

TOWN OF NEWPORT, NEW HAMPSHIRE
Board of Selectmen - Minutes for Meeting of August 3, 2020 6:30 pm
Public Hearing and Regular Business Meeting
Municipal Building, 15 Sunapee Street, Newport, NH 03773
Remote Access: Zoom.com - Meeting ID: 827 8361 2077 Password: 816236
+1 (253)215-8782 US (audio only, long-distance fees may apply)

SELECTMEN PRESENT: *BOS Room:* Jeffrey Kessler, Chairman; Todd Fratzel, Vice Chairman; Barry Connell, Herbert Tellor, Jr.; *Via Zoom:* none; *Via Telephone:* John Hooper II

SELECTMEN ABSENT: none

STAFF PRESENT: *BOS Room:* Hunter Rieseberg, Town Manager; Paul J. Brown, Finance Director; Brent Wilmot, Police Chief; Christina Donovan, Zoning Administrator *Via Zoom:* Liselle Dufort, Town Clerk

COMMUNITY MEMBERS PRESENT: *BOS Room:* Bert Spaulding, Sr.; Ed Karr, Marc Tremblay *Via Zoom:* Gary Morris, Malory Tetreault, Virginia Irwin, Town Moderator

NCTV: John Lunn

CALL TO ORDER: Chairman Kessler called the meeting of the BOS to order at 6:30 p.m. followed by the Pledge of Allegiance.

Chairman Kessler explained that all voting would be done by roll call vote because one Board member was attending the meeting via zoom and not physically in the BOS room.

PUBLIC HEARING: The Town of Newport will hold a public hearing to hear public comment on: A proposal to authorize the use of the Town of Newport's Public Safety Off Highway Recreational Vehicle (OHRV) on certain roadways. Pursuant to NH-RSA 215-A:15 city or town councils and boards of selectmen may authorize the use of sidewalks and Class IV, Class V or Class VI highways and bridges, or portions thereof, for use by OHRVs.

Chairman Kessler opened the public hearing and read aloud the public hearing notice into the record.

Chairman Kessler stated the notice had been posted in the Union Leader newspaper, at the Newport Town Office, the Richards Free Library and the Sullivan County Commissioner's Building as well as on the Town website: www.newportnh.gov.

The Town had not received any written comments from the public.

Chairman Kessler addressed the Board and public in attendance and stated that the purpose for the public hearing and authorization was because the NH RSAs state that the Newport OHRV can be driven on roads and sidewalks in non-emergency situations only with authorization from the BOS. What the hearing does is provide public comment before the BOS gives authorization for the police and fire department personnel permission to utilize public roads for training or non-emergency official use.

Chairman Kessler opened the public hearing to the public.

Mr. Bert Spaulding, Sr. said he had the statute (in hand). Chairman Kessler asked for the number. He was told RSA 215-A:15. After reading aloud from the state statute, Mr. Spaulding, Sr. asked which statute the Board was talking about and questioned if the public hearing was necessary.

Police Chief Brent Wilmot arrived in the BOS Room at 6:35 p.m.

Chairman Kessler stated it was the understanding of the Board that it was necessary. Chairman Kessler and Town Manager Rieseberg explained the part of the statute the Town was addressing (driving the OHRV in non-emergency situations). Town Manager Rieseberg acknowledged Police Chief Wilmot to elaborate anything further. Mr. Spaulding, Sr. stated that it was his opinion as a citizen in the community that the public hearing was unnecessary. Addressing the Board, he asked if they had a legal opinion stating it was necessary that the BOS hold the public hearing. Police Chief Wilmot asked Mr. Spaulding, Sr. if he meant the law change concerning the need for a public hearing.

Selectman Hooper arrived at the meeting via telephone at 6:37 p.m.

Clarifying for Police Chief Wilmot, Chairman Kessler stated that Mr. Spaulding, Sr. did not believe that the Town needed to have a public hearing on the matter.

Town Moderator Irwin entered meeting at 6:39 p.m.

