

**Selectmen's Meeting Minutes**  
**Tuesday, December 1, 2015**

Present: Chairman Krieger, Selectman Ives and Selectman Maxfield.

Chairman Krieger called the meeting to order at 5:00 PM.

- I. Chairman Krieger opened the public hearing for the Comcast Franchise Renewal. Chairman Krieger stated that the purpose of today's hearing is to receive the public's input on the proposal for renewal of the cable television franchise with Comcast. Chairman Krieger introduced Attorney Katherine B. Miller. Attorney Miller explained that the Town of Loudon hired her to negotiate the Comcast Franchise renewal. Attorney Miller said that Loudon is fortunate to have TDS available to provide a choice to subscribers because state law says that the agreements have to be roughly equivalent so the TDS Franchise looked at the Comcast Franchise and Comcast looked at TDS to be sure they were comparable. Attorney Miller explained that TDS supplies video service only in the areas that they supply phone service. Chairman Krieger explained that means if you have a 798 exchange you can look at TDS service. Attorney Miller explained that the negotiations have gone pretty well with the exception of the Greenview Drive area; which is a private road. She said that the Town, in the franchise agreement, has control over the public streets and rights of way. Attorney Miller said the franchise agreement does not cover pricing, channel offerings, technology used, internet and phone service because the Board of Selectmen don't have jurisdiction over those. Attorney Miller explained that this agreement is only for the cable TV service although Comcast also offers phone and internet and they although they come through the same pipe they are regulated differently so today they are talking about the cable TV services. Kathy Whedon from Greenview Drive explained that she has been working with Bryan Christensen for a long time to get internet. She explained that she thought the franchise agreement covered all that Comcast does. Ms. Whedon asked if Greenview Drive is exempt from the agreement because it is a private road. Ms Miller said Comcast can go out on that road but it is not something that is required under the franchise agreement because it is private; the Selectmen can't control private property. Selectman Maxfield said they would welcome it on Greenview. Chairman Krieger stated that they tried to help mediate but there only certain things they can do on a private road. A gentleman asked for Attorney Miller to repeat how the agreement works on a private road. Attorney Miller explained that the agreement deals with what the density is for the installation of cable facilities; it is 20 homes per mile. Bryan Christensen from Comcast explained that with the Greenview Drive folks in mind he and Attorney Miller tried to put provisions in Section 3.1 of the franchise agreement that would help their situation. He explained that it says 20 homes per aerial mile and 40 homes per underground mile where there is suitable conduit; he said his engineers don't believe there is suitable conduit there. Ms. Whedon said she was told that if the conduit was there they could get Comcast. She said she spoke to Streamline this morning to get an actual cost for the conduit and was told \$70-75,000. Ms. Whedon asked Mr. Christensen if Comcast is willing to put \$50,000 towards the building of the conduit as she was told before. Mr. Christensen said the total cost is \$125,000; there are more costs than just the conduit. Chairman Krieger asked Mr. Christensen to clarify that if the conduit was there Comcast would run the cable with the

homeowners paying nothing but their monthly fees. Mr. Christensen said he is confident in agreeing with that. Chairman Krieger clarified that they the homeowners would have to put in the conduit, Comcast would absorb the cost of running the cable to the homes which would be about \$50,000. Discussion ensued about where plans that show the conduit might be found. Chairman Krieger asked if Kim Bean has cable and whether it could be extended from there to cut down on mileage. Mr. Christensen said it would be about the same money, he said they also looked at coming in from Mudgett Hill Road. He explained that only cuts out a few hundred feet; an issue is the long driveways. Ms. Whedon said if it is run to the end of the long driveways it would be the option of the homeowner as to whether they want it run or not. Mr. Christensen said that would change the house count. Carol Miller, Director of Broadband Technology from the State of NH explained that she has been working with Kathy in trying to get her and her neighbors connected. She said the telephone lines are underground in conduit so the conduit is there the question is how big the conduit is. She explained that if the conduit isn't big enough than additional conduit would have to be laid. Mr. Christensen said they would not run the cable lines with the telephone lines. Attorney Miller explained that cable is different than telephone because telephone is labeled an essential service. She said cable TV is not subject to the same kinds of requirements to provide service. Attorney Miller said cable TV companies are private companies that make decisions based on their return. She said this new agreement has a slightly better density formula than in most of NH and most cable companies. Selectman Ives asked if they don't sign this renewal agreement what will transpire. Attorney Miller said the existing agreement is old and out of date will continue to be the agreement that Comcast will provide services under. Selectman Ives explained that they encouraged the people on Greenview Drive to form an association so they could work as a group on this, they have asked their attorney to work on the agreement to see what they can do with that so the town is trying to help as much as possible. A women from the audience explained that the town could form a special assessment district where a special assessment could be assessed for the association for expansion of conduit for the cable to come in and that would be paid back over time. Attorney Miller explained that the question of whether the conduit is suitable is a question for the people of the association; they own the property, the road is not an accepted town road. She further explained that if the conduit is suitable there is a cost formula and the density is 20 homes per mile which is the most favorable expansion agreement she has seen in NH. Chairman Krieger stated that they hired Attorney Miller to negotiate the agreement and feels she did a good job. Ms. Whedon asked if there is urgency to signing the agreement or can it wait. Attorney Miller said that the town is out of compliance with state law with the old agreement and it is an important step to sign the new agreement. A women from the audience suggested that if a franchise fee is collected it could be used for expansion of the cable. Selectman Ives said the fee would be passed on to the customers. Ms Miller said it's not fair to have a franchise fee from everyone in the community to benefit a private road. Chairman Krieger clarified that this would be an additional amount on everyone's bill and stated that he is not in favor of taxing anyone anymore money. Chairman Krieger said the town has people losing houses very year and he is not willing to raise taxes. Selectman Ives clarified that if the Board signs the agreement it would not have any effect on the negotiations that Comcast and Greenview Drive are having. Mr. Christensen explained that this new agreement gives them a better shot because of the density formula. Selectman Ives asked if there is anything more that

can be feasibly negotiated into this contract that can help Greenview Drive. Attorney Miller said not that she can think of.

