



**TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
NORTH HAMPTON SELECT BOARD REGULAR MEETING**

FEBRUARY 25, 2019 7:00 PM

NORTH HAMPTON TOWN HALL

APPROVED MINUTES

SELECT BOARD MEMBERS PRESENT: Chairman Jim Maggiore, Vice-Chairman Kathleen Kilgore, Member Larry Miller

ALSO PRESENT: Town Administrator Bryan Kaenrath, Cable Director John Savastano, Deputy Police Chief Joshua Stokel

AGENDA

Chairman Jim Maggiore welcomed everyone to the February 25, 2019 Select Board Meeting, and said they were coming out of a of Document Management presentation which started at 5:45 pm. He called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance.

First Public Comment Session

Frank Ferraro of Post Road asked for permission to be able to comment during the discussion of the Economic Development Study of Route 1; there were no objections from the Board. He also asked if the 2 drawings of the proposed purchased property at 216 Atlantic Avenue presented by Selectman Miller at the Deliberative Session could be posted on the website.

Chairman Maggiore said he had an issue with that as he did not want the Select Board to come off as advocating for any one warrant article over another. He recommended they either put all or none of the articles on the website.

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

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

Cynthia Swank said she was representing Friends of the Library and they were doing their second annual fund raiser at the Community Oven next Monday, March 4, 2019 from 5:00 pm to 9:00 pm, with their proceeds based on the amount of food sales. She said there were also 2 raffles going on, one for a Boston Red Sox game and World Series hat, and one for Lulu Posh, with the winners announced on Monday. Chairman Maggiore wore the hat throughout the meeting in support of the raffles.

Consent Calendar

- Payroll Manifest of 02/14/2019 in the amount of \$68,273.60
- Payroll Manifest of 02/21/2019 in the amount of \$69,920.07
- Accounts Payable Manifest of 02/21/2019 in the amount of \$1,080,188.13

Motion: Selectwoman Kilgore made a motion to accept the above items on the Consent Calendar as represented in the packet, which was seconded by Selectman Miller. The first three (3) Consent Calendar items were approved by a vote of 3-0.

Motion: Chairman Maggiore made a motion to table the four (4) items listed below until the next Select Board meeting as they were missing from the packet. The motion was seconded by Selectwoman Kilgore and was approved by a vote of 3-0.

- Veteran Tax Credit Application
- Veteran Tax Credit Application
- Fire Permits for July 1, 2018 – December 31, 2018
- Cemetery Deed

Correspondence – None

Committee Updates

Chairman Maggiore said he included an update from *NHMA* about what was happening in Concord, and said questions about the bills could be addressed to him or Tamara Le.

Selectwoman Kilgore said the *Economic Development Committee* had not met since their last meeting and she would be discussing EDC later in New Business.

Chairman Maggiore said the *Heritage Commission* would be meeting on Thursday, and the *Water Commission* meeting would be tomorrow evening.

Selectman Miller said the *Budget Committee* had not met since their last meeting.

Public Hearing

Proposed Amendment to the Cable Television Franchise Agreement

Chairman Maggiore said Attorney Kate Miller from DTC was present to talk about the agreement before the Public Hearing.

Attorney Kate Miller said several years ago they had done an extensive review to negotiate a new contract with Comcast, the cable provider in the Town. She said more video content available on the internet, and said though Comcast was looking ahead to when they would no longer be a cable television provider they hoped to be the internet provider of choice. She said she had spoken with the Town Administrator and recommended that it might be most economical to do an amendment to extend the current contract and

keep the existing terms in place. She said the Town did not have jurisdiction over types of programming, costs, or the type of technology used by Comcast.

Discussion: Selectman Miller asked if there were any other cable providers in the area, and Attorney Miller said the closest was Atlantic Broadband in Rochester. Selectwoman Kilgore asked if Comcast would be upgrading the Town's lines to fiber optics. Attorney Miller said probably not in the near future, and they could not insist on the upgrade. Selectwoman Kilgore said there was a concern in the Town with broadband speeds, and said Route 1 was never upgraded. Attorney Miller said Comcast Business was more robust than residential, and they were basically negotiating the residential contract.