Police Chief Wilmot explained it was his understanding a public hearing was necessary. He had contacted NH Fish and Game for counsel on the subject of OHRVs. He stated they had concurred that Class IV, V and VI roads could only be open by the governing body (BOS). For emergency situations there was no need for authorization. Non-emergency official use is not covered for Class IV, V and VI roads. There is nothing in the statute that allows for public safety operations on sidewalks adjacent to Class I, II and III roads. Various Board members discussed parts of NH-RSA 215 and the need for a public hearing. Mr. Spaulding, Sr. stated that he approved the request for authorization. He encouraged the Board to pass it. There was a discussion between Board members and Mr. Spaulding, Sr. on liability without the authorization. Mr. Ed Karr asked Police Chief Wilmot if the OHRV would be used for non-official purposes as well. Police Chief Wilmot stated they would never use it for non-official purposes, only for training. He listed the equipment on the ATV and its uses. When asked, Police Chief Wilmot stated they had used the ATV once (in June) for an emergency. Chairman Kessler asked Town Manager Rieseberg how the Town obtained the OHRV. Town Manager Rieseberg stated the Town had obtained the vehicle and apparatus through a United States Emergency Equipment Grant. He listed the other emergency equipment the Town has obtained through this grant program.

Mrs. Virginia Irwin addressed Chairman Kessler and asked what the protocol was for being addressed when on zoom (she had raised her hand). Chairman Kessler stated that speaking out for acknowledgement was good.

Mrs. Irwin stated she agreed with Mr. Spaulding, Sr. It seemed as though it was common sense to allow it (using the OHRV for non-emergency but official purposes without BOS authorization), but she appreciated the Board following the protocol for liability purposes. Mrs. Irwin asked what the Emergency Personnel had to do now (without the BOS authorization) if the OHRV is needed on a Class VI road. Chairman Kessler stated they put the OHRV on a trailer and towed it with a vehicle to the trailhead. Police Chief Wilmot agreed with the statement. Mrs. Irwin asked how it will be different afterwards. She asked if they will be able to drive the OHRV there (trailhead). Chairman Kessler agreed, explaining the procedure the emergency personnel will take to drive on the road to the trailhead. Mrs. Irwin thanked Chairman Kessler for the information.

Town Clerk Dufort entered meeting at 7:04 p.m.
Malory Tetreault entered meeting at 7:09 p.m.

Chairman Kessler closed the hearing to the public. He asked for a motion on the request.

Selectman Fratzel made a motion *for the Board of Selectmen to authorize members of the Newport Police and Fire Departments to operate the Town owned OHRV on the sidewalks and Class IV, Class V or Class VI highways and bridges, or portions thereof during non-emergency operations.* It was seconded by Selectman Connell. Chairman Kessler called for a roll call vote. *The motion passed 5-0-0.* Police Chief Wilmot requested permission to leave the meeting. Chairman Kessler agreed to his request.

AGENDA REVIEW: The agenda was accepted as presented.

MINUTES FROM PREVIOUS MEETING(S): July 20, 2020 - On a motion by Selectman Fratzel, seconded by Selectman Tellor; *the Board voted by roll call vote to approve the minutes of the July 20, 2020 BOS meeting as presented. The motion passed 5-0-0.*

NPS July 20, 2020 - On a motion by Selectman Fratzel, seconded by Selectman Connell; *the Board voted by roll call vote to approve the NPS minutes of the July 20, 2020 BOS meeting as presented. The motion passed 5-0-0.*

CONSENT AGENDA: On a motion by Selectman Fratzel, seconded by Selectman Connell; *the Board voted by roll call vote to approve the Consent Agenda of the August 3, 2020 BOS meeting as presented. The motion passed 5-0-0.*

OPEN FORUM: Mr. Karr addressed the Board and read a prepared statement. He expressed his frustration on the events of a Zoning Board meeting. He stated his feelings on the size of the room, procedure and the purview of the Zoning Board and Planning Board. Mr. Karr was repeatedly asked to stop by Selectman Fratzel; the case he alluded to was an active case; thus, his statements were not appropriate. Mr. Karr continued stating his opinions. Selectman Fratzel addressed Mr. Karr and said there was case law history. Mr. Karr did not understand the purview of the Zoning Board or its process. Mr. Karr negated his comment. After further discourse, Selectman Fratzel stated in the past he had experienced similar frustrations. He had not known the process. Now he did and he explained that there was case law history. Mr. Karr's comments were not appropriate. He was jeopardizing an open case. Chairman Kessler addressed Mr. Karr and stated in generalities that the legislative body of the Town (voters) approve the Zoning Ordinances and create the Zoning Districts. The ZBA has to abide by the will of the people and the Zoning Districts they have set up (it is set forth in the NH Zoning handbook). Mr. Karr contested parts of the NH Zoning handbook.

