expiration. She reviewed improvements to the Franchise and said Comcast is
94 moving slowly to provide local access channels, such as Channel 22 in North Hampton, and high definition
95 (HD), and said this amendment would require HD for local access channels be available September 30,
96 2023. She said the change had to do with Courtesy TV Services provided by Comcast at a residential basic
97 tier level for municipalities and Schools, and the FCC has determined it is no longer appropriate to provide
98 those services as part of a Franchise Agreement. She said if Comcast moves to implement that change,
99 the Town will need to pay typical commercial rates and should start thinking about whether those services
100 are required.

101
102 Attorney Miller said this pair of documents is pretty much the same thing they are doing in a lot of
103 communities, tweaking around the edges instead of negotiating a whole new contract. Comcast also
104 requested we take out 2 provisions of the current Franchise Agreement having to do with polling and
105 monitoring which are not things Comcast does and are regulated by Federal Law. She explained that some
106 of the issues residents are most concerned about are not under the jurisdiction of the Select Board (i.e.
107 channel selection or price), and also any services other that Cable TV are not covered by the Franchise
108 Agreement.

109
110 Chairman Maggiore opened the Public Hearing at 7:17 pm.

111
112 Questions: Chairman Maggiore said when the Town first negotiated the contract, they talked about
113 having PEG (Public Education & Government) vs EG (Education & Government), and asked why the Access
114 Channel is listed as PEG. Attorney Miller said that is a term in the Franchise Agreement under the Cable
115 Act and FCC regulations, and essentially the Select Board has contract over content on the Channel. She
116 said if you go to Public Programming, not produced by the Town or School, you run into important First
117 Amendment restrictions on the ability to edit and choose programming.

118
119 Chairman Maggiore closed the Public Hearing at 7:21 pm.

120
121 **Motion:** That the Select Board adopt the First Amendments to the November 12, 2013 Renewal Cable TV
122 Franchise Agreement between the Town of North Hampton and Comcast as presented.

123 **Motioned:** Vice-Chair Sununu

124 **Seconded:** Selectman Miller

125 **Vote:** Motion approved by a vote of 3-0

126
127 **Motion:** To approve the agreement between the Town of North Hampton and Comcast for the proposed
128 Side Agreements as presented.

129 **Motioned:** Vice-Chair Sununu

130 **Seconded:** Selectman Miller

131 **Vote:** Motion approved by a vote of 3-0

132
133 **Report of the Interim Town Administrator**

134 *A copy of the Report of the Interim Town Administrator will be attached to these minutes.*

135
136 Report period July 28, 2020 to August 7, 2020: Interim Town Administrator Tully said Budgets are due
137 from Department Heads September 7, 2020; Budget Workshop with Select Board to be scheduled mid to
138 late September for next year's Budget. Police finished process for Deputy Chief with a candidate to be
139 brought forth shortly; new Police cruisers will arrive in October and be set up by 2-Way Communications.
140 Fire Chief Position was posted and closed July 31, 2020; process to be completed this week and next week.
141 Town Hall Bell Tower roof pushed into mid-September; Library building permit issued and build underway.
142 Cell Tower: one carrier working on a plan for better cell service in Town.

143
144 **NEW BUSINESS**

145
146 **12.1 Town Office/Police Station Siding Quotes**

147
148 Interim Town Administrator Tully said Director Hubbard has gone out to 10 or 12 different companies for
149 this project, and they currently have 2 bids in writing and one verbal, though that company is no longer
150 interested. He said there is a difference in the prices which put up a red flag to make sure the contractor
151 is providing the quality of service they are expecting. He said he and Director Hubbard looked at buildings
152 this contractor had done in neighboring towns and they were exceptional. Director Hubbard also viewed
153 a housing development in Salem he had done and was impressed by his work. He said they are
154 comfortable recommending ALL Work Construction Inc. to do this project and the price is reasonable.

155
156 Questions: Selectman Miller said his concern is the great difference in the estimates of this work. He said
157 they are going to strip off everything on the Building and fix whatever is there, and asked about things not
158 in the contract. Director Hubbard said that would be cost plus and is in the contract to be negotiated
159 before they do the work. Selectman Miller said on the sheathing they will put a house wrap and asked if
160 they will use AZEK. Director Hubbard said yes, and said they made a change to the scope of work and
161 would remove the metal around the side and go with AZEK trim around the windows and AZEK light bases
162 going with new LEDs.