Attorney Miller said the challenge was that the Town did not have the leverage to encourage Comcast to build out, but felt it made sense to have the conversation as part of this agreement. Selectman Miller said they did not want to wait too long to offer an amendment, and Attorney Miller said the agreement could be extended for some number of months to get things ironed out. She said that Comcast was starting to do HDTV channels for residents but they had been very reluctant to roll that out on the Seacoast.

Chairman Maggiore opened the Public Hearing at 7:31 pm.

Laurel Pohl of 100 North Road said the Board had already asked for an upgrade to the Town infrastructure, and it might be that Comcast could not deliver HDTV to an old infrastructure. She said they could ask for an increase in the Franchise Fee itself and ask Comcast to pay for some of the equipment.

Frank Ferraro of Post Road clarified that the Franchise Fee was a sales tax. He said the Town establishes the percentage to collect, and Comcast calculates that percentage times the video broadcast revenues from the Town. As far as broadband, he said they did not know if Comcast would do anything unless they asked, and said Exeter had gotten a lot from Comcast years ago by asking.

Attorney Miller said she could address some of the issues, and said it was true that Franchise Fees are an added fee on top of subscribers. She said in addition, Comcast passed through any "grants" for equipment to the subscribers. She said if the Town got \$100,000 worth of equipment it would be by the franchise term of 10 years, with the equipment delivered in the first year but not collected from the Town until the whole 10 years had passed, charging subscribers 11% interest until paid back.

Attorney Miller, who negotiated the cable contract for Exeter, stated that they were fortunate in being able to release Comcast from an obligation by giving up an institutional network, and Comcast was willing to trade that for other valuable things for the town. She said looking for those areas where you can find some leverage and apply it was key.

Cable Director John Savastano said as far as infrastructure they were top notch over their neighbors, and he felt what they were doing with their funds was exemplary. He said they were "fiber" already as they had to get to Comcast that way. He said he was happy, and was not sure what else they could get out of Comcast, and he did not want to see the cable situation shut down because some businesses wanted faster internet.

Chairman Maggiore closed the Public Hearing at 7:45 pm.

Motion: To execute a nine-month extension of the Comcast Cable Franchise Agreement for the Town of North Hampton, and during that time the Town would form a 4-member negotiation team to include the

Select Board Regular Meeting
February 25, 2019

Town Administrator, the Cable Program Director, and one member of the Select Board to negotiate a long-term contract with Attorney Miller.

Motioned: Chairman Maggiore

Seconded: Selectwoman Kilgore

Discussion: Attorney Miller said they should be able to get some response back fairly quickly in terms of whether they could discuss upgrading bandwidth or providing more robust service with Comcast. She said she would draft up an extension for 9 months and email it to the Town Administrator to circulate. She said it would just extend the current franchise agreement until November 11, 2019, and all existing terms would stay in place.

Vote: The Motion to extend the Cable Franchise Agreement with Comcast for nine (9) months was approved by a vote of 3-0.

Selectwoman Kilgore volunteered to be the Select Board member on the Cable Negotiating Committee.

Report of the Town Administrator – Bryan Kaenrath

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

Town Administrator Kaenrath said on March 16th at 5:00 pm at the SNHU Arena would be the CHAD hockey game, and the North Hampton Police/Fire basketball game would be held on March 21, 2019. He said the Rails to Trails agreement was sent with the additional language requested and they were waiting on negotiations.

Town Administrator Kaenrath said the final Document Management presentation by Conway Office Solutions would be held at the next Select Board meeting on March 11, 2019.

Chairman Maggiore asked if the absentee ballots for Election Day had come in, and Town Administrator Kaenrath said he would check. Chairman Maggiore said the Town Report was now available and said the report was dedicated this year to Bill and Jane Boesch.