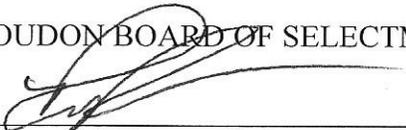
Selectman Ives made a motion that the signing of the agreement be tabled for one week; next Tuesday at 6:00 pm. Seconded by Selectman Maxfield. All in favor. Motion carried.

Chairman Krieger opened the regular Selectmen's hearing at 6:00 pm.

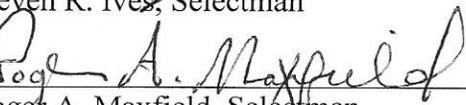
- II. Selectman Maxfield moved to approve the Selectmen's Meeting Minutes of Tuesday, November 24, 2015 as written. Seconded by Selectman Ives. All in favor. Motion carried.
  
- III. The Board met with Julie Robinson, Chairperson of the Conservation Commission, Lucille Ladd, Sally Cole and Attorney Jason Reimers.  
Ms. Robinson explained that she spoke to Sally Cole about the discussion that she had last week with the Board. Ms. Robinson said they agreed to go forward with the Conservation Easement. They had a discussion about the line that went through tract 2; she thought it indicated that a road would be going through it. Ms. Cole explained to her that the line was not a road it was just a way travel way, not to be graveled or paved, to get to their property on the pond. Ms. Robinson said the line will be removed as well as a septic system because the Conservation Commission doesn't want an easement with a septic system on it. Ms. Robinson explained that they asked for the word predominantly to be removed in number three - Purposes because as this goes into perpetuity the word predominantly weakens the easement. She explained that they can fix that for agricultural purposes, such as for placement of a barn, by adding verbiage that says the Town and Grantor's will decide the location of it. Ms. Robinson said the reason being that they wouldn't want a barn added in the middle of the easement because it would weaken the easement. Ms. Robinson said references to any tract other than Tracts 1 and 2 will be removed with the exception of language that says that all of Tracts 1,2,3,4 and 6 must be sold as a unit none of them separately. Ms. Robinson said a copy should be given to the town attorney immediately. Attorney Reimer will forward a copy to town attorney by email and Ms. Robinson will call him in the morning. Attorney Reimers gave the Board copies of the easement with the changes that were requested by Mrs. Ladd, Ms. Cole and Ms. Robinson. He explained that word predominately was removed and he added that before a barn is constructed the location would be decided on by the Grantor and Grantee. Ms. Robinson said it should say any structure. Attorney Reimers said he changed the word from Tract 1, 2, 3, 4 etc to Conserved Area 1, Conserved Area 2, Excluded Area 3, Excluded Area 4 etc. Selectman Maxfield thanked the Ladd's for doing this. Chairman Krieger said he agrees; they aren't making more land so it's nice to be able to save some. Ms. Robinson stated that she also appreciates what the Ladd's are doing and hopes they understand that her job as the Conservation Chair is to be a watchdog for the town. The Board thanked Ms. Robinson for all her time and hard work.
  
- IV. The Board began their review of weekly correspondence.
  - a. The Board received the ESMI Self-report for October 2015.
  - b. The Board received a legal notice from the Town of Middleton regarding a Special Use Permit to construct a cell tower.
  - c. The Board received a scholarship thank you from A. Radcliffe.

- d. The Board received the Planning/Zoning Board Administrative Assistant job posting and description for approval. The job will be posted until Tuesday, December 15<sup>th</sup>.
  - e. The Board received notice that there will be a legislative listening session regarding New Hampshire's addict epidemic, Saturday, December 10<sup>th</sup> at 10:00 am in Charlie's Barn. Representatives George Saunderson and Howard Moffett, a doctor from Concord Hospital and a representative from the Sheriff's office will be there.
  - f. The Board received miscellaneous correspondence
- V. The Board received the following reminders.
- a. Wednesday, December 2<sup>nd</sup> from 9-11:00 am is a Hazard Mitigation Meeting.
  - b. Thursday, December 10<sup>th</sup> at 6pm is a meeting with School Board.
- VI. Selectman Ives moved to go into nonpublic session per RSA 91-A: 3, II (e) at 6:28 PM.; seconded by Selectman Maxfield. Roll call vote: Krieger – yes; Ives – yes; Maxfield – yes. All in favor. Motion carries. Selectman Ives moved to come out of non-public session at 6:30 PM.; seconded by Selectman Maxfield. Roll call vote: Krieger – yes; Ives – yes; Maxfield – yes. All in favor. Motion carries. Selectman Ives made a motion to seal the minutes for five years because it is determined that divulgence of this information likely would render a proposed action ineffective. Seconded by Selectman Maxfield. All in favor. Roll call vote: Krieger – yes; Ives – yes; Maxfield – yes. Motion carries. Chairman Krieger said the meeting was to discuss a confidential letter from the town attorney.
- VII. Selectman Maxfield moved to adjourn at 6:31 PM. Seconded by Selectman Ives. All in favor. Motion carried.

LOUDON BOARD OF SELECTMEN

  
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 Robert P. Krieger, Chairman

  
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 Steven R. Ives, Selectman

  
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 Roger A. Maxfield, Selectman