Continuing, Chairman Kessler addressed Mr. Karr's frustration with the audio and video quality. He stated that Newport will be using funds provided by the state (Covid-19 money) to upgrade the audio and video system in the BOS room that will improve the ability to hear and see what is going on at any meeting. It will upgrade both zoom and television reception within the next month. Mr. Karr agreed it will be a good thing. Chairman Kessler invited Mr. Karr to become a member of the Zoning Board (all members were lay members). He would learn the process and purview. There was training that was offered to give Board members knowledge in the purview, procedure and responsibilities of the Zoning Board. There was further discourse between the Board members and Mr. Karr. Mr. Bert Spaulding, Sr. addressed the Board and stated that the constitutional rights of one's property are protected by Planning and Zoning. Continuing, he stated there had to be a process, had to have a jury (Board). They (Boards) have to be as impartial as the law permits. He stated Winslow vs Holderness as the reason for the need to

have an impartial jury. He said that as a Planning Board member now he cannot sit on the upcoming case alluded to. A BOS Representative to the Planning Board in attendance cannot sit on the case. What will happen if the Planning Board cannot get a quorum? After sixty days (without an unbiased quorum) the court makes the case decision for the Town. Mr. Spaulding, Sr. stated that Chairman Kessler and his BOS representative alternate cannot sit on the ZBA case. Mr. Spaulding, Sr. cannot sit on the case. Mr. Spaulding, Sr. will address the applicant and state he has not made an opinion; he has had discussions (on the case). If the applicant wants him (Spaulding's) to step down from the case, he will step down. He will give the applicant the choice of his (Spaulding's) participation. Mr. Spaulding, Sr. addressed Mr. Karr and stated the Board members, as jurors, cannot be biased by information heard outside the "courtroom." He explained the position he took as a juror on the Planning Board. Addressing the Board members, Mr. Spaulding, Sr. stated the Planning Board was short two members. They might not have a quorum at their meeting. When asked, he explained the rights of the applicant to Selectman Connell.

COMMUNICATIONS: Selectman Tellor had nothing to share at this time.

Selectman Hooper had nothing to share at this time.

Selectman Connell had nothing to share at this time.

Selectman Fratzel had nothing to share at this time.

Chairman Kessler:

1. Informed the public there would be a question and answer session for parents and students concerning the reopening of Newport schools tonight (August 3, 2020) and another Wednesday, August 5, 2020 at 6 pm-8 pm in the gym high school. Information was available on the SAU website: www.sau43.org.
2. Stated the Town works best because of its volunteers; community members who serve on the various Boards. There were openings on several Town Boards, including the Zoning Board of Adjustment and Planning Board. The Zoning Board recently had to cancel a meeting (with three cases) due to lack of a quorum.

Town Manager Rieseberg stated that Town projects were a month behind due to Covid-19 and lack of employees. Work to be done this summer included:

- ❖ Work on Town roads
- ❖ Work on sidewalks
- ❖ Bridgework
- ❖ New "tot lot" located at the corner of Maple and Laurel Streets (tax deeded property) was being built. It will be a neighborhood playground for young children (5-12 years old). The Town anticipates it will be completed in October 2020. Approximately \$60,000 has been raised to build it. No taxpayer money will be used.
- ❖ Opera House: floor will be tentatively completed the end of the week (August 8, 2020)
- ❖ Opera House: Other improvements to the building will be tentatively completed by September 2020
- ❖ District courthouse roof and painting will be done tentatively at the end of September 2020.

INFORMATIONAL: Discussion of Fall Elections-Virginia Irwin, Moderator - The two elections discussed were the Primary on September 8, 2020 and General Election on November 3, 2020. Town Moderator Irwin addressed Chairman Kessler and asked what the BOS plan was for the Primary Election. Chairman Kessler stated:

- 1) The Primary Election voting will be held in the Wheeler Gym (Towle School)
- 2) Polling hours will be 7 am to 7 pm.

