

TOWN OF SEABROOK

SELECTMEN'S MEETING

SEPTEMBER 16, 2019

Present: Aboul B. Khan
Theresa A. Kyle
Ella M. Brown
William Manzi

10:00AM

Mr. Khan opened the meeting at 10:05AM.

ANNOUNCEMENT - RETIREMENT HERBERT FOWLER

Herbert Fowler is retiring from the water department where he worked for 41 years. The board thanked him for his many years of service to the town and residents. Mr. Manzi congratulated Mr. Fowler on a well deserved retirement. Curtis Slayton thanked him for his years of service and said he has the history of the water department and personally thanked him for his help in making him who he is today. He wishes him a rich retirement!

MONTHLY MEETING - FIRE CHIEF

Fire Chief Bill Edwards was present and briefly went through his report (see attached).

The fire chief's contract expired at the end of the year and they have had discussions on extending his contract. Mr. Manzi said that 80% of the changes are in the language. He said the chief is a statutory chief and that governs his position with the town. The contract covers his EMS Coordinator position with a stipend as well as an increase in his deferred compensation rate. There is language in this contract that would have him take over as the Emergency Management Director upon retirement of the current employee. In doing this it would be a substantial decrease to the town.

MOTION: Theresa A. Kyle To approve the contract
Second: Ella M. Brown amendment for the fire
Unanimous chief.

PREVIOUS MINUTES - AUGUST 19 PUBLIC & NON-PUBLIC

MOTION: Ella M. Brown To adopt the minutes of
Second: Theresa A. Kyle 8/19 public and non-
Unanimous public.

PREVIOUSLY SIGNED PERMITS

Mr. Khan read the list of permits (see attached).

ABATEMENT

Sean & Maureen Cox - 19 Adder Lane - \$256.71

MOTION: Theresa A. Kyle To approve and sign the
Second: Ella M. Brown abatement.
Unanimous

REFUNDS

Sally Leet - 65 Carolyn Avenue - \$59.80
RGS Marble & Granite Inc. - 24 Whitaker Way - \$100

MOTION: Ella M. Brown To approve and sign both
Second: Aboul B. Khan refunds.
Unanimous

HYDRANT FLOW TEST - 8 CHASE PARK ROAD

MOTION: Theresa A. Kyle To approve and sign the
Second: Ella M. Brown hydrant flow test.
Unanimous

1 ELDERLY EXEMPTION

MOTION: Theresa A. Kyle To approve and sign the
Second: Ella M. Brown elderly exemption.
Unanimous

WATER SERVICE APPLICATIONS

Jay Stamp - 214/215 Bristol Street - \$100
Joseph Hubbard - 65 Railroad Avenue - \$100
Nancy Cronin - 151 Franklin Street - \$100
Arthur Gerrish - 25 Farm Lane - \$100
Architectural Builders - 248 Atlantic Avenue - \$100
Chuck White - 171 Atlantic Avenue - \$1300
Chuck White - 173 Atlantic Avenue - \$100

MOTION: Theresa A. Kyle To approve and sign all
Second: Ella M. Brown water applications.
Unanimous

SEWER SERVICE APPLICATIONS

Jay Stamp - 214/215 Bristol Street - \$50
Thomas Quigley - 248 Atlantic Avenue
Dean Savastano - 16 Collins Street - \$50
Gray Construction - 171 Atlantic Avenue - \$800
Gray Construction - 173 Atlantic Avenue - \$100

MOTION: Theresa A. Kyle To approve and sign all
Second: Ella M. Brown sewer applications.
Unanimous

GRANT - CAMERAS AT SEWER DEPARTMENT

Curtis Slayton was present for this discussion. He said they applied for this homeland security grant for the sewer department and received about \$35K with a match from the town. The match is an in-kind match so there would be no funds. In order to meet the grant requirements they would use work that has been done by the sewer department staff.

MOTION: Ella M. Brown To move to accept the terms of the Emergency Management Performance Grant as presented in the amount of \$35,402 to purchase and install security cameras at the Town's WWTP.
Second: Theresa A. Kyle Furthermore, the Board acknowledges the total cost of this project will be \$70,804 in which the town will be responsible for a 50% match (\$35,402).
Unanimous

Motion passed unanimously

HEALTH OFFICER NOMINATION - LACEY FOWLER

Mrs. Kyle said that Lacey Fowler has been doing an excellent job as building inspector.

MOTION: Theresa A. Kyle To approve and sign the health officer form.
Second: Ella M. Brown
Unanimous

Mr. Manzi said they would be looking to fill the assistant health officer by the first of the new year. He said in the past this position was split 20 hours in health and 20 hours in water. Going forward this will only be a 20 hour position.

APPOINTMENT

Regional Water Commission - George M. Eaton

MOTION: Theresa A. Kyle To approve appointment of George M. Eaton to Regional Water Commission.
Second: Ella M. Brown
Unanimous

SURPLUS - POLICE DEPARTMENT

MOTION: Ella M. Brown To approve the request
Second: Theresa A. Kyle to surplus in the police
Unanimous department.

WARRANT ARTICLE - SPORTS WAGERING

Bill MacLaughlin was present and thanked Mr. Khan for supporting this bill. He said the Governor signed this in June 2019. In order for them to get a license they need the town to approve that they will allow sports wagering. The RFP's need to be in this week and they have been approached by many of the companies looking to come in as a third party. They do know that nothing can be completed until after March 10, 2020 when it goes before the voters.

MOTION: Ella M. Brown To approve the article
Second: Theresa A. Kyle for the ballot on sports
Unanimous wagering.

