

**Town of Newport
Board of Selectmen
6:30 pm Regular Meeting /Municipal Building
Minutes for August 24, 2015**

SELECTMEN PRESENT: Gary Nichols, Chairman; Todd Fratzel, Vice Chairman; David Hoyt, William Wilmot, Jeff Kessler

STAFF PRESENT: Shane P. O'Keefe, Newport Town Manager; Fire Chief Wayne Conroy, Captain/Paramedic Ken Carleton, head of Newport EMS Division; William Scanlon, Highway Superintendent; Larry Wiggins, Director of Newport Public Works; Arnold Greenleaf, Plant Superintendent /Chief Operator of Newport Waste Water Treatment Plant (WWTP); Paul Brown, Finance Director

COMMUNITY MEMBERS: Bert Spaulding, Sr.; David Kibbey

PUBLIC PRESENT: Doug King, DOT; Vanessa Carleton

CALL TO ORDER: Chairman Nichols opened the meeting at 6:30 pm followed by the Pledge of Allegiance.

AGENDA REVIEW: Add non-public session (NPS) RSA 91-A:3, II (c) Reputation of Another (Kessler); add under Information: discussion on sand bid, staffing costs for the police related to details, two Action Items: restore premerger status of two lots involuntarily merged by the Town (properties 167 Cheney Street) and to review and renew the Comcast franchise contract (ten year contract).

MINUTES FROM PREVIOUS MEETING: August 3, 2015

On a motion by Selectman Hoyt, seconded by Selectman Fratzel; *the Board approved the minutes of the August 3, 2015 meeting with the following correction: page 3 under Board of Selectmen Communication Ms. Libby Kern should be spelled Ms. Libby Curran. The motion passed 4-0-1 (Wilmot abstained).*

CONSENT AGENDA: On a motion by Selectman Kessler, seconded by Selectman Hoyt; *the Board voted to approve the Consent Agenda of August 24, 2015 as presented. The motion passed 5-0-0 (Attachment 1).*

Chairman Nichols addressed the public in attendance. He spoke of Mr. Paul Brown's years of dedication to Newport, originally as Finance Director and then stepping up to become Acting Town Manager. He told the audience that Mr. Brown had accomplished that job while at the same time continuing in his role as Finance Director. Chairman Nichols continued explaining Mr. Brown's tenure, reminding the attending and viewing public that when asked, Mr. Brown had taken on the responsibilities of full-time Town Manager as well as his duties as Finance Director. He did them well and also became involved in other aspects of the community. Chairman Nichols stated that Mr. Brown had decided last year to step down from the Town Manager position and continue with his Finance Director position. He helped Newport with its selection of a new Town Manager. It would not be right if as a Board and community we did not express our thanks to Mr. Brown, he said. Chairman Nichols asked Mr. Brown to go to the Selectmen's desk. Board member Wilmot presented a gift of appreciation to Mr. Paul Brown. Mr. Brown thanked the Board.

FORUM:

Mr. Bert Spaulding addressed the Board of Selectmen and expressed his extreme frustration with the Zoning Board of Adjustment, the Planning Board and with a conversation he had had with Town Manager O'Keefe. He reiterated several items from previous forums in which he had addressed the Board of Selectmen (BOS). He read in its entirety the Appeal to the Superior Court of *Richard D. Kelley, Jr. v. Town of Newport (Zoning Board of Adjustment)*.

Mr. Spaulding continued expressing his opinion of the process being taken by the Boards of the Planning and Zoning Department. He asked that the BOS take action in regards to the present (septage) case. Chairman Nichols addressed Mr. Spaulding and stated that proper procedure was being taken. Mr. Spaulding continued with his discourse on the subject and the duties of the Board members. He stated that he would attend BOS meetings and speak during the Forum until action was taken by the BOS.

Mr. David Kibbey addressed the BOS and stated that properties had to follow the rules to the letter. He requested guidance from the Town Manager on the action, inaction and incorrect actions by the Zoning Board of Adjustment (ZBA) and the Town Office of Planning and Zoning (TOPAZ). Mr. Kibbey passed out copies to the Board members of their Oath of Office. He asked the question of whether the Town of Newport was in compliance with all applicable rules and regulations in the Constitution in regards to Zoning. He expressed his frustration and asked that the Town of Newport come up with enabling statutes to use in the (septage) case; that the different sides meet and come to a solution. He asked that the Board become involved with the case mentioned; as well as the oversight of the procedures in TOPAZ.