3) Large campaign to inform public of ability to use absentee ballots (for the two elections)

Town Moderator Irwin addressed Chairman Kessler and stated the BOS cannot change the polling hours without a vote of the Town legislative body (voters). She had been in error about potentially changing the hours of the Town election. RSA 659:4-a states it has to be a vote at the annual meeting. Therefore, Newport's established polling hours of 8 am to 7 pm has to remain the same. Selectman Fratzel said it was not the Board's interpretation (of the law). Town Manager Rieseberg spoke to the interpretation, stating that the RSA interpretation would be correct; however after reviewing with council, it is not known that the voting body of Newport established the polling hours. In lieu of such a decision by the voters, the Selectboard is regulated the responsibility of establishing the polling hours (with sixty days' notice). Town Moderator Irwin asked for it in writing. If the deadline is sixty days, the Town and officials have to agree on the new hours. She was not concerned with the timeframe (7 am-7 pm), only the legal aspect of the change. If the Board does not find that the voters established the polling hours that would be a decision for the NH Secretary of State and Attorney General. She reiterated that the Board needed to get their position in writing. Chairman Kessler stated the Board would clarify it.

Town Moderator Irwin stated she had heard some of Town Manager Rieseberg's information on projects at the Opera House. She was concerned that the Opera House would not be usable or adequate as a polling place. The election officials need to get the definitive requirements from the Secretary of State and the Attorney General about:

- Distancing
- Number of voting booths needed (absentee ballot voting numbers might change the number)

Town Moderator Irwin stated they would not be able to use the Middle High School Gym. It was the first day of school and it would be very disruptive. The Wheeler Gym in the Towle School Building is not handicap accessible (ADA compliant). A place is needed that is handicap accessible for people with mobility issues (where people could get in and vote). Town Moderator Irwin stated she had visited the gym and building and had seen the new ramping. It probably would work. She explained that people could use the ramps to get to one room to the right side of the entrance. She thought it would be adequate under ADA guidelines. People would be able to get in to what is considered the whole "election floor". There is a definition of election floor (she asked Town Clerk Dufort to correct her if necessary) so voters would be considered in the voting area. There would be a ballot box in the room because the voter would not be able to access the voting machine. The ballots would be put into the voting machine later in the day. Selectman Fratzel stated they had new ramps at the gym. He asked if she had seen the ramps in the rear of the gym (he had seen it in the winter). Town Moderator stated there was not one there (she had been there Friday, July 31, 2020). They agreed there might have been one from the outside to the door, but not a lift or ramp from the door to the floor. The school personnel were building a lift or ramp for the interior and did not know if it would be ready on time. Should they (school) build or get one, there will be no problem gaining access to the election floor.

Reiterating her first thoughts, Town Moderator Irwin explained that:

- 1) People could use the available ramps to get to one room on the right. She thought it would be adequate under ADA. She believed the room could be set up with social distancing and the correct number of booths.
- 2) There is no bathroom accessible to people with mobility problems; she was not aware that the Town is required to make one available. That can be researched.
- 3) Parking will be a challenge. Do have: Church parking lot (believed they would permit voters to use it); Library parking lot; Road parking; Rec center parking lot. Additional parking at end of common like in winter (BOS approval needed)
- 4) Designated parking for handicapped to be defined (rope off fenced in area for handicap parking).

Town Moderator Irwin asked if the Board members had gone to the Wheeler Gym to look at it. Selectman Fratzel stated they had only had general discussions. Repeating her question, Town Moderator Irwin asked if any of the Board members had physically toured the Wheeler Gym. They stated no. Town Moderator Irwin and Town Clerk Liselle Dufort stated they had. The Board was asked to go to take a physical look of the gym; Town Moderator Irwin would be happy to go with them and review all aspects of the physical layout for voting day to accommodate all voters.

The logistics of ingress and egress were brought up by Town Moderator Irwin. The Board members, Town Clerk Dufort and Town Moderator Irwin reviewed aspects of using the Wheeler Gym in the Towle School:

- 1 Ingress and egress
- 2 Ramps (correct length and pitch)
- 3 Use of Covid-19 money
- 4 Lack of another facility in Town to use for polling place
- 5 Handicap accessibility and layout for ADA purposes
- 6 The Towle School Building being non-compliant for ADA

The election officials are still waiting for the final guidance from the Secretary of State (SOS) and Attorney General (AG). Chairman Kessler said he would have Town Manager Rieseberg look to see what needed to be done to put in an ADA compliant ramp so voters would not have to be separated; everyone would vote on the main room. Town Moderator Irwin stated that either way worked. Other towns and cities have wards. People vote in different places all the time. Therefore, if the Town can't make the ramp, there is an adequate space where handicapped people can vote. It is no different than if they were in a different ward. A lot of other towns are having discussions because they do not have the options that Newport does.