CAP AGREEMENTS - PRIMEX PROPERTY & LIABILITY AND WORKERS COMPENSATION

Mr. Manzi explained the agreements are with Primex who is our current insurer for both property/liability and workers compensation. These agreements ensure we continue with Primex with a cap rate of how much they can increase our rates through the given time. He said when we changed the property/liability insurance it went out to RFP and was an arduous process that we would not want to do again. He feels it is in the best interest of the town to continue with Primex.

There was discussion on why the CAP agreements exist. With these two types of insurance there is no self-insured available however, there is with the healthcare insurance. Mr. Manzi felt it was beneficial to look into this type of insurance for healthcare but they need the unions to agree and unfortunately they were not able to get there.

MOTION: Aboul B. Khan To approve and sign both
Second: Theresa A. Kyle CAP agreements.
Unanimous

REVIEW 2020 BUDGET

Mr. Khan said they reviewed the budget last Wednesday and Friday. They will be reviewing warrant articles in a few days. The board announced the budget was approved at \$23,719,873. Mr. Manzi said the board directed to the fullest extent possible for a 0% increase. They asked to address the public safety issues and agreed to some of the requests that were requested. Mr.

Manzi said the public works department is looking to move two part-time employees with CDL's to full-time status and the police department is looking to add one dispatcher and one patrolman. The fire department will address their needs in a warrant article by recommendation of the chief. Mr. Manzi will have the increase of the budget for the board with a breakdown of what is contractual and what the actual increase will be.

QUESTIONS/COMMENTS

Mrs. Brown said they attended coffee with a cop and it was a good turnout. She feels they should have it in a more public area so they get more attendance. Mr. Khan said there is an event at the community center with Senator Tom Sherman at 6:30PM this evening.

NON-PUBLIC SESSION

MOTION: Ella M. Brown To go into non-public
Second: Theresa A. Kyle session under RSA 91-A:3
Unanimous II (c) personnel, tax
deed & welfare lien and
(e) negotiations at
11:05AM.

Roll call:

Mr. Khan - yes
Mrs. Kyle - yes
Mrs. Brown - yes

MOTION: Aboul B. Khan To seal the minutes of
Second: Theresa A. Kyle 9/16/19 as recommended
Unanimous by the town manager.

MOTION: Ella M. Brown To adjourn the meeting
Second: Theresa A. Kyle at 12:55PM.
Unanimous

Approved and endorsed

Ella M. Brown, Clerk

Date: _____

TOWN OF SEABROOK BOARD OF SELECTMEN

AGENDA

September 16, 2019

Open Meeting at 10:00 A.M.

TURN CELL PHONES TO VIBRATE OR OFF PLEASE

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT

Retirement – Herbert Fowler

MEETINGS

- 1.) Monthly Meeting – Fire Chief
Question of approving contract amendment

NEW BUSINESS

- 1.) Question of approving previous minutes of August 19 public and non-public.
- 2.) Question of review of previously signed permits.
- 3.) Question of approving abatement for Sean & Maureen Cox – 19 Adder Lane - \$256.71.
- 4.) Question of approving refunds for Sally Leet – 65 Carolyn Avenue - \$59.80 and RGS Marble & Granite Inc. – 24 Whitaker Way - \$100.
- 5.) Question of approving hydrant flow test for 8 Chase Park Road.
- 6.) Question of approving elderly exemption.
- 7.) Question of approving water service applications for Jay Stamp – 214/215 Bristol Street, Joseph Hubbard – 65 Railroad Avenue, Nancy Cronin – 151 Franklin Street, Arthur Gerrish – 25 Farm Lane and Architectural Builders – 248 Atlantic Avenue, Chuck White – 171 & 173 Atlantic Avenue.
- 8.) Question of approving sewer service applications for Jay Stamp – 214/215 Bristol Street, Thomas Quigley – 248 Atlantic Avenue, Dean Savastano – 16 Collins Street, Gray Construction 171 & 173 Atlantic Avenue.
- 9.) Question of approving sewer grant for cameras.
- 10.) Question of approving health officer nomination form for Lacey Fowler.
- 11.) Question of approving appointment of George Eaton to Regional Water Commission.
- 12.) Question of approving surplus for police.
- 13.) Question of approving warrant article for sports wagering.
- 14.) Question of approving CAP agreements with Primex for Property & Liability and Workers Compensation programs.
- 15.) Question of review of 2020 budget.

QUESTIONS/COMMENTS

Board of Selectmen on any boards and/or committee meetings they have attended

NON-PUBLIC SESSION

RSA 91-A:3, II (c) personnel, tax deed & welfare lien and (e) negotiations



SEABROOK FIRE DEPARTMENT

87 Centennial Street

Seabrook, NH 03874

Phone: 603-474-2611 Fax: 603-474-5187

seabrooknh.info



William J Edwards
Fire Chief
603-474-3880

Lawrence "Koko" Perkins
Deputy Fire Chief
603-474-5300

Report of The Fire Department

Date: September 16, 2019

**To: The Board of Selectmen
and William Manzi, Town Manager**

Prepared By: William J Edwards, Fire Chief

We wanted to start off our report with a Congratulations to our newest Captain, Adam Lebor. Adam was sworn in at our Swearing in Ceremony on August 28th. Adam replaced our now former Captain Stan Saracy as Captain of Shift 3.

Since we last met our department held the Firefighter Memorial Monument Event on June 29th. It was a rainy day, but we had a good turnout despite the weather. With this we were able to have a place for current and past members to come and pay tribute to those that were here before us and those that they may have worked with in the past. We hope that we can continue to bring the community together with events like this.