COMMUNICATIONS:

Selectman Wilmot stated that Parlin Field Airport had been very busy in August. They had conducted their first Aviation Career Education (ACE) camp. They had approximately forty (40+) graduates from the camp. It was highly regarded by the parents and students. It had been a very successful program. August 15th the airport held their Open House, another very successful event. There was a pancake breakfast sponsored by the Newport Boy Scout troop. He offered kudos to the management, volunteers and participants for the excellent showing. Selectman Wilmot stated that there also was an aviation photo display at the Library Arts Center. There were aerial photographs of the Newport area as well as around the State of NH.

Chairman Nichols stated he spoke with the original director of the NH ACE camp in Laconia. The director was very impressed with the ACE camp program conducted at the Newport airport.

Selectman Kessler added information on the activities of the airport. He stated that individuals who ran the ACE camp as well as its participants had given a presentation to the School Board. The instructors explained the program and students told what they had learned through their participation. He said the Open House pancake breakfast was a fund-raiser for the Boy Scout troop and that the pig roast that the airport had held the afternoon of the Open House was a fund raiser for the 2016 ACE camp to be held in Newport (2B3). Selectman Kessler also stated that activities during the Open House included Young Eagle flights (for youths aged 8-17) and a fly-in of a National Guard Black Hawk Helicopter. Selectman Kessler also stated that school started on Wednesday, August 26. He asked that drivers look out for children.

Selectman Hoyt stated that he wanted to reiterate Mr. Spaulding and Mr. Kibbey's concerns of improper guidance.

Selectman Fratzel wanted to thank PJ Lovely and the staff and volunteers at the Rec Center. He stated the summer camp was a success.

Chairman Nichols congratulated the Richards Free Library (RFL) and the Library Arts Center (LAC) on the successful weekend they had (Library Festival and Apple Pie Crafts Fair respectfully). He stated the LAC had an increase of booths on the common from eighty (80) in 2014 to one hundred forty (140) in 2015. His only criticism was the parking issue the success had created. He hoped that the Craft Fair organizers looked into parking for future years.

Chairman Nichols reminded people that the "Car Nutz" continued to meet on Mondays at the Sugar River Bank. All proceeds went to the Children's Hospital at Dartmouth-Hitchcock (CHaD). Chairman Nichols also complemented the Fire Department for its recent hard work extinguishing a fire on Coit Mountain. Fire fighters (complete with gear) had to trek one half (1/2) hour into the Town forest to arrive at the scene of the fire. One half (1/2) acre was affected. It required 1 1/2 days to fully extinguish the fire.

Town Manager O'Keefe announced the retirement of Mrs. Judy Schinck (Public Works) after 36 years of service to the Town of Newport. He also announced the resignation of Mr. James Beaulieu from the Conservation Commission. Town Manager O'Keefe stated there was now a vacancy on the Commission for an interested Newport resident.

Town Manager O'Keefe provided to the BOS the after-action report requested at the last meeting related to the damage from July 19, 2015 wind storm in Newport. The Board had asked about catch basins on Belknap and Pine Streets. He stated that Mr. Wiggins could speak on that during the meeting. In answer to questions about pavement on Pine Street it was due to culvert repair (and had been patched). Mr. King from the NH DOT could speak to the Board about the Sunapee Street and parking lot questions. Town Manager O'Keefe addressed the Chair concerning his request of coordination to clean the river's edge when the dams were lowered. He would contact Mr. Bill Ruger.

Town Manager O'Keefe addressed the BOS and mentioned the appeal of Mr. Richard D. Kelley. It had been read into the record (during the forum).

The Town had received notification of a complaint against Mr. Kelley by the Department of Environmental Services (DES) concerning clearing land without proper State and Federal permits.

Town Manager O'Keefe addressed the Board and told them the tax abatement litigation between the McDonald's restaurant and the Town of Newport was completed. The Supreme Court decision was in favor of the Town of Newport.

Town Manager O'Keefe addressed the BOS and discussed the upcoming retreat between the Town Manager and BOS members. He suggested Monday, September 14, 2015. Board members consulted their calendars. The proposed date and time of 5pm to 9pm was agreed upon. The Town Manager and Board discussed the use of a facilitator. The Town Manager was asked to contact Primex concerning one.

Town Manager O'Keefe's final informational item was concerning the agenda request form he had suggested in a previous meeting. A draft copy was in the BOS packets. Town Manager O'Keefe stated it would be a voluntary action. If used, the BOS would be prepared for the subjects during meetings. Board members could contact him with their thoughts.

INFORMATIONAL:

Provision of Ambulance Service

Chairman Nichols stated he had asked that the item be put on the agenda in order to decide whether Newport would continue with contracts to outlying towns. The wording needed to be acceptable to the towns and the contract letters needed to be sent by the middle of October (2015). The three towns had a fiscal year calendar of January 1-December 31. Chairman Nichols addressed the Board members and asked if Newport should offer them a contract (for EMS services). Chairman Nichols asked for discussion. He began by discussing the number of runs and the revenue stream the contracts gave to the Town.

