

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
JANUARY 21, 2008 – 7:00 PM**

PRESENT: Bill Lally, Vice Chairman
James Workman
Virginia Bridle-Russell
Rick Griffin
Fred Welch, Town Manager
Maureen Duffy, Administrative Assistant

REGRETS: Ben Moore, Chairman

Vice-Chairman Lally introduced those in attendance.

PUBLIC HEARING

- 1. Proposed quitclaim to Malcolm E. Smith, III in the Town's behalf, of any rights the Town may have to a certain existing drainage easement and 20' wide access easement in favor of Map 76 Lot 15, owned by the Town, as shown on the Plan D-16604 at the Rockingham County Registry of Deeds, pursuant to the RSA 41:14-a process. (The first of two required public hearings.)**

Vice Chairman Lally opened the Public Hearing for the quitclaim.

Town Attorney Mark Gearreald and Conservation Commission member Jay Diener addressed the Board. Attorney Gearreald discussed the relinquishment of an easement that has been around for a number of years as part of an old subdivision located on Malcolm Smith's property along Woodland Road. It is an easement that was put in place for the purpose of accessing the northerly side of a certain dam pursuant to a purchase and sales agreement signed on December 17, 2007 by the Hampton Conservation Commission and approved by the Hampton Board of Selectmen. Attorney Gearreald explained that the property will become town conservation property as of March 1, 2008. The dam controls the water level to the Ice Pond that has already been purchased. The easement that is being relinquished will be replaced by the following four easements:

- the first easement is for pond maintenance, which will enable the Conservation Commission to maintain an area of the pond on Mr. Smith's land,
- the second easement is for around the dam itself,
- the third controls the water flow from the stream which crosses Mr. Smith's property and goes under a culvert on Woodland Road,
- the fourth is a temporary construction access easement over the driveway of Mr. Smith's for the purpose of constructing the dam.

Attorney Gearreald noted that these four easements are to relinquish the older easement that is part of the purchase agreement that has been approved by the Conservation Commission and the Board of Selectmen. He also, pointed out that as part of the RSA 41:14-a process the Board of Selectmen received a letter from the Planning Board approving the lot line and subdivision plan and a letter from the Conservation Commission approving the proposed.

Arthur Moody (3 Thomsen Road) asked if the Town owns the drainage and access easements. Vice-Chairman Lally believes that as true. Mr. Moody asked if the Town owns the six acres of the lot. Attorney Gearreald responded to the question by stating that the purchase of the Ice Pond property was closed by the end of the year and is owned by

the Hampton Conservation Commission. Mr. Moody asked if the property has access to a public road. Attorney Gearreald confirmed that there was. Mr. Moody asked if it was through an easement or abutting. Attorney Gearreald noted that it abuts Woodland Road. Mr. Moody asked if the Town owns Map 76 Lot 15. Attorney Gearreald said that the Town does own that lot and it is the easement off of Woodland Road that is being replaced by the four easements previously discussed. Mr. Moody said that the lot numbers for the easement being given up are not included in the public hearing notice. Attorney Gearreald noted that it is an easement in favor of the lot indicated in the notice (Map 76 Lot 15) and the easement is shown on the plan that is referenced (Plan D-16604). Mr. Moody spoke against using the RSA 41:14-a process. Mr. Moody mentioned that this easement item should have gone on the warrant.

Mr. Workman, the Selectmen representative to the Planning Board, noted that they voted unanimously to accept the proposed easements (Mr. Workman abstained from the vote).

Vice-Chairman Lally closed the quitclaim Public Hearing. The next hearing on this matter will be in two weeks.