We wanted to report on our first emergency call for the Argo at the Beach. We were called for an unconscious victim on the beach with CPR in progress. Our Department responded with an ambulance and a utility truck towing the Argo behind. We were on scene, deployed the Argo, loaded the patient on the Argo, had the patient off the beach, loaded in our ambulance, and left the scene to the hospital in less than 16 minutes. This was a great example of the plan that was laid out for a beach response. The Argo performed exactly as we predicted and the response times were fantastic. We would like to mention the excellent response that our Seabrook Police Department had on this day. When Fire arrived on scene PD had already found the victim, tried to connect the defibrillator and started CPR. Pd was extremely helpful through the call in moving



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Lawrence "Koko" Perkins

Deputy Fire Chief

603-474-5300

the patient and crowd control. We are fortunate to have the Pd patrolling areas like they do, this allows them to respond to incidents like this and initiate care.

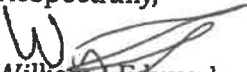
We would again like to Thank the Board of Selectmen for the procurement of the Argo. This vehicle will continue to make a world of difference in our ability to respond to specific areas in our community.

Tonight at 6:30pm at the Seabrook Rec Department Senator Tom Sherman will be hosting an event concerning the drug and mental health issues we face in our community. We hope to see not only community leaders in attendance but also residents who will have an opportunity to ask questions or give suggestions. We have had 8 overdose deaths in this Town since January 1st. That puts Seabrook at the top of the list of overdose related deaths per capita. This is a topic that will not go away or resolve itself and we need to continue as a community to try and better our own situation, we hope to have a great turnout tonight and take a step forward in curbing the drug and mental health issues faced in this Town.

Fire Prevention Week is next month, October 6th to the 12th. Seabrook Fire Department will be having an Open House / Touch-a-Truck Event on Thursday October 10th, 5pm to 8pm. We want to invite the community to stop by to see the equipment we use, meet the firefighters, and enjoy our demonstrations. We also will have food, drinks and plenty for the kids to do. In years past we have had great turnouts and we hope this year to see even more people. We have some new demonstrations and activities for the kids planned for this year, including a special visit from Smokey the Bear!

The Board had asked at our last meeting about the run volume. January 1, 2019 through August 30, 2019 we have had 2,403 total calls for service.. These numbers are still up about 4% over the same period of 2018.

Respectfully,


William J Edwards

Fire Chief

**LIST OF ITEMS SIGNED BY BOARD OF SELECTMEN
FOR MEETING ON SEPTEMBER 16, 2019**

SOLICITATION PERMITS

Seabrook Fire Department – August 24 & 25 – MDA Boot Drive
Pack 4 Amesbury Cub Scouts – October 13 & 20 at Wal-Mart
Pack 4 Amesbury Cub Scouts – October 12 & 19 at Market Basket
Pack 4 Amesbury Cub Scouts – September 14, 15, 21 & 22 at Lowe's
Amesbury Jets Youth Football & Cheer – August 23-25 at Market Basket
Knights of Columbus #6617 – September 6 & 7 at Market Basket

WARRANTS

Water & Sewer (August) - \$166,258.77

NEW BUSINESS LICENSES

Carters/OshKosh B'Gosh – 700 Lafayette Road

RENEWAL BUSINESS LICENSES

2 renewal business license

Memo

To: Chairman Khan, Selectwoman Kyle, Selectwoman Brown

From: Town Manager

Water Committee Appointment

August 21, 2019

I have attached legislation that has passed the New Hampshire Legislature establishing “The Commission on Drinking Water” (HB495) and gives Seabrook one appointment to that Commission. Superintendent Curtis Slayton and I jointly recommend Water Chief Operator George Eaton to the Board of Selectmen. I am obligated to report the Board’s choice to the State after it is made. Please advise.

William Manzi
Town Manager

Memo

To: Chairman Khan, Selectwoman Kyle, Selectwoman Brown

From: Town Manager

Warrant Article

September 12, 2019

I have sent a prospective warrant article for sports betting, along with the Legislative Act that created this opportunity for Seabrook. I have also attached a news article from the Union Leader detailing the actions of other NH Communities related to acceptance. This methodology is very similar to the Keno warrant article placed by the Board in a prior year.

William Manzi
Town Manager

Warrant Article

Shall the Town of Seabrook allow the operation of sports book retail locations within the Town?

CHAPTER 215
HB 480-FN - FINAL VERSION

19Mar2019... 0974h
05/15/2019 1974s
05/30/2019 2196s
05/30/2019 2396s

2019 SESSION

19-0211
08/03

HOUSE BILL ***480-FN***

AN ACT relative to sports betting.

SPONSORS: Rep. Lang, Belk. 4; Rep. Chirichiello, Rock. 6; Rep. Morrison, Rock. 9;
Rep. Horn, Merr. 2; Rep. Aldrich, Belk. 2; Rep. Janvrin, Rock. 37; Rep.
Potucek, Rock. 6; Rep. Goley, Hills. 8; Rep. Soucy, Merr. 16

COMMITTEE: Ways and Means

ANALYSIS

This bill establishes a system within the lottery commission for sports betting.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in
regular type.