Items left on the Table - None

NEW BUSINESS

Seasonal Speed Limitation on Route 1A

Chairman Maggiore said they had discussed in recent years the idea of additional safety during high-traffic times on Route 1A by lowering the speed limit. He suggested the time period be Memorial Day to Labor Day.

Motion: To reduce the speed limit on Route 1A from the Hampton/North Hampton town line to the North Hampton/Rye town line to 25 mph.

Motioned: Chairman Maggiore

Seconded: Selectman Miller

Discussion: Deputy Police Chief Joshua Stokel said the Police Department had no objection to the seasonal reduction, but the problem would be getting the word out through social media. Selectman Miller asked

Select Board Regular Meeting
February 25, 2019

if he felt there were enough signs, and Deputy Police Chief Stokel said he felt there were enough signs going north to Rye from the State Beach but more could be added going south to Hampton.

Jeff Hillier of Glendale Road said it might be more effective and fair to motorists if they were in coordination with Hampton and Rye and everyone was making the change. Chairman Maggiore said it made perfect sense to communicate with the other boards and town administrators.

Vote: The motion to reduce the speed limit on Route 1A to 25 mph was approved by a vote of 3-0.

Chairman Maggiore asked Town Administrator Kaenrath to coordinate with the Police Department and the Director of Public Works about signage, and draft a letter to other town managers to notify them of the Town's plans.

2019 North Hampton Beach Stickers

Chairman Maggiore said this was the consideration of Beach Parking Permits, and said they had a fixed number (20) of parking spaces at the beach which were currently \$35.00. He said the revenues were used to pay for the leased spaces with the remainder going into the Recreation Revolving account. He said each year Finance Director Ryan Cornwell estimated expenses and net incomes or loss based on different price points and the Board decided what the price should be. Town Administrator Kaenrath said they had until March 1, 2019, and said he had ordered more stickers for this year.

Motion: To keep the price of the 2019 North Hampton Beach Stickers at \$35.00.

Motioned: Selectwoman Kilgore

Seconded: Chairman Maggiore

Vote: Motion approved 3-0

Discussion of Economic Development Committee Report to Select Board

Chairman Maggiore said they received the EDC report several weeks ago and it was up to the Board now to consider the recommendations.

Jim Better of 102 North Road stated in summary that the next step for EDC was to create an RFP for landscape architect to design a facsimile of what the Village Center would look like upon completion. He said part of the RFP would be to create an inclusionary proviso that all stakeholders would meet with the architect to reach a consensus before the picture was made. When the picture was complete, they would get commercial stakeholders together for their buy-in on the vision for development along Lafayette Road. He said they did not know the timing or the cost, but the EDC would investigate opportunities through UNH and the State for resources going forward and get buy-in from stakeholders to create a Village Center the Town could be proud of.

Selectman Miller said the Select Board had received an RFP, and asked Mr. Better if they would need two more. Mr. Better said EDC had a conversation with someone who was interesting in submitting a bid, and they now needed to create the RFP and invite two other landscape architects to create their vision.

Frank Ferraro of Post Road said his comments were on the calculations presented at the last meeting that with full buildout on Route 1 additional tax revenues would be a wash and increased services might be needed. He said he had concerns about the methodology used and found a fundamental flaw in the math. He said if he corrected for the methodology and used both the municipal and the School tax rate he came up with a net new annual revenue of \$692,000. He said he also disputed the assumption that full buildout

would require adding new services, and felt that full buildout of Route 1 would yield a significant increase in tax revenues.

Chairman Maggiore said Mr. Ferraro needed to have that conversation with the EDC. Mr. Ferraro said he would meet with them and try to come to an understanding on the issue. Mr. Better said he invited inclusion and would meet with Mr. Ferraro to work that through.

Chairman Maggiore said in the EDC report were suggested recommendations of action the Select Board could take. He said he felt the EDC was providing valuable information to the Town and they should continue doing this work. Selectwoman Kilgore said she was good with a consensus right now as the Board made a commitment to get back to the EDC after reviewing this report.