Fire Chief Conroy was acknowledged by Chairman Nichols. Chief Conroy stated he had done research on how other towns charged fees for their (out-of-town) services. He had given the information to Town Manager O'Keefe on August 24, 2015.

Chief Conroy stated he and Captain Carleton had developed a fee formula for services that they could implement in all three towns to get money as well as provide them (the contracted town) good service. He briefly explained his plan. He stated he wanted to review his plan with Town Manager O'Keefe; he believed the BOS would like it. The Selectmen held a general dialogue. They reiterated opinions from previous meetings. Chairman Nichols asked them to write their questions and they would be addressed at the retreat. Chief Conroy addressed one statement made by a Board member. He gave facts and figures in his response.

Board members disputed his answer, negating the information Chief Conroy provided. It was agreed that the Town Manager, Chief Conroy, Captain Carleton and Board members Fratzel and Hoyt would sit and discuss the financial matters of the Newport Emergency Medical Services. Selectman Fratzel then reiterated his dialogues on the EMS subject from other meetings.

Selectman Kessler asked about the damaged ambulance and why it could not be fixed in Newport. Town Manager O'Keefe stated that he had sent an email to the BOS and stated that the new ambulance was damaged and would be going to Boston for repairs. He addressed Chief Conroy and asked him to explain. Chief Conroy explained that the ambulance had been purchased from a firm in Boston. Boston had the closest shop that specialized in repairing road rescue vehicles, he explained. The Board members asked general questions concerning the repair. Captain Carleton explained the areas on the ambulance that needed to be repaired. He stated that the shop in Boston, MA was state-of-the art and specialized in repairing rescue vehicles (ambulances). There were further questions from the Board.

Fire Chief Conroy told the BOS details of the recent fire of a feller buncher on East Mt. Road.

Main Street Project Update

Chairman Nichols acknowledged Mr. Doug King, District Engineer District 2 of the NH Department of Transportation (DOT). Mr. King gave a synopsis of the Main Street drainage project which started on July 13, 2015. He explained there would be a new catch basin in front of the information booth and that the NH DOT crew would fix the sunken catch basin at the corner of the large common on Main Street.

He told the BOS that the merchants had been very cooperative. Mr. King informed the Selectmen that the State had changed its focus away from drainage projects and future monies would probably be for paving projects. Mr. King assured the Selectmen that the two failed catch basins on Sunapee Street and the failed catch basin on Main Street near Bond Auto would be taken care of after the project on Main Street was complete. There was a short discussion on the work proposed at the bottom of Sunapee Street and the parking lot, drainage work on the northbound travel lane of Main Street and the final finished paving of Main Street.

Mr. King stated the Town Highway, Water and Sewer Departments had worked closely with them; it had been a good team effort. The Chair and Board members thanked Mr. King for attending the meeting and for the update.

Paving Update

Mr. Wiggins gave a synopsis of the paving to be done in Newport over the next two weeks. He stated that the tentative completion date would be September 7, 2015. Mr. Wiggins listed the names of the streets that would be paved.

Chairman Nichols asked Mr. Wiggins about plans for the paving of aprons at the police department, fire department and Arnold Way. Mr. Wiggins stated that those were part of negotiations with the lowest bidder. He stated that those might potentially be done in October 2015 before the plants closed.

Chairman Nichols asked, for clarification, if it was part of the bidding process. There was a short discussion between the Chair and Mr. Wiggins on the feasibility of the projects being completed by the contractor or having another contractor do the work. There was a short discussion among the BOS. Chairman Nichols again stated it had been his understanding that the apron work would be done in conjunction with the street paving.

The Chair acknowledged Finance Director Paul Brown. Mr. Brown explained the previous paving project of the fire department apron. Mr. Brown said he had assumed that paving the department aprons would be an "add on" in the FY 2015-16. Chairman Nichols, Mr. Brown and Mr. Wiggins discussed the budgeting and funding of the paving projects. Mr. Wiggins explained to the Board the complexity of the fire and police department's paving requirements. Town Manager O'Keefe asked what it would require to put the department jobs out to bid for this season. Mr. Wiggins stated it would be difficult and explained the extensive scope of work necessary for each of the driveways and affected areas. Selectman Fratzel concurred. The Selectmen had a short discussion on the subject.