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19Mar2019... 0974h
05/15/2019 1974s
05/30/2019 2196s
05/30/2019 2396s

19-0211
08/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to sports betting.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 215:1 New Chapter; Sports Betting. Amend RSA by inserting after chapter 287-H the
2 following new chapter:

3 CHAPTER 287-I

4 SPORTS BETTING

5 287-I:1 Definitions. For the purposes of this chapter these words shall have the
6 following meaning:

7 I. "Agent" means a party who is authorized by contract or agreement with the
8 commission to conduct a sports book.

9 II. "Authorized sports bettor" means an individual 18 years of age or older who is
10 physically present in the state of New Hampshire when placing a sports wager with the
11 commission or an authorized agent of the commission and is not a prohibited sports
12 bettor.

13 III. "Collegiate sports event" means a sports or athletic event participated in or
14 offered or sponsored by a public or private institution that offers educational services
15 beyond the secondary level.

16 IV. "Commission" means the lottery commission.

17 V. "Director" means the executive director of the lottery commission or designee.

18 VI. "High school sports event" means a sports or athletic event participated in or
19 offered or sponsored by a public or private institution that offers educational services at
20 the secondary level.

21 VII. "In-play sports wager" means a sports wager on a sports event after the
22 sports event has begun and before it ends.

23 VIII. "Mobile sports wagering platform" means the combination of hardware,
24 software, and data networks used to manage, administer, record, and/or control sports
25 wagers.

26 IX. "Professional sports event" means an event at which 2 or more persons
27 participate in a sports or athletic event and receive compensation in excess of actual
28 expenses for their participation in such event.

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1 X. "Prohibited sports bettor" means:

2 (a) Any member or employee of the commission and any spouse, child, sibling,
3 or parent residing in the same household as a member or employee of the commission.

4 (b) Any principal or employee of any agent.

5 (c) Any contractor of the commission or its agents when such contract relates
6 to the conduct of sports wagering.

7 (d) Any contractor or employee of an entity that conducts sports wagering in
8 another jurisdiction when the bettor possesses confidential nonpublic information as a
9 result of his or her contract or employment relating to the wager being placed.

10 (e) Any amateur or professional athlete if the sports wager is based in whole
11 or part on a sport or athletic event overseen by the athlete's governing sports body.

12 (f) Any sports agent, owner, or employee of a team, player, umpire, referee,
13 coach, union official, or official of a sports governing body if the sports wager is based in
14 whole or part on a sport or athletic event overseen by the governing body which
15 oversees the individual's sport.

16 (g) Any individual placing a wager as an agent of or proxy for a prohibited
17 sports bettor.

18 (h) Any person under the age of 18.

19 XI. "Prohibited sports event" means:

20 (a) A collegiate sports event in which one of the participants is a collegiate
21 team of a college institution that is primarily located in New Hampshire;

22 (b) A collegiate sports event that takes place in New Hampshire;

23 (c) Any high school sports event in any location;

24 (d) Any amateur sports event where the participants are primarily under the
25 age of 18; provided that "prohibited sports event" does not include the games of a
26 collegiate sports tournament in which a New Hampshire college team participates, nor
27 does it include any games of a collegiate sports tournament that occurs outside New
28 Hampshire even though some of the individual games or events are held in New
29 Hampshire; and provided further that sports wagers are permitted on collegiate sports
30 tournament games in which a New Hampshire college team participates only if the
31 outcome of the wager is based on the outcome of all games within the tournament.

32 XII. "Sports governing body" means the organization that prescribes final rules
33 and enforces codes of conduct with respect to a sporting event and participants therein.

34 XIII. "Sports book" means the business of accepting wagers on any sports event
35 by any system or method of wagering.

36 XIV. "Sports wager" means cash or cash equivalent paid by an individual to
37 participate in sports wagering.

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1 XV. "Sports wagering" means wagering on sporting events or any portion thereof,
2 or on the individual performance statistics of athletes participating in a sports event, or
3 combination of sports events, by any system or method of wagering, including but not
4 limited to in person communication and electronic communication through Internet
5 websites accessed via a mobile device or computer and mobile device applications. The
6 term sports wagering shall include, but not be limited to, single game bets, teaser bets,
7 parlays, over-under bets, money line bets, pools, exchange wagering, in game wagering,
8 in-play bets, proposition bets, and straight bets.

9 XVI. "Tier I sports wager" means a sports wager that is placed before the start of
10 the sports event and is determined solely by the final score or final outcome of that
11 single sports event.

12 XVII. "Tier II sports wager" means an in-play sports wager.

13 XVIII. "Tier III sports wager" means a sports wager that is neither a tier I or tier
14 II wager.

15 287-I:2 Sports Book Authorized. The commission is authorized to operate a sports
16 book for the purposes of accepting and paying sports wagers by authorized bettors
17 within the state in conformance with the requirements of this chapter.

18 287-I:3 Commission Agents. The commission shall conduct sports books for sports
19 wagering through agents selected through a competitive bid process and approved by
20 the governor and executive council. Any such contract shall be based on the state
21 receiving a percentage of revenue from sports wagering activities within the state. The
22 commission shall ensure that an agent demonstrates financial stability, responsibility,
23 good character, honesty, and integrity. In selecting an agent, the commission shall
24 consider, at a minimum, the experience and background of the agent, the agent's ability
25 to serve proposed locations for sports book retail operations, the agent's mobile and
26 Internet capabilities, the agent's contribution to economic development within the state,
27 the agent's commitment to prevention of problem gambling, to responsible gaming, and
28 to integrity in betting. The commission shall select a group of bidders who best meet the
29 criteria set forth in this paragraph and select from that group the agents whose bids
30 provide the state with the highest percentage of revenue from the sports wagering
31 activities covered by the bids, provided that the commission determines that the
32 bidder's commitment to return said revenue percentage to the state is consistent with
33 the bidder's commitment to meet all other criteria specified in the bid request and in
34 applicable law. All agents shall be subject to criminal and financial background checks
35 as prescribed by the commission.