Chairman Maggiore asked Mr. Better if he was good with a consensus of the Board that he continue the work and continue to present information and update the Board. Mr. Better agreed and asked about the request from the EDC for funding. Selectwoman Kilgore said it was difficult for the Board to commit to funding when they did not know the costs.

Chairman Maggiore stated that once they had the RFP, if funds were available from this year's operating budget, they could consider encumbering those funds if the contract were received before June 30, 2019, without any burden on taxpayers or the next budget. Mr. Better said he understood that if the EDC created the RFP, got 2 additional proposals, and presented the winning bid to the Select Board before June 30, 2019, they could get money to move forward.

Selectwoman Kilgore said Chairman Maggiore was saying the EDC would need an executed contract by the end of the business day on June 30, 2019 in order to encumber the funds. Mr. Better said he would make it the goal of EDC to provide that document prior to the end of the fiscal year.

Acceptance of the Minutes of Prior Meetings

Approval of the January 14, 2019 Non-Public Minutes Sessions I & II

Tabled until the next Select Board Meeting of March 11, 2019

Approval of the Minutes of the Regular Meeting of January 28, 2019

Motion: To approve the Minutes of the Regular Meeting of January 28, 2019 as presented in the packet.

Motioned: Selectwoman Kilgore

Seconded: Selectman Miller

Vote: Motion approved 3-0

Approval of the Minutes of the Regular Meeting of February 11, 2019

Corrections: Selectwoman Kilgore requested the name of the resident be added to the First Public Comment Session of that meeting.

Motion: To approve the minutes of the Regular Meeting of February 11, 2019 as amended above.

Motioned: Selectwoman Kilgore

Seconded: Selectman Miller

Vote: Motion approved 3-0, as amended

Approval of Non-Public Meeting Minutes of May 11, 2017

Select Board Regular Meeting
February 25, 2019

Motion by Selectwoman Kilgore to **approve** the **May, 2017 Non-Public Meeting Minutes**; seconded by Selectman Miller; approved 3-0.

Approval of Non-Public Meeting Minutes of March 13, 2017, Sessions I & II

Selectwoman Kilgore said she could not vote on these minutes as she was not a member of the Select Board at that time.

Motion by Selectman Miller to **approve** the minutes of **Non-Public Sessions I & II of March 13, 2017**; seconded by Chairman Maggiore; approved 2-0.

Any Other Item that may legally come before the Board

Second Public Comment Session

Nancy Monaghan of Atlantic Avenue said with regard to the discussion on EDC, the Planning Board met last week and authorized an ad-hoc Sub-Committee on Economic Development to deal with land use regulation considerations. She said the Sub-Committee was made up Planning Board members Phil Wilson, Lauri Etela and Timothy Harned, and two (2) citizen members would be chosen, one being Joe Bernardo and the other to be determined for a total of five (5) members.

Frank Ferraro said the Board had agreed to discuss the 2 drawings for the 216 Atlantic Avenue property again at the end of the meeting.

Chairman Maggiore stated that Mr. Ferraro requested that the drawings of 216 Atlantic Avenue be put on the Town website, and reiterated his concern that any one item there would look like electioneering on behalf of the Select Board and repeated his opinion that it should be all or none.

Selectman Miller stated that there was a Public Hearing on the property in November and then a Deliberative Session, and he preferred that no articles be posted on the Town website. Selectwoman Kilgore suggested they ask the Attorney General for guidance.

Motion: That the Select Board instruct the Town Administrator, depending on the answer from the Attorney General's office, to either post or not post documentation for all Warrant Articles on the Town website as requested.

Motioned: Selectwoman Kilgore

Seconded: Chairman Maggiore, for discussion

Vote: Motion failed 1-2

Mr. Ferraro asked that the 2 drawings be made available in Town offices, and Selectman Miller agreed.

Next Meeting: The next regular Select Board Meeting is scheduled for March 11, 2019.

Adjournment

Chairman Maggiore adjourned the meeting at 8:39 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary