

January 11, 2021

7:00 PM Board of Selectmen - Electronic Meeting by teleconference

As Chairman of the Hampton Board of Selectmen, I have determined that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, that to properly ensure the safety of the public and that of several of the Board members who are within the CDC guidelines needing to take special precautions, this public body is authorized to meet electronically.

Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming we are:

We are utilizing a teleconference service for this electronic Meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public may join this electronic meeting by calling **1-857-444-0744** and use the code **156034**. If anybody has a problem, please call **603-929-5805**.

SALUTE TO THE FLAG

I. Roll Call

Chairman Waddell asked each member state their presence and location.

Sel. Rage, present, Selectmen's Meeting Room

Sel. Bridle, present, Selectmen's Meeting Room

Sel. Woolsey, present, Selectmen's Meeting Room

Sel. Barnes, present, Selectmen's Meeting Room

Chairman Waddell, present, Selectmen's Meeting Room

Town Manager Jamie Sullivan, present Selectmen's Meeting Room

II. Public Hearing

1. Comcast Cable Contract Renewal

Public Hearing opened at 19:01PM.

Chairman Waddell reiterated for the public to call the 603-959-5805 number if they have a problem. He gave a brief history of where we are at, noting previous negotiations, a hearing, and a survey. He noted two Decembers ago it was put on pause and discussed FCC rulings, and on attorney advise, an extension was done. He then opened the meeting up to the public.

Emma Donnelly, 105 Winnacunnet Road, thanked the board and noted the importance of the issue. She asked about time limits and was told there were none. She offered that her presentation was lengthy and offered for others to go first.

Jeff Houston, asked what the term of the proposed renewal is. Chairman Waddell noted that they have not done one as of yet, it is on an extension, and that would be a part of the negotiation.

Jesse King, 50 Anns Lane, asked if there is any exclusivity to the contract. Chairman Waddell noted that is against the law. He asked about right of ways. Chairman Waddell noted that would have to be negotiated if another company came in and the benefit would have to be the same as what Comcast has.

Ms. Donnelly continued. She discussed her two-year residential agreement with Comcast, noting her charge of HDTV and her pursuing the opposition to the charge with the company. She noted that eventually she was reimbursed for the fees and other charges and offered for others to pursue also, should they find such charges, as there is now a precedence set. She noted all of her research since that time. She discussed the current contract and extensions. She asked about the contract noting Town of Greenland and if there was a legal amendment, and she discussed the signature page wanting to know who the selectmen were. She discussed the non-exclusive franchise clause, and the law regarding such, noting the confusion over whether or not a monopoly, and discussed there is no competition. She further discussed the competition issue, referencing comments from the cable renewal committee, and questioned; where is any research regarding any competition. She discussed a portion of the contract that details prohibition of reselling of service and other wording that might lead to using current infrastructure for competition and asked if franchise fees could possibly be used for that. She suggested a possible bond for infrastructure or a partnership. She moved on to the system specs and technology section and discussed the survey that went out. She discussed minutes of cable meetings and noted subscriber needs that should be addressed, and noted requesting minutes from a cable renewal committee meeting, and discussed local channel's needs as well as subscribers. She discussed rates and fees, new FCC rules, and franchisers now; not having any control over basic rates and to do so, a certification process needed. She discussed rates and regulations with regard to negotiations, referencing an email from an FCC attorney. She suggested rates should be a part of the negotiations. She discussed elderly and fixed income customers and tiered rates. She discussed a public hearing in 2009 regarding cable packaging, referencing Sel. Woolsey. She also noted a hearing in 2008. She discussed the reasoning of asking questions if the town can do nothing regarding rates, highlighting questions about a senior discount. She read a letter from Comcast regarding a senior discount policy. She offered a suggestion of increased franchise fee percentages to help subscribers buried in fees. She discussed broadcast fees and sports fees, and read their definition, asking if they should not be included in provided services. She also gave a history of those rate increase percentages and discussed them not being accountable for the reasoning of the increases; and noted a Comcast reference of sure-pricing. She discussed customer service and consumer protection and referenced complaints with the attorney general and Better Business Bureau, and social media, and noted lawsuit payouts. She discussed customer service, customer complaints, and the governing body; and discussed franchise authority power.

Chairman Waddell requested she submit her questions in writing. She continued with discussing franchise fees and noted she will submit questions to the board. She asked about lower customer rates meaning lower fees for the town, and if the expenses being paid by fees are loaded into the tax rate. She summarized all of her points and suggested if an extension need be, it be short term. She also suggested a new survey as well as a possible workshop or task force. She noted Comcast and any competitor, needs to be held accountable.

The public hearing was closed at 19:48PM.

III. Public Comment [Time limitation of three (3) minutes per caller]

Matt Newton, 11 Ashbrook Drive, noted being Vice President of the Firefighters Local #2664, discussed the retirement of Dep. Chief Justin Cutting, after 24 years of service. He noted his ranks and discussed his unequalled leadership, as well as him being a mentor. He discussed other accolades and noted he will be sorely missed and wished him well.

Jeff Houston, commended the speaker regarding the Comcast issue, noted she is right on the money. He noted Comcast's low customer approval rating and him being opposed to a long term extension of the contract and they should be held accountable.

Brandon Brohm, 480 High Street, discussed Sel. Barnes editorial to Seacoast Online. He noted that no member of the group that authored warrant article #22 is a member of, or affiliated with BLM. He noted it was a group of concerned citizens in opposition to her comments and actions. He noted she should be held accountable and that the group are not communists or members of the communist party. He asked the board how any member of the board can remain in office after calling for armed revolution, insurrection, and treason against state and federal government, noting it a conflict of interest. He discussed questioning mental health and Chairman Waddell asked him to stick to facts.

IV. Announcements and Community Calendar

Sel. Woolsey announced that Monday, Jan. 18th is Martin Luther King day. She noted she assumed the board was not meeting and the answer was that was correct.

Sel. Barnes announced a budget meeting tomorrow at 7pm, and the budget public hearing on Jan. 14th, at 7pm, and also, on the 14th is a NHDOT hearing on the Neil Underwood Bridge, at 6pm, on Zoom, with a link on the town website.

V. Approval of Minutes

1. Minutes of December 28, 2020

Selectman Woolsey MOTIONED to APPROVE the Minutes of December 28, 2020, SECONDED by Selectman Rage.

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

VI. Consent Agenda

1. Cemetery Deed: Steven Brigandi 21/I-1/2/1&3/ RD12

Selectman Barnes MOTIONED to APPROVE the Consent Agenda, SECONDED by Selectman Bridle.

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

TM Sullivan discussed Earth and Stone, and they are requesting to stage their equipment in the Plaice Cove parking lot, as to do work on the seawalls, noting all the appropriate permits are being done. He discussed a memo from the Public Works Director requesting certain requirements and stipulations. He noted the only issue was the request of a bond, that could be worked on, or an agreement of responsibility. He asked the board to approve the request with the stipulations of the conditions expressed in the memo of Jan. 11th from the DPW director to himself.

Selectman Bridle MOTIONED to APPROVE the Earth and Stone REQUEST to Stage Equipment, with the stipulations of the conditions expressed in the memo of Jan. 11th from the DPW director to the Town Manager, SECONDED by Selectman Woolsey.

Sel. Woolsey asked if there was a deadline, and the answer was Jan. 25th to Feb. 25th.

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

VII. Appointments

1. Rene Boudreau, Director Parks and Recreation
 - a. Departmental Update

Dir. Boudreau gave an update, noting the last one in August. He discussed adult and youth programs at Tuck field and the facility with all social distance requirements, and noted the school gyms not being utilized this year. He discussed being inventive with programs with what they have had to work with and the Rec. team, Brandon and Beth, coming up with many. He noted limiting participants and cleaning procedures. He discussed the parks team keeping things safe and clean, noting them visible to the community with great response. He discussed youth baseball, the field and drought conditions, and making it work so they could play, and noted they keep the areas clear of snow and keep buildings clean. He discussed the park being a piece of normalcy, with people getting out and it being a benefit to everyone's mental health during COVID-19, with people there daily if the weather is good. He gave some participation numbers for Dec. and discussed looking forward to 2021 with a survey for what people would like for spring and summer, noting following all COVID-19 restrictions. He discussed the Jump On It program started last week, with emails about pop up outdoor activities in good weather. He noted going forward they will be using the UNH survey results for future developments for the department and where they are headed. He commended his staff, reiterating their commitment to make things work with the COVID-19 restrictions. He noted the second floor of the town office is still closed but their office is open, and if they are not there, they are running a program, and if you leave a message they will get back to you quickly.

Sel. Bridle noted they have done the best job that they can with the COVID-19 restrictions, noting the seniors appreciating the turkey dinner, the painting classes and the Santa drive

thru, all very good. He commented the tree lighting a bit different, but it was a great job. He thanked the director and staff.

Sel. Woolsey asked if he has received the donations from Mr. Wayslean and TM Sullivan noted those were received today.

Sel. Rage noted a great job in a tough year, noting the cooperation with the non-profits in town, and thanked him.

Sel. Barnes noted a good job, working on meeting everyone's needs, and congratulations on the donations.

Chairman Waddell noted they are doing a super job, noting seeing someone in the office all the time, and the turkey dinner was a super idea, and keeping up with the parks is super as well.

b. Warrant Article Amendment

TM Sullivan discussed the article for the Rec. infrastructure, noting this comes from the budget committee's discussions and actions, notable the reduction in the maintenance account. He discussed the possibility, though unlikely, of the article not passing and the consequence of that. He suggested that we vote to amend article #18, the Rec. infrastructure fund, from the current \$79,500.00 to \$106,950.00.

Selectman Woolsey MOTIONED to AMEND Warrant Article #18, the Rec. infrastructure fund, from the current \$79,500.00 to \$106,950.00, SECONDED by Selectman Barnes.

Sel. Woolsey asked if they would get a copy of the revised wording and the answer was yes.

Sel. Bridle noted being leery of this, as no means no.

Chairman Waddell agreed to being leery as well. He discussed the money should be in the budget, and noted the use by people all year round.

Roll call vote: Sel. Woolsey: yes, Sel. Barnes: yes, Sel. Rage: no,

**During the vote, TM Sullivan reiterated that the budget committee has completely removed all money from the maintenance line. He noted possible amendment on the floor at town meeting. He noted his opinion to amend this article in case that doesn't happen.

Sel. Bridle asked if the warrant article can be amended at town meeting if the other amendment happens, and the answer was yes. He then voted yes.

Sel. Rage changed his vote to yes.

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

VIII. Town Manager's Report

1. TM Sullivan gave an update on current COVID-19 numbers, statewide and for the town of Hampton.
2. He asked that everyone join him in wishing Dep. Chief Justin Cutting and his family all the best in his retirement from his long career with the town.

3. He reiterated the dates for the budget committee meeting and public hearing that Sel. Barnes announced earlier, emphasizing that the deliberative session will be in person the public hearing a hybrid with phone access only.
4. Unitil will be doing some tree pruning and residents will be notified if they will be in their area.
5. There is a new grant available for the Conservation project with FEMA that passed last year but only if matching funds were available, which they weren't. This new funding is for 100 percent and NHDES is asking for our support and they are asking for a letter to that regard.

Selectman Rage MOTIONED to AUTHORIZE Town Manager to write letter of support to NHDES in support of Conservation FEMA Opportunity with 100% Funding, SECONDED by Selectman Woolsey.

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

6. With regard to the BOS schedule and based on the final date to submit warrant articles, I suggest we schedule a meeting for Weds. the 13th, at 3:00pm, as a complete phone in, and if we get none, we can cancel.

Sel. Woolsey asked for up to date copies of all the articles, and they answer was yes. TM Sullivan commented on Admin. Asst. Kristina Ostman working diligently on them, as well as taking care of welfare duties.