2. Hampton Cable Provider Public Hearing Continuation

Fred Rice (15 Heather Lane) urged the Board of Selectmen to not grant an automatic contract to Comcast. He said that over the past 15 years he has not seen an increase in services in comparison to the increase in fees. Mr. Rice recalls about 10 years ago a public hearing being held at Winnacunnet High School and about 30 to 40 residents came to discuss their dislike of the level of service received. He said that back then the only representative from Comcast was an attorney just as tonight. He believes that when the original contract was negotiated 15 years ago there was a lot about cable service that was unknown at the time. That is, people didn't know that they were going to want or need the service. Mr. Rice pointed out that the price has gone up significantly and that there should be an increase in services to reflect it. He said that last year he took a serious look at going to satellite services. Over the years Mr. Rice had collected rate package amounts with his cable bill. He noted that in 2004 the Basic cable package was \$10.95, today Basic is \$14.65. That is an increase of 34% in four years. Mr. Rice said that cable is not a luxury anymore, it has become a necessity. He also talked about the increased cost of expanded Basic which was \$34.50 in 2004 and is now \$39.75. Mr. Rice pointed out that notices to increase fees are sent to subscribers in January, notifying them that fees will increase at the beginning of February. He also commented on the structure of the packages, as being convoluted and difficult to understand. Mr. Rice talked about the package that used to be called Digital Silver and is now called Preferred was \$24.95 in 2004 and is now \$38.45, a 54% increase over four years. Mr. Rice pointed out that this increase does not include an increase in services. He also noted that channels he is interested in are often bundled with many that he does not care for. Mr. Rice said that Comcast's excuse for not providing a-la-carte programming is that it is beyond their capability.

Mr. Rice urged the Selectmen not to go forth with an automatic contract renewal. He believes that subscribers want an a-la-carte menu and that this service should be provided. Mr. Rice suggested keeping in mind during the negotiating process, the significant changes that have been made in technology over the years; larger high definition televisions, digital programming and internet advancements.

Arthur Moody commented on the history of cable provider contracts in Hampton. He mentioned that the first cable contract was in 1980. The reason why it was a 15 year contract was to give the cable provider time to wire the Town. This contract also included an office to be maintained in Town but this office closed after the second contract was signed in 1995. Mr. Moody said that there is no reason to have that long of a term today. He also noted that the Town has a choice in the future to have additional cable providers. Mr. Moody pointed out that the last contract signed in 1995 was not negotiated by the Selectmen but by the Cable Advisory Committee.

Town Manager Welch mentioned that this is the last of three public hearings. He noted that the Selectmen could simply approve the cable contract without any public comment. However, they chose the public hearing process to give citizens the opportunity to voice their opinions and concerns. The Town will then proceed with the federal and state cable provider negotiating guidelines. For the record, Mr. Welch said that the December Comcast payment has yet to arrive. .

Senior Manager of Government and Community Relations, Jay Sommers addressed the new rate increase. He said that the increase price reflects an increased value in services. He said that Comcast has the largest video on demand library that is available on cable. There are almost 10,000 titles that people can use. Comcast has hired over 1,000 new employees over the last year to improve customer service. Mr. Sommers was glad to hear that Mr. Rice received good customer service when he called Comcast last. Mr. Sommers discussed a-la-carte programming and noted that some of the channels such as the Military or History channels would have never survived without bundling them with other channels. In addition, he said that there would be no savings to the subscriber with an a-la-carte method because of the cost of programming.

Mr. Workman asked why standard cable is subsidizing digital cable. Mr. Sommers said that the investment in the region has driven the cost of doing business up. Mr. Workman asked what Comcast has done for standard cable other than take away channels such as CSPAN and the Game Show Network. Mr. Sommers stated that nothing has been done to standard cable.

Mr. Lally asked if there is another company that permits people to buy a-la-carte packages. Mr. Sommers does not know of any.

Mr. Rice said that he was able to get through to Comcast today, probably because it is a holiday, and that his comment was not intended as a compliment. He noted that every other day it takes 15 to 30 minutes before he gets a customer service representative on the phone. Mr. Rice also pointed out that the only way to get CSPAN is to get a higher priced package. He also mentioned that there are three or four countries that have a-la-carte programming.

Town Manager Welch noted that the Town is negotiating on fees and on an additional channel. He is still awaiting a response.