36 287-I:4 Commission Directed Sports Wagering. The commission is further authorized
37 to directly offer lottery games to authorized bettors within the state in the form of tier

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1 **III sports wagers through the commission's lottery retailers subject to the provisions of**
2 **this chapter. The commission may retain vendors to support the commission in**
3 **operating a sports book and such vendors shall be selected through a competitive bid**
4 **process and approved by the governor and executive council.**

5 **287-I:5 Sports Book Retail Operations. The commission and its agents are further**
6 **authorized to operate physical sports book retail locations within the state for the**
7 **purposes of accepting tier I and tier III sports wagers from authorized bettors and**
8 **paying prizes relating to those wagers. The sports book retail locations may be co-**
9 **located with other commercial businesses or general commercial retail locations. No**
10 **more than 10 sports book retail locations may be in operation at any given time.**

11 **287-I:6 Local Option for Operation of Sports Book Retail Locations.**

12 **I. Any town or city may allow the operation of a sports book retail location**
13 **according to the provisions of this subdivision, in the following manner, excepting that**
14 **nothing in this section shall be construed to prohibit Internet or mobile wagering or**
15 **lottery games involving tier III sports wagers in the jurisdiction, if so authorized by the**
16 **passage of this statute.**

17 **(a) In a town, the question shall be placed on the warrant of an annual town**
18 **meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a**
19 **city, the legislative body may vote to place the question on the official ballot for any**
20 **regular municipal election, or, in the alternative, shall place the question on the official**
21 **ballot for any regular municipal election upon submission to the legislative body of a**
22 **petition signed by 25 of the registered voters.**

23 **(b) The selectmen, aldermen, or city council shall hold a public hearing on the**
24 **question at least 15 days but not more than 30 days before the question is to be voted on.**
25 **Notice of the hearing shall be posted in at least 2 public places in the municipality and**
26 **published in a newspaper of general circulation at least 7 days before the hearing.**

27 **(c) The wording of the question shall be substantially as follows: "Shall we**
28 **allow the operation of sports book retail locations within the town or city?"**

29 **II. If a majority of those voting on the question vote "Yes", sports book retail**
30 **locations may be operated within the town or city.**

31 **III. If the question is not approved, the question may later be voted upon**
32 **according to the provisions of paragraph I at the next annual town meeting or regular**
33 **municipal election.**

34 **IV. A municipality that has voted to allow the operation of sports book retail**
35 **locations may consider rescinding its action in the manner described in paragraph I of**
36 **this section.**

37 **V. An unincorporated place may allow the operation of a physical sports book**

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1 retail location by majority vote of the county delegation, after a public hearing is held.

2 VI. The commission shall maintain a list of municipalities where sports book
3 retail locations may be placed into operation.

4 287-I:7 Mobile Sports Wagering Authorized. The commission and its agents are
5 authorized to operate a sports books that offer tier I, tier II, and tier III sports wagers
6 through a mobile sports wagering platform by mobile devices or over the Internet. No
7 more than 5 mobile sports wagering agents shall be in operation at any given time. With
8 respect to mobile sports wagering, the commission, either independently, or through its
9 agent, shall provide:

10 I. Age verification measures to be undertaken to block access to and prevent
11 sports wagers by persons under the age of 18 years.

12 II. Identity verification through secure online databases or by examination of
13 photo identification.

14 III. That mobile sports wagers must be initiated and received within the
15 geographic borders of the state of New Hampshire and may not be intentionally routed
16 outside of the state. The incidental intermediate routing of mobile sports wager shall
17 not determine the location or locations in which such a wager is initiated, received, or
18 otherwise made.

19 IV. Wager limits for daily, weekly, and monthly amounts consistent with the best
20 practices in addressing problem gambling.

21 V. A voluntary self-exclusion program for players to self-exclude themselves from
22 wagering for set periods of time.

23 VI. Security mechanisms to ensure the confidentiality of wagering and personal
24 and financial information except as otherwise authorized by this chapter.

25 287-I:8 Sports Wagering Supervision. The commission shall create a division of
26 sports wagering which will be responsible for ensuring compliance with the
27 requirements of this chapter and any rules promulgated by the commission in
28 accordance with the authorities granted under this chapter. In addition, the division,
29 under the direction of the director and commission, shall ensure that the commission's
30 agents and vendors comply with the following obligations:

31 I. Each agent or vendor engaged in sports wagering shall submit a security and
32 internal control report for the division's review and approval prior to conducting any
33 sports wagering within the state and every year thereafter. This report shall address all
34 aspects of security and controls including physical security, personnel security, and
35 computer systems security including:

36 (a) Surveillance plans for all retail sports book locations, including
37 surveillance coverage and direct access for the commission to the surveillance system.