Condemned Buildings

Town Manager O'Keefe addressed the Board and stated the issue of the condemned buildings predated him. Selectman Fratzel stated that he had asked for a list of the condemned buildings in Town; he wanted to be sure that there were policies and procedures in place to demolish them. Selectman Fratzel stated the buildings were a health and safety hazard.

Town Manager O'Keefe informed the BOS that certified letters had gone out in April 2015 (for the three properties in question). Town Manager O'Keefe stated that a structural engineer might be needed to go to each building. Selectman Fratzel interjected that an engineer was not needed for the building on Ash Street, there wasn't a roof on it. There was a short discussion among Board members of past condemned buildings that had not taken as long as the three in question. Town Manager O'Keefe stated that the Bradford Road owners said they would be cleaned up by October 2015. The Town staff recommended an engineer for the Sullivan Street property. Chairman Nichols asked Chief Conroy if the Sullivan Street property was a fire issue. He stated yes and explained the situation to the Board. Selectman Fratzel asked if the Town had a process to remove the condemned buildings. The Board asked Fire Chief Conroy what the Town procedure was. He listed the steps that should be taken. Selectman Kessler addressed Chief Conroy and instructed him to begin the process. Chairman Nichols concurred and asked Chief Conroy to meet with Town Manager O'Keefe to begin the process (following the RSAs) for the three in question and any others the Chief knew about.

Chairman Nichols acknowledged Mr. Brown. Mr. Brown gave the steps the Town had used in the past and reminded the Board of the ultimate goal. After further discussion, Chairman Nichols said the BOS had directed the Town Manager to begin the process of getting the condemned buildings removed.

Bandstand Roof Condition

Selectman Wilmot addressed the Board and stated that a citizen had expressed her concern on the condition of the bandstand roof. He agreed with the concern and asked if the roof had not been addressed due to Town budget cuts. Mr. Brown stated it had not been on the Capital Funds list, but had been in the budget process for (at least) two years. Selectman Wilmot asked the cost to repair the roof. Mr. Brown stated between \$20,000-30,000. Discussion revolved around the necessity of having cedar shakes. Mr. Brown stated that the gift of the bandstand was given with cedar shakes. Chairman Nichols directed Mr. Brown to look into the conveyance documents of the gift and then get quotes for the various kinds of roofing. Chairman Nichols stated that because it was in the historical district that the replacement of the roofing would need to go to the Heritage Commission.

Town Forest Condition

Town Manager O'Keefe addressed the BOS and stated the Town had been contacted by the Conservation Commission. He explained the condition of the forest after the July 19, 2015 wind storm and the proposal to remove the wind-blown trees and any applicable timber at the same time. The Town had received a proposal from Bay State Forestry Service (BSFS). They would not only do the proposed scope of work, but continue with land management in the forest. Town Manager O'Keefe stated he had worked with BSFS in the past and they were excellent. He recommended using Bay State to complete necessary work as well as put together a land management plan.

Chairman Nichols acknowledged Mr. Brown. Mr. Brown stated that historically money from the tree harvest in the Town forest had gone to the Conservation Commission.

Chairman Nichols asked for a motion. On a motion by Selectman Kessler, seconded by Selectman Hoyt; ***the Board voted to hire Bay Stated Forestry Service for the Town forest project and authorized Town Manager O'Keefe to sign all contracts pertaining to the work. The motion passed 5-0-0.***

Description of sand bids

Town Manager O'Keefe informed the BOS that the Highway Department was purchasing below bid with Newport Sand and Gravel. Mr. Wiggins was asked how many tons were being purchased. Mr. Wiggins told the BOS 4,000 tons. The Town Highway Department would haul it.

Staffing Costs for the Police Related to Details

Town Manager O'Keefe asked Mr. Brown to explain the Informational Item. Mr. Brown stated it was his understanding to acquire the expense related to hiring a non-certified rookie, a certified officer with one to two years' experience or a certified officer with three to five years' experience that could start working immediately. He explained the potential expenses to the BOS.

ACTION ITEMS:

Authorize submission of Administrative Order by Consent Agreement for Waste Water Treatment Facility

Town Manager O'Keefe addressed and reviewed the copy of the NH DES Administrative Consent. He stated that the Town attorney had gone over it. There was a general discussion among Board members. Chairman Nichols stated that the document was to address the phosphorous issue that the Town had not been successful in resolving. Mr. Brown was acknowledged. Mr. Brown explained the issue (which dated back to 2009) at the WWTP, what the Town and WWTP had been doing to come into compliance and gave an explanation of the document before the BOS.