7. With regard to the budget committee public hearing on Thursday, and the bond article, DRA has reviewed money articles and we need to schedule a meeting on Friday to handle an RSA issue on an article exceeding the 10% limitation. Should the budget committee vote to not approve the article that the board has approved, that conflict will need language added to the article. Given that, I would like to schedule a quick meeting Friday at 10:00am, on the phone.

Sel. Woolsey asked if we will know after the budget committee meeting tomorrow night and TM Sullivan reiterated that it would be after the public hearing on Thursday, where it will become official.

Consensus was to schedule.

IX. Old Business

1. 2021 Warrant Articles

TM Sullivan discussed the board had not taken a vote on article #21, the Christmas Parade.

Selectman Woolsey MOTIONED to APPROVE Article #21 the Christmas Parade Money Article, SECONDED by Selectman Barnes.

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

TM Sullivan discussed a motion to affirm previous article votes.

Selectman Bridle MOTIONED to AFFIRM all previous warrant article votes, SECONDED by Sel. Woolsey.

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

TM Sullivan discussed DRA going over all the money warrant articles, noting some contextual item changes and wants the board to be aware.

2. Fire Department Study Update

TM Sullivan discussed the issue and task from Sel. Woolsey's motion. He thanked Ret. Fire Chief Sullivan, Cap. Lang, and Don Bliss, form. Fire Marshall, for their hard work and input. He noted they made some recommendations that he passed along to the board, noting the scope of services. He asked the board for feedback, noting what stood out to him was that it was totally remote, and they offered some reviews on consultants. He asked the board for direction on the next steps.

Sel. Rage noted he would like to see the numbers. He noted he supports the firefighters and first responders but is not sure where this is going and doesn't want to spend money on a study without seeing amounts. TM Sullivan discussed a range of \$15,000.00 to \$20,000.00.

Sel. Woolsey clarified we need the report before July 1, and the answer was that is in the scope.

Sel. Barnes noted agreeing with Sel. Rage. She discussed the scope is based on COVID-19 restrictions and what happens if they end. She noted two of the suggested companies are in Minnesota, and it was clarified the mid-west. She discussed wanting to see what is going to happen to the budget, the bond is a lot of money, and noted not sure if now is time to spend that money.

Sel. Bridle noted he thinks we need the study, we are hearing of issues, and he agrees that at least part needs to be face to face, and we should move forward.

Sel. Woolsey noted if there are issues in the fire department, it is not a good sign for the community, and we need to get the best report we can get.

Chairman Waddell agreed with Sel. Woolsey and Sel. Bridle, noting if there are problems, they need to be identified, and done professionally and from an outside agency. He noted they need to be on site for a day at least.

Sel. Barnes discussed it needs to be done right, but noted being confused. She noted being asked to get an in-house community recommendations and scope, but to fund a project without hearing from any of those suggested. She noted not being able to agree to more money this close to town meeting.

Sel. Bridle commented the town manager met with three of the people, and TM Sullivan noted by phone call, primarily Mr. Bliss, and asked if they had what the scope should be. TM Sullivan noted they had that information and the three suggested consultants, and noted if directed he will reach out to the three to begin the process and find out costs and bring it back to the board.

Sel. Woolsey reiterated the fire department takes care of lives and property and we want to do it right. (Cross talk)

Consensus was 3 to 2 to move forward.

TM Sullivan discussed further steps regarding costs and the purchasing policy.

Sel. Rage asked where the funds would come from.

TM Sullivan noted that will be part of the discussion and discussed Sel. Barnes previous suggestion of an amendment at town meeting, or finding it in the budget.

Sel. Barnes discussed Ms. Donnelly's comments on the Comcast contract and read section 913 regarding an annual town review and meeting with the franchisee. She suggested when discussing renewing the contract they request a public meeting, with them coming in.