163
164 Director Hubbard said when he met Vladimir Kruchynskyy they went around the whole building and he
165 pointed out everything he was going to do and also pointed out a few water issues he would fix while
166 doing the siding, with corners done, j-channel redone, and rounded trim on lights on both ends. Selectman
167 Miller said flashing will be aluminum and siding will look like the shakes on the other side, and Director
168 Hubbard same company same color. He said the development in Salem was a ten-year project and he was
169 able to compare work done 10 years ago with recent example and was impressed by his knowledge and
170 has confidence he will complete the job in a good manner. He said once the contract is approved Mr.
171 Kruchynskyy will submit an insurance contract and schedule the project for mid-September.

172
173 **Motion:** To approve the proposed Siding Contract with ALL Work Construction Inc. as presented for
174 replacement of the siding on the Town Office Building.

175 **Motioned:** Vice-Chair Sununu

176 **Seconded:** Selectman Miller

177 **Vote:** Motion approved by a vote of 3-0

178
179 **12.2 FB Environmental MS4 Program Assistance Agreement**

180

181 Interim Town Administrator Tully said the Board heard from Laura Diener about work FB Environmental
182 plans on doing over the next 5 years to assist us with MS4 Compliance. He said FB has agreed to remove
183 the \$38,000 Retainer and pay time and materials as we move forward, and this is the exact same contract
184 without the word "Retainer" in it.

185
186 **Motion:** To approve the MS4 Program Assistant Agreement with FB Environmental as presented here.

187 **Motioned:** Vice-Chair Sununu

188 **Seconded:** Selectman Miller

189 **Vote:** Motion approved by a vote of 3-0

190

191 **12.3 Philbrick Pond Project Request**

192

193 Chairman Maggiore said they have information that came in from the Conservation Commission and have
194 a member here to speak about it.

195

196 Interim Town Administrator Tully said the correspondence was received after the agenda was set. Work
197 on Philbrick Pond has been ongoing for 2 years, they have 2 successful grants, one requiring work to be
198 done before July of next year, and the Conservation Commission voted at their last meeting to support
199 the project. They discovered that there was no easement to get to the Cobble Weir to work on it, and
200 Craig Musselman suggested a temporary easement so construction work can be done. There are also
201 Wetlands Permits that need to be done and DOT Permit Applications to be completed. In order to move
202 forward and apply for more grants we need to do these other things.

203

204 Interim Town Administrator Tully said he is looking for a motion to authorize him as Town Administrator
205 to execute the temporary easements, Wetlands Permits we may need, and DOT Permit Applications we
206 may need, as well as negotiate with DOT on the maintenance of the Cobble Weir.

207

208 Frank Arcidiacono said the letter indicated that the Conservation Commission appropriated the sum of
209 \$10,000 to be used to support the Philbrick Pond Project, and they are already applying for a third grant.
210 They have received 2 grants, one for \$40,000, and today received \$49,000 for the remediation or planning
211 phase part of project. The third application is for a Moose Plant Grant, a State Grant due September 10th,
212 using The Nature Conservancy (TNC) to spearhead that effort, and the Commission has decided to provide
213 some funding to back that up. He said they should know by December, then go out for bid, and complete
214 this project before the end of May. He said they won't have final approval for the Moose Plate Grant until
215 the end of May or early June and the Town would need to put funds out to start the project.

216

217 Chairman Maggiore asked if any of the Grants offered in-kind service matches, and Mr. Arcidiacono said
218 he was not certain it was available on all the grants. Interim Town Administrator Tully said part of the
219 issue is we are running on a time scale and work needs to be completed by the beginning of the summer
220 and they are trying to put this altogether with a timetable of next March or April. Mr. Arcidiacono said the
221 project has to be completed by the end of May due to time constraints on the easements.

222

223 **Motion:** To authorize Philbrick Pond Culvert Inlet Improvements Project and authorize the Town
224 Administrator to execute on easements, Wetlands Permits and DOT Permit Applications, and any other
225 measures necessary to complete the project.

226 **Motioned:** Vice-Chair Sununu

227 **Seconded:** Selectman Miller

228 **Vote:** Motion approved by a vote of 3-0

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Chairman Maggiore asked that the letter from the Conservation Commission be scanned, copied, and added to these minutes.