On a motion by Selectman Fratzel, seconded by Selectman Kessler; ***the Board voted to authorize Town Manager O'Keefe to sign the Administrative Order by Consent. The motion passed 5-0-0.***

Authorize bid for supply of salt

Town Manager O'Keefe gave an explanation of the item before the Board and the staff recommendation to not go with the low bidder. Mr. William Scanlon addressed the Board and succinctly explained the choices of salt (low bidder Morton Rock Salt and high bidder American Rock Salt) available to the Town of Newport for potential purchase for the Newport highway department's use. There was general discussion among the Selectmen, Mr. Wiggins and Mr. Scanlon on the products, cost, availability, quality for the Town's use and "additional fees" (surcharges). Chairman Nichols asked if the Town had had any difficulties with American Rock Salt. Mr. Wiggins said absolutely not. He gave one example. Chairman Nichols called for a vote. On a motion by Selectman Hoyt, seconded by Selectman Wilmot; ***the Board authorized the Newport Highway Department to accept the bid from American Rock Salt at \$73.19/ton for fiscal year 2015-2016. The motion passed 5-0-0.***

Disposition of Town property-Former Red Baron Restaurant

Town Manager O'Keefe stated that a letter had been sent to the last lessee concerning his interest in the L'il Red Baron Restaurant. He explained the individual's response and stated the Town had not heard from him. His deadline was up. Mr. Brown had attended an Airport Study Committee meeting. They had voted unanimously that if the L'il Red Baron was not sold as a restaurant that the property not be offered for sale to anyone else, but remain as a part of the airport and be leased as a source of revenue for the Airport Fund. There was a discussion on the feasibility of another restaurant going onto the building. It was the consensus of the Board to put the leasing of the property out to bid.

Restore Premerger Status of Two Lots Involuntarily Merged by the Town

Chairman Nichols explained that in the 1960s the Town had merged some properties for tax purposes. Mr. Francis Collins notified the Town that he would like his two merged properties, located at 167 Cheney Street and also fronting on Prospect Street; presently specified as Map 108, Lot 042; be reverted to their former state. In accordance with RSA 674:39-aa the decision to restore lots involuntarily merged by the Town was made by the BOS. On a motion by Selectman Kessler, seconded by Selectman Wilmot; ***the Board voted to restore the involuntarily merged lots of Mr. Francis Collins. The motion passed 5-0-0.***

Chairman Nichols directed Town Manager O'Keefe to contact the tax department and write a letter to Mr. Collins of their decision.

Renewal of Comcast Contract

Town Manager O'Keefe explained the contract negotiations with Comcast were finalized. He asked Mr. Brown to give a detailed explanation of benefits in the new contract. Mr. Brown complied, reviewing the contractual agreement document given to the Board members, he explained the new contract would basically be a continuation of Newport's previous contracts. Mr. Brown listed the additional items Newport would acquire in the new contract including added "drop" locations, the possibility of another local cable channel for programming and the negotiations with Comcast for residential accessibility. On a motion by Selectman Hoyt, seconded by Selectman Fratzel; ***the Board voted to accept the new Comcast contract as presented with the effective dates of September 1, 2015 to August 31, 2025. The motion passed 5-0-0.***

Three copies of the contract were available for the BOS member's signatures.

APPOINTMENTS:

Conservation Commission-P.J. Lovely

Town Manager O'Keefe addressed the Board and stated that he had discussed the representative position with P.J. Lovely. They had discussed his absence at previous Conservation Commission meetings. Mr.

Lovely had stated he would be more active in his participation at the Conservation Commission meetings. On a motion by Selectman Kessler, seconded by Selectman Fratzel; ***the Board appointed Mr. Peter J. Lovely, Jr. to the position of Selectman's Representative on the Conservation Commission. His appointment will end in May of 2016. The motion passed 5-0-0.***

On a motion by Selectman Hoyt, seconded by Selectman Fratzel; ***the Board voted by roll call to enter into non-public session (NPS) RSA 91-A:3, II (d) Real Estate, RSA 91-A:3, II (e) Pending Litigation and RSA 91-A:3, II (c) Reputation of Another.***

The BOS entered NPS at 8:47 pm. Mr. Larry Wiggins and Mr. Paul Brown were asked to attend part of the NPS.


On a motion by Selectman Wilmot, seconded by Selectman Hoyt; ***the Board exited the NPS at 9:35 pm. The motion passed 5-0-0. There was no action taken.***

There was a brief discussion on the International Work Camp Program

On a motion by Selectman Kessler, seconded by Selectman Fratzel; ***the Board voted unanimously to adjourn at 9:40 pm.***

The next regular meeting of the Board of Selectmen is scheduled for Monday, September 21, 2015 at 6:30 pm.

Respectfully submitted,



Maura Stetson
Scribe

Attachments (1)