Also discussed:

- ❖ Manning potential ADA voting room (see below)
- ❖ Inspection of polling place: Wheeler Gym (see below)
- ❖ Ramps at Towle School (see below)
- ❖ Change of time for voting (see below)
- ❖ Increased meetings before August 17th with Town officials (see below)
- ❖ PPE for election officials and clerks (see below)
- ❖ Absentee ballots (see below)

Selectman Fratzel asked Town Clerk Dufort if there would be a need for manning the ADA room at all times. He was told she would have to look into it. Her thought now was that it will not have to be manned unless someone was using it. She will be reaching out to the SOS and AGs offices this week to find out. Town Clerk Dufort informed the BOS that the Town and the voting place would definitely be inspected; she was 100% certain November 3, 2020 and most likely September 8, 2020. The September election is considered a federal election due to the officials being elected (Senators, Congressmen). Therefore, they are persnickety, ensuring that everything is within the legal guidelines. Town Clerk Dufort stated she and Town Manager Rieseberg had met and discussed a ramp onto the main floor. She does not know where to look to acquire an ADA accessible ramp. Chairman Kessler stated that Town Manager Rieseberg could look into it. Addressing a question from Selectman Fratzel, Town Moderator Irwin stated that the ADA room would have to be manned because it would have a ballot box. The ballot box could not be left unattended. She said that between the voting officials and Selectmen in attendance the room and ballot box should be well attended. There was a short discussion on the legality of supervision of the ballot box. Town Moderator Irwin stated that she had a good Assistant Moderator and between the two of them they could be there all day. A second Assistant Moderator could also be appointed for half a day if necessary. That was the least of Town Moderator Irwin's concerns.

Town Moderator Irwin stated that the next BOS meeting was August 17, 2020. She hoped to have a meeting with Town Manager Rieseberg and Chairman Kessler before then so the Election Officials do not have to wait (for decisions) until August 17, 2020. If the BOS believes they have the authority to change the time, the Board has to work hard for the sixty day deadline. Selectman Fratzel stated the Board had already voted on it, sixty days had already started. Town Moderator Irwin said she did not believe it (his statement) was accurate; she did not believe the BOS could back vote something they did not have the authority to do.

Chairman Kessler stated the BOS would look into it and see where they are with timing. If they don't meet it for September voting, they will meet it for November voting. Town Moderator Irwin concurred and asked why people wanted the polls open earlier. She was told people wanted to vote before going to work. There was a short discussion on the reason for the time change.

Town Moderator Irwin stated that PPE for election officials and ballot clerks was being sent within the next couple of weeks and will be stored at the Fire Station until the elections in September and November. She explained the quantity Newport would receive and that the Plexiglas shields (for poll clerks) will be checked for height and width. The ones at Town voting were too short.

Town Clerk Dufort explained the procedure of acquiring and using an absentee ballot.

- Absentee ballot request for application (both Primary and General Election)
- Absentee ballot application
- Absentee ballot (fill out)
- Absentee ballot (return)

She stressed that the instructions should be carefully read and followed. There are step by step instructions on the Town website: www.newportnh.gov, a program on NCTV www.nctv-nh.org or Channel 10 which gives step by step instructions. Questions can always be asked of the Town Clerk's Office at 603-863-2224. Town Moderator Irwin stated that if the affidavit is not signed on the absentee ballot it will be rejected. If there are ballots that are not signed the Election Officials can choose and announce a day before the election; have people observe and contact people if they have not signed the outer envelope (only). Newport will probably do that, depending on the volume of absentee ballots received. Newport will go by the instructions of the Attorney General. There was further discussion. Questions from the Board:

For people wanting to use absentee ballots in the Primary, how long can they wait (date) for a ballot request?

- a. They were told the latest date is September 7, 2020 from 3 pm-5 pm at Town Clerk office (in person).
- b. If person knows voting absentee, get request in now. Worst case scenario is one month total for mailing process.
- c. Remember: accepted absentee ballots are not postmarked the day of the election; absentee ballots need to be received in officials hand by 5 pm on Election Day. Remind citizens overseas and college students as well (to act early).

NOTE: The Postmaster General has directed his employees to leave the mail in the distribution center so there is no (employee) overtime. Caution is to vote and mail early. Can't depend on the mail service.

Town Clerk Dufort stated her office has been inundated with absentee ballot requests. She gave the following statistics:

2016 Presidential Primary: 41 absentee ballots (total)

2020 Presidential election: 96 as of August 3rd (Have over one month to go. Estimate is 200+ total)

2016 (November) General election: 266 (total requests)

2020 (November) General Election: 103. 30-50 not processed (Number as of August 3, 2020)

Changes in Meeting Schedule to Accommodate the Labor Day Holiday on September 7, 2020 - After discussion, the Board members concurred to:

- ❖ Hold a BOS meeting on August 31 if necessary
- ❖ Cancel the September 7th (Labor Day) BOS meeting
- ❖ Return to the regular BOS schedule on September 21, 2020

Update of Selectboard Retreat - The Board members held a general discussion on the upcoming retreat to be held on August 10, 2020 at 6:00 pm in the BOS Room. Topics for consideration were:

- 1) Community Center
- 2) (upcoming) Budget
- 3) Warrant Articles
- 4) Capital Improvement Plan (CIP)
- 5) Economic Outlook for Newport
- 6) “White Board” projects (Hunter)

Town Manager Rieseberg passed out a copy of his “white board” projects. He explained to the Board that they were color coded to indicate projects that were felt to be of higher priority than others. The Board will receive more information before the Retreat.

There was a general discussion on grants the Town has received. One, for the airport, had come through Covid-19 money from the Federal Aviation Administration (FAA). It was explained that the Newport Municipal Airport (Parlin Field) was not a National Plan of Integrated Airport Systems (NPIAS) airport-it did not receive federal funding or have the restrictions that NPIAS airports do.

There was also a short conversation among Board members on the Capital Improvement Plan (CIP).

ACTION ITEMS: Marc Tremblay-Permission to Build Home on a Class VI Road at 80 Old Gove Road, Map 221, Lot 008 - There was a short discussion among the Board members concerning the permission request by Mr. Tremblay. Mr. Spaulding, Sr. passed out information on the action item. The law as he found it stated the Planning Board should hear the case and give recommendations to the BOS. Chairman Kessler asked Zoning Administrator Donovan if the case had gone before the Planning Board (yet). She responded that she did not realize it needed to. She did not believe the other Gove Road applications had gone before the Planning Board. Her files show no documentation. She stated that Mr. Spaulding, Sr. might have information on the other cases. Mr. Spaulding, Sr. read aloud from minutes from 2002 concerning a different road. Chairman Kessler read aloud RSA 674:41, I (c). Selectman Connell asked, for clarification, if Mr. Tremblay had to go before the Planning Board before he came here. He was told yes. Mr. Spaulding, Sr. addressed the BOS and stated it was very simple. A man wanted to build a house. The process was making it very difficult. Mr. Spaulding, Sr. asked the Board to listen to Mr. Tremblay at the August 3, 2020 meeting. He could then go to the Planning Board meeting (August 11, 2020) and not have to come back to the BOS meeting on August 17, 2020. Mr. Spaulding, Sr. stated he felt the Town should extend that courtesy to Mr. Tremblay. Mr. Spaulding, Sr. also informed the Board that the Class VI road had a maintenance plan that went the (McMann) land. Mr. Morris, current owner, is responsible to fulfill the plan. He questioned the cost.

Questions asked of Mr. Tremblay:

1. Did he have a shared maintenance agreement plan for the road? Mr. Tremblay explained that he had donated money to the plowing in the winter of 2019-2020 and that he was taking responsibility of the road’s maintenance in the summer. He and Mr. Gary Morris had a verbal agreement.

2. Was the Town holding him (Tremblay) up (construction)? Mr. Tremblay said yes.
3. Did he have a written maintenance plan? Looking to the future it is needed. Town Manager Rieseberg explained that in addition, the plan will state that the Town is not responsible for the maintenance of the road (for future owners of their lots and on the road).