12.4 Discussion of Rails to Trails Project

Interim Town Administrator Tully said the Rails to Trails Committee is waiting for the State to finish the Environmental Study and start work on readying the trail. He said the Trail in North Hampton could assist businesses and bring people to use the trail, and they only have a few areas to get from the trail to businesses on Route 1. He said a Rails to Trails project we could be working on now is trying to work with landowners around the Rail Trail to make shoot-off trails to Route 1, and we have Conservation Property with trails that could get to several local businesses.

Chairman Maggiore said we have an active Rail Trail Committee of Mr. Hillier and Mr. Argue and they are interested in working with you. Vice-Chair Sununu said it sounds like an excellent idea, and Chairman Maggiore said there was consensus of the Board to move forward.

May 27, 2020 Select Board Meeting - Chairman Maggiore said it was brought to his attention that he made a mistake at the May 27th Select Board Meeting in a discussion about the Heritage Commission image file status using a company called PastPerfect to upload their documents, to be undertaken by 2 members of the Heritage Commission with knowledge of archival information, and are willing to do the work with a starter package and an annual package. He said they discussed paying for that in year one and having the annual fee for that service go into the Budget. The motion stated that the fee was to be paid out of the "IT Fund" and it should have said the *Documents Management Fund*.

Motion: To reconsider the Motion of May 27, 2020 on **Item 10.5**, as a member of the majority.

Motioned: Chairman Maggiore

Seconded: Vice-Chair Sununu

Vote: Motion approved by a vote of 3-0

Motion: Move the Select Board accept the recommendation of the Heritage Commission to hire PastPerfect to gather Heritage Commission information from personal computers and bring the material to a single web-hosted place and do that through a Starter Pack at a cost of \$375.00 to be taken from the Document Management Fund, and to create a line in the Annual Operating Budget under Heritage Commission for the \$745.00 annual hosting/maintenance and support fee in year two but to have the \$745.00 fee paid this year out of the Document Management Fund also.

Motioned: Chairman Maggiore

Seconded: Vice-Chair Sununu

Vote: Motion approved by a vote of 3-0

MINUTES OF PRIOR MEETINGS

Approval of the Regular Meeting Minutes of August 10, 2020

Motion: To approve the Minutes of the Regular Meeting of August 10, 2020 as presented.

Motioned: Vice-chair Sununu

Seconded: Selectman Miller

Vote: Motion approved by a vote of 3-0

277 **Approval of the Non-Public Meeting Minutes of August 10, 2020**

278 **Motion:** To approve Non-Public Meeting Minutes of August 10, 2020 as presented.

279 **Motioned:** Vice-Chair Sununu

280 **Seconded:** Selectman Miller

281 **Vote:** Motion approved by a vote of 3-0

282

283 **Any Other Item that may legally come before the Board**

284

285 Interim Town Administrator Tully said a grant opportunity for CARES Act money has been discovered that
286 helps with the Election and he is working with the Moderator and is ready to submit a proposal for \$13,000
287 to assist with election and voting coming up in September and November, and needs permission to sign
288 the grant application with a motion similar to the previous motion for CARES Act money.

289

290 Selectman Miller asked the uses for the money, and Interim Town Administrator Tully for absentee ballots
291 and voters and the Moderator will make a recommendation for where that money should be offset for
292 costs. He said the Primary Election will be held in Town Hall and the General Election at the School.

293

294 **Motion:** To accept CARES Act funds from the State of New Hampshire in the amount of \$13,003.39,
295 further that the Select Board empowers Interim Town Administrator Michael J. Tully as designated signing
296 authority for the Town of North Hampton in pursuit of these funds.

297 **Motioned:** Chairman Maggione

298 **Seconded:** Vice-Chair Sununu

299 **Vote:** Motion approved by a vote of 3-0

300

301 **Second Public Comment Session**

302 *Call 603-758-1447 for Public Comments; or email: jmaggione@northhampton-nh.gov*

303

304 No Public Comments.

305

306 **Next Regular Meeting:** September 14, 2020

307

308 **Adjournment**

309

310 Vice-Chair Sununu made a motion to adjourn which was seconded by Selectman Miller, and
311 Chairman Maggione adjourned the meeting at 8:01 pm.

312

313 Respectfully submitted,

314

315 Patricia Denmark, Recording Secretary

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317