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- 1 (b) User access controls for sports book personnel.
- 2 (c) Segregation of duties within the sports book.
- 3 (d) Employment background checks and policies.
- 4 (e) Automated and manual risk management procedures.
- 5 (f) Procedures for identifying and reporting fraud and suspicious conduct.
- 6 (g) Procedures to establish connectivity with monitoring services and/or
- 7 sports governing bodies relating to suspicious activity.
- 8 (h) Any and all monitoring systems utilized by the agents or vendor to report
- 9 and receive information on suspicious betting activities.
- 10 (i) Systems and procedures to prevent prohibited sports bettors from placing
- 11 wagers.
- 12 (j) Description of anti-money laundering compliance standards.
- 13 (k) Descriptions of all integrated third-party systems or components and the
- 14 security procedures relating to those systems.
- 15 II. For each wagering computer system used to conduct sports wagering,
- 16 including all mobile sports wagering platforms within the state, the agent or vendor
- 17 providing such system shall provide a detailed computer system security report to be
- 18 approved by the commission prior to the acceptance of wagers and each year thereafter.
- 19 The report shall address the issues set forth in the security and internal control report
- 20 along with the following:
- 21 (a) Documented system security testing performed by a licensed third-party
- 22 contractor approved by the commission;
- 23 (b) A description of all software applications that comprise the system;
- 24 (c) A procedure for third-party auditing of financial transactions received by
- 25 the system;
- 26 (d) A description of all types of wagers supported by the system;
- 27 (e) Unique identification and verification systems for wagers;
- 28 (f) Procedures to prevent past posting of wagers;
- 29 (g) A list of data recorded relating to each wager;
- 30 (h) System redundancy to ensure recording of wagers during a system outage;
- 31 (i) A mechanism to provide read only access to the commission to the back
- 32 office system for the purposes of reviewing and auditing wagering activities;
- 33 (j) Integration with an independent control system to ensure integrity of
- 34 system wagering information;
- 35 (k) Capabilities for canceling existing wagers, freezing or suspending
- 36 wagering across the platform, or for specific events; and
- 37 (l) Any other issue identified by the division upon review of the proposed

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1 gaming system.

2 III. Each agent engaged in sports wagering shall submit house rules for the
3 division's review and approval prior to conducting any sports wagering within the state
4 and every year thereafter. These house rules shall include at a minimum:

- 5 (a) The method for calculation and payment of winning wagers.
- 6 (b) The effect of schedule changes for a sports event.
- 7 (c) The method of notifying bettors of odds or proposition changes.
- 8 (d) Acceptance of wagers at terms other than those posted.
- 9 (e) Expiration dates for winning tickets.
- 10 (f) Circumstances under which the agent will void a bet.
- 11 (g) Treatment of errors, late bets, and related contingencies.
- 12 (h) Method of contacting the agents or vendor for questions or complaints.
- 13 (i) Description of those persons who are prohibited from wagering with the
14 agents or contractor if broader than the prohibited bettors list set forth in this section.
- 15 (j) The method and location for posting and publishing the approved house
16 rules.

17 IV. Each agent or vendor engaged in sports wagering shall submit accounting
18 controls for the division's review and approval prior to conducting any sports wagering
19 within the state and every year thereafter. These accounting controls shall include at a
20 minimum:

- 21 (a) A process for documenting and verifying beginning of day cash balance;
- 22 (b) Processes for recording collection of wagers, payment of wagers, and
23 cancellation of wagers issued;
- 24 (c) Processes for handling cash within sports book retail locations including
25 segregation of duties related to counting and storage of cash; and
- 26 (d) The establishment of a segregated account related to New Hampshire
27 sports wagering activities.

28 V. The commission's agents shall submit a responsible gaming plan for the
29 division's review and approval prior to conducting any sports wagering within the state
30 and every year thereafter. This plan should include identification of posting and
31 materials related to problem gaming, resources to be made available to bettors
32 expressing concerns about problem gaming, house imposed player limits, and self-
33 exclusion programs.

34 VI. The commission's agents shall maintain a cash reserve available to pay
35 wagers as determined by the commission.

36 VII. The commission's agents or vendor shall not accept any wager on a sports
37 event unless it has received approval from the commission to conduct that type or

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1 category of wager. A type of wager refers to the method of determining the outcome of
2 the wager. The category refers to the kind of event being wagered on. The commission
3 shall approve wager categories and types in a reasonable time frame. Once a particular
4 category or wager type is approved for its first use it may be used on multiple events
5 without further approval.

6 VIII. The commission shall only approve wagers on categories of events where:

- 7 (a) The outcome can be verified;
- 8 (b) The outcome can be generated by a reliable and independent process; and
- 9 (c) The event is conducted in conformity with applicable laws.

10 IX. Wagers made under this section shall be made with:

- 11 (a) Cash;
- 12 (b) Cash equivalent;
- 13 (c) PayPal;
- 14 (d) Debit card;
- 15 (e) ACH;
- 16 (f) Promotional funds; and
- 17 (g) Any other means approved by the executive director.

18 X. Any agent or contractor who sends or receives electronic sports wagers is
19 responsible to ensure that any transfer of that wager is initiated and received and
20 completed within the state of New Hampshire and that only incidental intermediate
21 routing of the wager occurs outside of the state. The agent and contractor shall be
22 responsible for periodically reviewing their information technology systems and
23 networks to ensure compliance with this section.

24 287-I:9 Proceeds to Education Fund. The proceeds received by the commission from
25 sports wagering, less the administrative costs of the commission, prizes paid, and
26 payments for problem gambling services, shall be deposited in the education trust fund
27 established in RSA 198:39.

28 287-I:10 Limitations on Sports Wagers. The commission and its agents are
29 prohibited from the following activities:

30 I. Accepting or making payment relating to sports wagers made by prohibited
31 sports bettors.

32 II. Accepting sports wagers on prohibited sports events.

33 III. Accepting sports wagers from persons who are physically outside of the state
34 of New Hampshire at the time of the sports wager.

35 287-I:11 Disclosure of Data Source. The commission and agents shall publicly
36 disclose the source of the data that will be used to determine the outcome of a tier II or
37 tier III wager.

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1 287-I:12 Risk Management. The commission's agents may take any risk management
2 strategies as authorized by the director.