Selectman Connell asked Chairman Kessler if the Board would be approving it with the caveat that the Planning Board must review it. Selectman Fratzel stated the only problem was that the Planning Board made recommendations to the BOS. Then the BOS takes their recommendations and comments.

There was a general discussion on the request.

Mr. Tremblay stated he had talked with Fire Chief Yannuzzi. The Fire Chief said his driveway was fine (for emergency vehicles and large trucks). The main concern of Fire Chief Yannuzzi was the maintenance of the road in the winter. Mr. Tremblay said that Mr. Morris plows in the winter. He (Tremblay) has been doing the summer maintenance. Mr. Tremblay said he had no problem signing a maintenance agreement with Mr. Morris. Mr. Gary Morris, abutter, addressed the BOS members, he appreciated the process the BOS had to follow. He was in total support of Mr. Tremblay's request. He stated Mr. Tremblay just wanted to build a home; he was a very good neighbor. Mr. Morris agreed they had a verbal agreement; thinking long-term a private agreement in writing would be appropriate. He thought the Town would require one. He would like to know how that process worked. He was not aware of the McMann agreement. It had never been disclosed when he purchased the home. He would like to have a written agreement (with current and future neighbors) that was more binding. There was conversation between Mr. Morris and Selectboard about previous agreements. Town Manager Rieseberg explained that a municipality has no obligation to maintain a Class VI road. When the Town grants people permission to live on those roads, the municipality has to be certain that the people understand (and it becomes record) they are alleviating the Town of risk. A release of liability has to be executed and recorded for every property built on the road. Future buyers will be aware of the liability they are undertaking. Town Manager Rieseberg stated that he should have the Planning Board review it and then come back to the BOS for approval.

Zoning Administrator Donovan was asked the date of the Planning Board meeting and the specifics for the case. The Board and Town Manager discussed the possible scenarios and particulars of the case. As a pre-existing lot there is no need for notice to abutters. Zoning Administrator Donovan said she would contact legal (counsel). Town Manager Rieseberg said he would assist with the maintenance agreement plan. Mr. Tremblay asked if he would have to return for the August 17, 2020 BOS meeting (he lived two hours away). Chairman Kessler informed Mr. Tremblay that he could stay at home and use zoom (computer) or the telephone to "attend" the meeting. His abutter, Mr. Gary Morris had called (used telephone) into the meeting.

The Action Item: Marc Tremblay-Permission to Build Home on a Class VI Road at 80 Old Gove Road, Map 221, Lot 008 would be put on the August 17, 2020 Board of Selectmen meeting agenda.

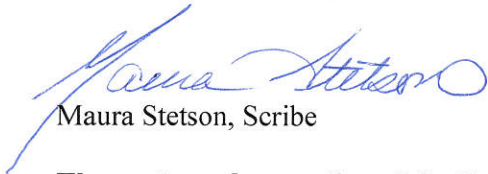
Selectman Fratzel made a motion: ***to grant a tax abatement for the 2020 first bill in the amount of \$3,246.00 for the Newport Veterans Club, Inc. at 118 John Stark Highway, Newport, NH.*** It was seconded by Selectman Hooper. Chairman Kessler called for a roll call vote. ***The motion passed 5-0-0.***

Selectman Fratzel made a motion: ***to grant a tax abatement for the 2020 first bill for the Housing for the Elderly Handicapped of Newport, Inc. at 46 Maple Manor, Newport, NH in the amount of \$2,626.00.*** It was seconded by Selectman Connell. Chairman Kessler called for a roll call vote. ***The motion passed 5-0-0.***

Selectman Fratzel made a motion: *to grant a tax abatement for the 2020 first bill for the Housing for the Elderly Handicapped of Newport, Inc. at 44 Maple Manor, Newport, NH in the amount of \$33,510.00.* It was seconded by Selectman Connell. Chairman Kessler called for a roll call vote. *The motion passed 5-0-0.*

On a motion by Selectman Fratzel, seconded by Selectman Connell, *the Board voted unanimously by roll call vote to adjourn at 8:48 pm.*

Respectfully submitted,



Maura Stetson, Scribe

The next regular meeting of the Board of Selectmen is scheduled for August 17, 2020 at 6:30 p.m.

Approved on: August 17, 2020