She recalled the discussion regarding having the town moderator and town clerk in before town election. TM Sullivan noted discussing not next week, but the week after. She noted discussions with the town clerk and moderator and wants to reiterate to the public they are there to run the election according to NH state laws. She asked if part of their presentation could include voter checklist residency requirements and procedures to register someone to vote in Hampton. She reiterated our town clerk's office does what the state laws require.

Sel. Rage noted he was at the beach the other day, and commented that people are still concerned about peddler's and street musicians. He asked where we are with that. TM Sullivan noted that they as a board have the ability to take this up, it is not a town meeting issue, and they have time before summer to look at. Atty. Gearreald agreed.

Sel. Woolsey asked to schedule a negotiation meeting with the state parks, no later than Feb. to discuss a JOP.

Selectman Woolsey MOTIONED to SCHEDULE a negotiation meeting with the state parks, no later than Feb. to discuss a JOP, SECONDED by Selectman Barnes.

Sel. Bridle noted being hesitant on the date.

Chairman Waddell noted he thinks we need negotiations prior to a meeting.

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

X. New Business

1. Request for Solid Waste Collection for Loy Drive

Sel. Woolsey asked what is the normal time a street is accepted. TM Sullivan explained the process, noting all complete except the topcoat to be done in the spring. He noted this is not uncommon to approve for residents who are paying taxes.

Sel. Bridle noted this was always planned to be a town road.

TM Sullivan noted in their packets, comments from residents asking for support.

Selectman Bridle MOTIONED to allow the Town of Hampton to provide trash and recycling collection services (and other associated collections such as Christmas trees, leaf collection etc.) on Loy Drive prior to the acceptance of the Roadway by the Town of Hampton as all the lots have been sold and the final layer of pavement has been placed. In doing so the Town of Hampton and its duly appointed agents and employees shall be held harmless against any action for personal injury and/or property damage sustained by granting this approval, SECONDED by Selectman Rage.

Sel. Woolsey asked about going house to house. TM Sullivan discussed that yes, if approved, it will go on the schedule.

Sel. Barnes asked about the number of houses and Sel. Woolsey noted it not a very big road. Sel. Barnes discussed this will not go against the trash and recycling policy, and the answer was it follows policy exactly.

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

Sel. Barnes asked about an agenda request to get an update on the 2020 census and noted she would keep asking. She asked about an appointment with the state delegation, referencing SB2 and conducting elections, being able to do 2021 like we did 2020. She noted the delegation could explain the changes to the law. She noted she wanted to ask Atty. Gearreald about the Aquarion rate case for 2020, a public document and noted the hydrant billing costs. She discussed the payments for hydrants for 2019 and 2020 and noted those amounts higher than what is on the rate case.

Sel. Barnes MOTIONED to REQUEST from AQUARION reasoning for increased Hydrant Charges, SECONDED by Selectman Woolsey.

Atty. Gearreald discussed Aquarion seeking a 34% increase. Sel. Barnes reiterated our charges are higher than the rates they state.

Chairman Waddell noted a motion not needed and consensus was to move forward with the request to them.

TM Sullivan noted he would write a letter.

Atty. Gearreald noted that just today, a request came in from the Loy Drive developer for a bond reduction for the improvements connected with Loy Drive. That has been signed off on by Planning and DPW. He asked if the board would address at one of the two meetings scheduled earlier.

TM Sullivan noted there may not be a meeting and asked for the numbers. Atty. Gearreald noted the reduction from \$649,379.00 to \$97,407.00 which takes care of the 10% and any work in the spring.

Sel. Bridle asked if it also covered the final topcoat and the answer was yes.

Selectman Bridle MOTIONED to APPROVE the Reduction of the BOND for Loy Drive from \$649,379.00 to \$97,407.00, SECONDED by Selectman Woolsey.

TM Sullivan noted his recommendation to do so.

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

XI. Closing Comments - None

XII. Adjournment

At 8:45 PM, Selectman Bridle MOTIONED to adjourn, SECONDED by Selectman Woolsey, which was passed unanimously by roll call vote.

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

James Waddell, Chairman