3 287-I:13 Maintaining Sports Integrity. The commission and agents may participate
4 in national and international monitoring services and associations and may share
5 betting information with those entities and sports governing bodies in order to ensure
6 the integrity of sports wagers and sports events. The director may restrict, limit, or
7 exclude wagering on a sports event if he or she determines that such an action is
8 necessary to ensure the integrity of the sports book.

9 287-I:14 Financial Reports. The commission may seek financial and compliance
10 reports from its agents periodically and may conduct audits of these reports to ensure
11 that the state receives the agreed upon revenue sharing proceeds.

12 287-I:15 Compliance Reviews. The commission shall retain oversight of its agents to
13 ensure that all sports wagering activities are conducted in accordance with this statute
14 and any rules adopted by the commission.

15 287-I:16 Fantasy Sports Exempted. Nothing in this chapter shall apply to fantasy
16 sports contests authorized pursuant to RSA 287-H.

17 287-I:17 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A,
18 relative to the operation, conduct, location, and oversight of sports books. The
19 commission may enact emergency rules, which will take effect upon approval.

20 215:2 Bets Void. Amend RSA 338:2 to read as follows:

21 338:2 Bets Void. *Except as authorized by the lottery commission*, all bets and wagers
22 upon any question where the parties have no interest in the subject except that created
23 by the wager are void; and either party may recover any property by him *or her*
24 deposited, paid, or delivered upon such wager or its loss, and repel any action brought
25 for anything, the right or claim to which grows out of such bet or wager.

26 215:3 Education Trust Fund; Sports Betting Added. Amend RSA 198:39, I(k) to read
27 as follows:

28 (k) Funds collected and paid over to the state treasurer by the lottery
29 commission pursuant to RSA 284:44, [~~and~~] RSA 284:47, *and RSA 287-I*.

30 215:4 New Subparagraph; Gambling; Exceptions. Amend RSA 647:2, V by inserting
31 after subparagraph (e) the following new subparagraph:

32 (f) Sports wagering as defined by RSA 287-I:1, XV.

33 215:5 New Chapter; Council for Responsible Gambling. Amend RSA by inserting
34 after chapter 338-A the following new chapter:

CHAPTER 338-B

COUNCIL FOR RESPONSIBLE GAMBLING

35
36
37 338-B:1 Definitions. In this chapter, "council" means the council for responsible

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1 gambling.

2 **338-B:2 Statement of Purpose.** Education, prevention, and treatment relating to
3 gambling disorders are an integral part of a responsible gaming environment within the
4 state.

5 **338-B:3 Establishment.** There is established the council for responsible gambling
6 which shall promote education, prevention, and treatment of problem gambling within
7 the state.

8 **338-B:4 Membership.**

9 I. The council shall consist of 5 members appointed by the governor and
10 executive council and shall be qualified in the field of addiction or mental health
11 services with a focus on problem gambling and shall be residents of the state. A member
12 may be removed by the governor and executive council only for cause shown in
13 accordance with RSA 4:1. The members shall elect one of their number as chairperson.
14 Three members of the council shall constitute a quorum.

15 II. Members shall serve 3 year terms and until their successors are appointed;
16 provided that for the initial appointments only, one member shall be appointed to a term
17 of one year, 2 members shall be appointed to a term of 2 years and 2 members shall be
18 appointed to a term of 3 years. Any vacancy shall be filled for the unexpired terms.

19 III. Members of the council shall receive mileage at the rate of state employees
20 when attending meetings of the council or performing duties on behalf of the council.

21 **338-B:5 Powers and Duties.** The council shall have the authority to enter into grants
22 and contracts for the purposes of furthering education, prevention, and treatment of
23 problem gambling within the state.

24 **338-B:6 Report of the Council.** The council shall submit a biennial report to the
25 governor and executive council on or before October 1 of each even-numbered year. The
26 report shall include a description of the council's activities including a financial report
27 for the relevant time period.

28 **338-B:7 Administrative Attachment.** The council shall be administratively attached
29 to the lottery commission in accordance with RSA 21-G:10. In addition to the support
30 provided to an administratively attached agency, the lottery commission shall also
31 provide the following to the council:

32 I. Funding in an amount not to exceed \$250,000 per fiscal year to conduct the
33 activities prescribed by this chapter. In accordance with the purpose of this chapter,
34 these payments shall be considered administrative expenses of the lottery commission as
35 set forth in RSA 284:21-j.