Nathan Page (200 B Drakeside Road) said that if Comcast does not ground the cable properly it may destroy your television. His father-in-law just lost his television due to this error. The cable was not grounded properly. Mr. Page also asked why there can't be more than one cable company in Hampton. He noted that perhaps the Town could generate more revenues from franchise fees. He also believes that with more competition, subscribers will get better service and better prices.

Mr. Welch said that this is not an exclusive franchise as they are not allowed within the State of New Hampshire. Other cable providers may come into the Town and petition the Selectmen for a contract. However; the difficulty would be that they would have to wire the Town.

Mr. Lally closed the Cable Provider Public Hearing. He also noted that all comments, emails, letters will be considered in the negotiating process.

Vice-Chairman Lally called the meeting to order at 7:15 p.m.

SALUTE TO THE FLAG

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Griffin announced that Steve Wilbur had a double knee replacement and is doing well. He also mentioned Diana Lamontagne is seriously ill and has been admitted to the Portsmouth Hospital.

II. APPOINTMENTS

1. FINANCE DIRECTOR, MICHAEL SCHWOTZER – SIGNING OF STATE DEFAULT BUDGET FORM

Finance Director Michael Schwotzer presented the Default Budget of the Town, MS-DT form for the Selectmen to sign.

Mrs. Bridle-Russell MOTIONED to sign the MS-DT Default Budget form as presented. **Mr. Griffin SECONDED.**

Discussion:

Mr. Workman announced the Default Budget total, 24,913,895.

VOTE: UNANIMOUS FOR

2. DEPUTY POLICE CHIEF, RICH SAWYER – PENGUIN PLUNGE, SPECIAL OLYMPICS

Deputy Police Chief, Rich Sawyer and Special Events Coordinator, Ryan Stevens addressed the Board. The 9th Annual Penguin Plunge will be held on February 3. The actual “plunge” will take place in front of the Hampton Beach Casino Ballroom at noon. Final registration will be held at the Ashworth Hotel. Deputy Sawyer noted that traffic will need to be rerouted and will require the approval of the Selectmen. Anyone interested in more information may go to www.sonh.org or contact Special Olympics at 624-1250.

Attorney Gearreald asked if the information for the Penguin Plunge be listed on the Town of Hampton website. It was the consensus of the Board to link the information on the Town’s website.

Mr. Workman MOTIONED to permit street rerouting for the streets affected by the Penguin Plunge. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

3. PUBLIC WORKS DIRECTOR, JOHN HANGEN – DEPARTMENT UPDATE

Public Works Director Hangen announced the retirement of Jim Norton and Ron Munday. Mr. Hangen talked about Mr. Norton’s and Mr. Munday’s dedication to their jobs and had a proclamation signed by the Board of Selectmen. Vice-Chairman Lally took a moment to read both proclamations aloud.

There were five snowstorms in December; totaling 28” of snow needing to be plowed. Roads were treated with sand/salt mix as needed. Instead of paying disposal fees for wood it was cut and split to give away to residents at the Transfer Station.

Mr. Hangen reported that the sewer and drain crews helped with the sewer backing up at 11 Q Street due to infrastructure contractor problems. The lateral was re-laid to correct the build up.

Apex Construction and sub-contractors are working on Phase III at the Waste Water Treatment Plant. The project seems to be going well, as the heating system and emergency generator has been installed and is fully operational.

The Treatment Plant roof is worse than expected and will require a new roof replacement instead of repairs. Mr. Hangen reported that the electrical and HVAC work is also making good progress.

The trailer for televisions and computers arrived at the transfer station. It was filled and hauled away. Mr. Hangen discussed the increasing costs of disposing televisions. The Transfer Station is still working on correcting issues with the scan cards.

Mrs. Bridle-Russell thanked the Public Works employees for their hard work clearing the roads during the snow storms.

Mr. Workman asked if the disposal fees should be revisited. Mr. Hangen does not believe that there is a need to do so at this time. He is hoping some of the charges will decrease.

