



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

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

**NORTH HAMPTON TOWN HALL**

***Approved September 14, 2020***

SELECT BOARD MEMBERS PRESENT: Chairman Jim Maggiore, Vice Chairman James Sununu, Selectman Larry Miller

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

**AGENDA**

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

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

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

**Motioned:** Vice-Chair Sununu

**Seconded:** Selectman Miller

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

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

**Motioned:** Vice-Chair Sununu

**Seconded:** Selectman Miller

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

***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](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.***

Select Board Regular Meeting  
August 24, 2020

**First Public Comment Session**

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

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

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

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

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

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

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

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

**Motioned:** Vice-Chair Sununu

**Seconded:** Selectman Miller

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

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

**Motioned:** Vice-Chair Sununu

**Seconded:** Selectman Miller

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

**Report of the Interim Town Administrator**

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

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

## **NEW BUSINESS**

### **12.1 Town Office/Police Station Siding Quotes**

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

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

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

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

**Motioned:** Vice-Chair Sununu

**Seconded:** Selectman Miller

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

### **12.2 FB Environmental MS4 Program Assistance Agreement**

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

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

**Motioned:** Vice-Chair Sununu

**Seconded:** Selectman Miller

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

### **12.3 Philbrick Pond Project Request**

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

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

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

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

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

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

**Motioned:** Vice-Chair Sununu

**Seconded:** Selectman Miller

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

*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 27<sup>th</sup> 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

Select Board Regular Meeting  
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**Approval of the Non-Public Meeting Minutes of August 10, 2020**

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

**Motioned:** Vice-Chair Sununu

**Seconded:** Selectman Miller

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

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

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

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

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

**Motioned:** Chairman Maggione

**Seconded:** Vice-Chair Sununu

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

**Second Public Comment Session**

*Call 603-758-1447 for Public Comments; or email: [jmaggione@northhampton-nh.gov](mailto:jmaggione@northhampton-nh.gov)*

No Public Comments.

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

**Adjournment**

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

Respectfully submitted,

Patricia Denmark, Recording Secretary