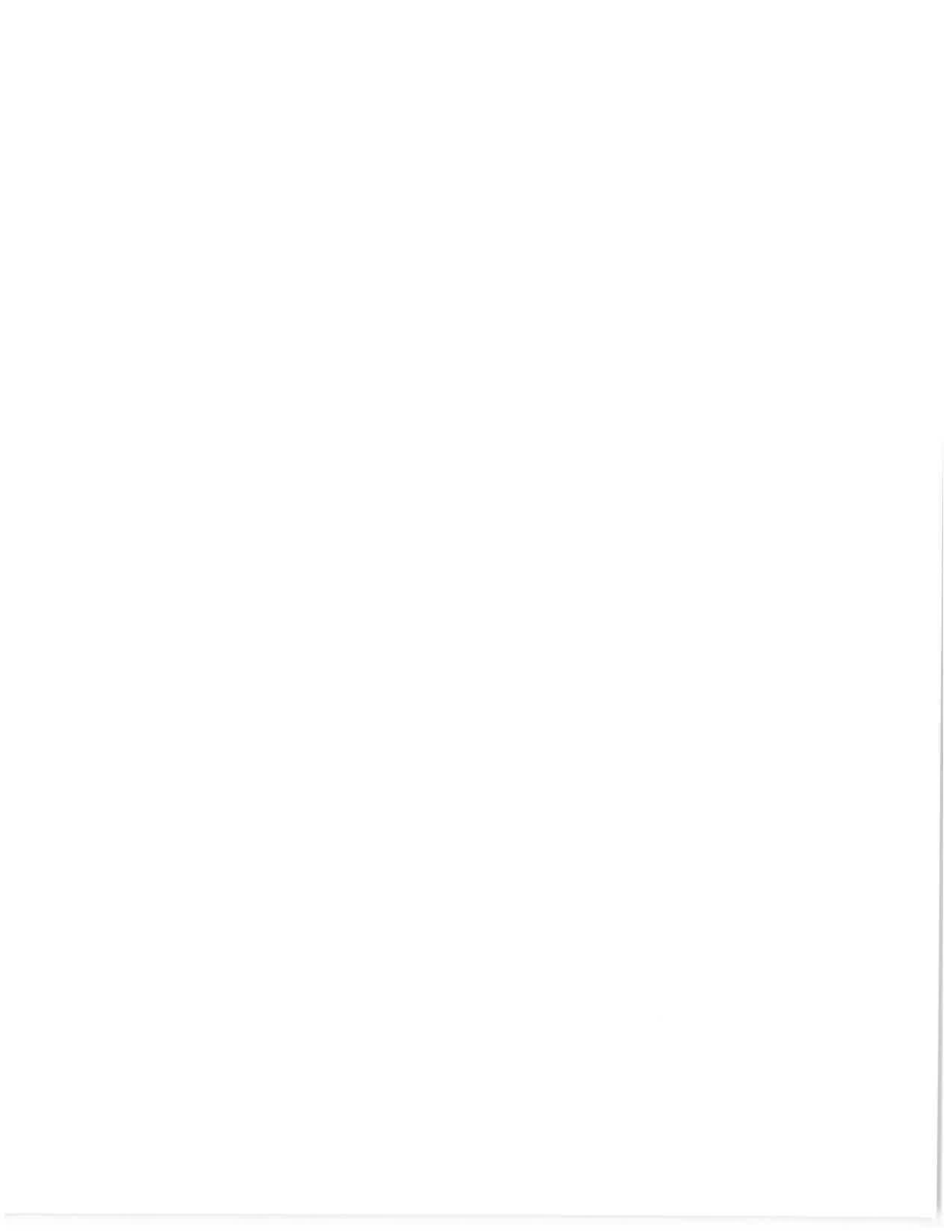
36 II. Meeting and office space as reasonably required by the council to conduct the
37 activities prescribed by this chapter.

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1 **III. Personnel as reasonably required by the council to conduct activities**
2 **prescribed by this chapter, except that the lottery commission may charge the council**
3 **for use of such personnel pursuant to an agreement between the lottery commission and**
4 **the council.**

5 **215:6 Effective Date. This act shall take effect upon its passage.**

Approved: July 12, 2019
Effective Date: July 12, 2019



NASHUA — At least seven municipalities throughout the state will be allowing voters to decide later this year whether sports betting should be permitted in their cities, including Nashua.

On Tuesday, aldermen unanimously voted to place the matter on the Nov. 5 ballot, which will ask voters to allow the operation of sports book retail locations within the city.

“We are looking for high-end, sort of sports bar entertainment,” Charlie McIntyre, executive director of the New Hampshire Lottery, told the Board of Aldermen.

Earlier this year, Gov. Chris Sununu signed into law House Bill 480 to permit sports wagering in the Granite State.

However, sports book operations may only operate in municipalities that have voted to allow sports betting.

To date, Manchester, Nashua, Laconia, Franklin, Dover, Concord and Berlin officials have authorized voters to take up the matter this fall at the polls. Claremont, Portsmouth and Somersworth are also considering placing it on their upcoming ballots.

There will be a limit of 10 sports book retail locations in New Hampshire, according to McIntyre.

“The best kind of money is out-of-state money,” said McIntyre, explaining a sports betting location in Nashua along the border with Massachusetts would likely attract a majority of Massachusetts residents.

“So I can’t negotiate contracts ahead of time, but certainly that is where our heads are at,” he told city officials.

New Hampshire Lottery is currently accepting bids to find a vendor or vendors to help with the sports betting process, and responses are not due for a couple of weeks, explained McIntyre.

Once the proposal is placed on the local ballot, the proposed locations for sports book retail sites will be known relatively quickly, and then the normal business licensing process will need to be followed, he said.

As a result of the sports betting, an additional \$10 million is expected to be contributed to the state’s education fund during the second year of the budget, according to McIntyre.

There will be three ways to place bets, which includes the maximum 10 sports book locations in New Hampshire, at select lottery vendors and via mobile in New Hampshire with proper age verification.

“This may come as a shock to you, but folks now use their phone to bet on sports ... it is certainly the way folks wager currently, by and large,” he said, adding the sports book retail sites will add the component of an entertainment environment.

Jim Rafferty, general manager at The River Casino and Sports Bar in Nashua, urged city officials to support the proposal and allow voters to decide the fate of sports betting in the Gate City.

“Nashua has led the way in Keno, and we think we should lead the way here in sports betting,” said Rafferty.

Throughout the past 12 years, The River has raised more than \$3 million that has been distributed to 106 different charities, he said. Sports betting, added Rafferty, could be beautifully combined with charitable gaming.

A public hearing has been set for 7 p.m. Oct. 8 at Nashua City Hall for residents to voice their thoughts on the proposal.

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