Mr. Lally commented on the Solid Waste and Recycling Committee meeting being held this year. Mr. Hangen believes the Town and State can do a better job recycling.

4. CABLE ADVISORY COMMITTEE CHAIRMAN, JOHN NICKERSON – PURCHASING OF NEW EQUIPMENT

Cable Advisory Committee Chairman John Nickerson addressed the Board. He noted that Channel 22 has gone digital. Brad Jett has been working diligently putting the new system in with the assistance of Systems Engineer, Paul Paquette. Mr. Nickerson asked the residents of Hampton to be patient during the learning period.

Mr. Nickerson asked for confirmation that the Channel 22 crews will be able to set up at the High School the day before the Deliberative Session. Town Manager Welch confirmed that access has been arranged.

Mr. Nickerson is seeking quotes for a new camera, two monitors and cables. He does not have complete quotes at this time.

Mr. Nickerson requested the Board consider increasing Mr. Jett's fee from \$30/hour to \$50/hour. It is believed that \$50 is the going rate for these technical services.

Mrs. Bridle-Russell MOTIONED to proceed with the establishment of an I-NET at the beach Seashell Stage and at the Gazebo in Hampton. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

It was the consensus of the Board that the suggested fee increase for Mr. Jett was too much at this time. Mr. Griffin suggested that the fee increase be taken under advisement at this time and vote on it at another time.

Mr. Nickerson noted that the new digital system allows meetings to be easily posted on the Town's website. Now people may watch meetings of interest on the website.

III. MINUTES – JANUARY 14, 2008

Mr. Workman MOTIONED to approve the January 14, 2008 minutes as presented. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

IV. OLD BUSINESS

1. TOWN MANAGER'S REPORT

The Town Manager noted that the sign-up period for candidates to run for Town elected offices is Wednesday, January 23, 2008 at 9 a.m. and closes on February 1, 2008 at 5 p.m. Those wishing to sign-up must visit the Town Clerk's Office at the Town Hall.

Mr. Welch reminded residents of the State Representative special election to be held on Tuesday, February 5, 2008 from 7 a.m. to 8 p.m.

The Pizza Bowl will be held on Sunday, January 27th from 12 noon to 2 p.m. at Winnacunnet High School.

The Rockingham County Budget is now available and shows a 2.7% increase in the County Budget for 2008. Anyone wishing to examine the Budget may do so at the Selectmen's Office.

Mr. Welch responded to Mrs. Bridle-Russell's question from last week regarding the percentage of Town employees living within the community. There are 48% or 110 of the 229 Town employees who live in Hampton.

IV. NEW BUSINESS

1. SIGNING OF WARRANT

Mr. Workman MOTIONED to sign the 2008 Warrant as presented. **Mrs. Bridle-Russell SECONDED.**
VOTE: UNANIMOUS FOR

2. APPOINTMENT OF ALTERNATE LIBRARY TRUSTEE

Mrs. Bridle-Russell MOTIONED to appoint Kris Sawyer as an Alternate Library Trustee. **Mr. Workman SECONDED.**
VOTE: UNANIMOUS FOR

3. EXECUTE DES STATE REVOLVING FUNDS

- **King's Highway & Ocean Blvd. Interceptor**
- **Beach Area Interceptor**

Mr. Workman MOTIONED to authorize the Chairman to sign the DES State Revolving Funds for the Kings Highway & Ocean Boulevard Interceptor as well as the Beach Area Interceptor forms. **Mrs. Bridle-Russell SECONDED.**
VOTE: UNANIMOUS FOR

OTHER NEW BUSINESS

Mr. Lally announced that there will be a non-meeting with Town Counsel – RSA 91-A: 2, I (c)

VI. CONSENT AGENDA

None

VII. PUBLIC COMMENTS

None

VIII. CLOSING COMMENTS

None

IX. ADJOURNMENT

Mr. Griffin MOTIONED to adjourn at 8:33 p.m. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

Chairman