

**Town of Newport  
Board of Selectmen  
6:30 pm Regular Meeting /Municipal Building  
Minutes for September 21, 2015**

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

**STAFF PRESENT:** Shane P. O'Keefe, Newport Town Manager; Larry Wiggins, Director of Newport Public Works; Paul J. Brown, Finance Director

**COMMUNITY MEMBERS:** Bert Spaulding, Sr.; David Kibbey, Virginia Irwin, Russell Fowler

**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 (Fratzel), (e) litigation (O'Keefe); move agenda item: ACTION ITEM *A. Memorial bench at Ransom Tracy Park* to after FORUM and before COMMUNICATIONS (Nichols). On a motion by Selectman Kessler, seconded by Selectman Hoyt; *the Board accepted the agenda as revised. The motion passed 5-0-0.*

**MINUTES FROM PREVIOUS MEETING:** August 24, 2015 & September 14, 2015

On a motion by Selectman Kessler, seconded by Selectman Wilmot; *the Board approved the minutes of the August 24, 2015 meeting as presented. The motion passed 5-0-0.*

On a motion by Selectman Kessler, seconded by Selectman Hoyt; *the Board approved the minutes of the September 14, 2015 meeting as presented. The motion passed 5-0-0.*

**CONSENT AGENDA:** On a motion by Selectman Hoyt, seconded by Selectman Wilmot; *the Board voted to approve the Consent Agenda of September 21, 2015 as presented. The motion passed 5-0-0* (Attachment 1).

**FORUM:** none

**ACTION ITEM:**

Memorial bench at Ransom Tracy Park

Town Manager O'Keefe stated that there had been a gift request of a bench at the park. Town Manager O'Keefe stated that the Memorial and Monuments Committee had met and recommended that the bench for the Ransom Tracy Park be accepted. Mrs. Virginia Irwin addressed the Board of Selectmen (BOS) and gave a synopsis of the work by the Memorial and Monuments Committee. There being no discussion by the BOS on the Committee's decision, on a motion by Selectman Hoyt, seconded by Selectman Fratzel; *the Board voted to approve the recommendation of the Memorial Committee to accept the gift of a granite bench to be placed in Ransom Tracy Park. The motion passed 5-0-0.*

Selectman Kessler stated that the lights illuminating the flag at the park were broken. Town Manager O'Keefe stated he would contact the appropriate staff to have them replaced.

**COMMUNICATIONS:**

Selectman Wilmot wanted to thank Parlin Field and the Library Arts Center (LAC). He stated that the collaboration between the LAC and Parlin Field Airport in hosting the Casablanca Night had been a success. Eighty five (85) people had attended the gala function. Kudos to them.

Selectman Kessler had nothing at this time.

Selectman Hoyt stated he had had several complaints concerning the poor condition the NH Department of Transportation (NH DOT) left Main Street after their work on the drainage project. He stated that private contractors working on roads were required to bring the road to the same condition or better upon completion of their work. NH DOT did not return Main Street to the condition it was before construction. It was the consensus of the Board to instruct Town Manager O'Keefe to write a letter to the NH DOT to fix the condition of the road. For clarification, Town Manager O'Keefe queried whether the letter should be addressed to Mr. Doug King, District Engineer District 2 of the NH Department of Transportation.

Selectman Fratzel concurred with Selectman Hoyt. He had nothing further at this time.

Chairman Nichols also concurred with Selectman Hoyt.

Town Manager O'Keefe informed the Board of the search for a recipient of the Boston Post Cane. A Newport resident had been found who was approaching one hundred (100) years of age. He asked what the procedure and ceremony were for awarding the cane. There was a general discussion on the previous presentations. Town Manager O'Keefe would contact the individual and report to the Board at the next BOS meeting.

O'Keefe told the BOS that the Airport Study Committee was concluding its meetings. Its goal was to give a report to the BOS in November 2015.

Town Manager O'Keefe addressed the Board and viewing public and stated there had been a letter of appreciation in the Kearsage Shopper thanking Newport Firemen and EMTs who had responded to a call. Chairman Nichols asked Town Manager O'Keefe to read the names for the public.

Selectman Wilmot stated that he had seen a similar letter of thanks for Newport's Fire/EMS assistance in Sunapee on E ticker news of Claremont (internet newspaper). He had forwarded it to the Town Manager.

Town Manager O'Keefe stated he had received a phone call from Mr. Dick Wentzell. Mr. Wentzell had secured the meeting of the Governor and Council (G & C) in Newport on November 4, 2015. Chairman Nichols stated it would be the second time it has been held in Newport. He encouraged BOS members and residents to attend. There was a short discussion among the Board on the G & C meeting. A suggestion of NCTV taping the meeting was made.

Town Manager O'Keefe stated another matter was the closing of Coon Brook Road Bridge. He stated that beginning September 21, 2015 until October 5, 2015 (weather permitting) the bridge would be closed for repairs mainly to the deck of the bridge. He repeated, stating that the bridge would be closed for safety purposes. He referred to Mr. Larry Wiggins for further information.

Mr. Wiggins stated that the bridge would be closed for repairs by the Highway Department. He informed the Board and public that due to the repairs needed, the load limit would be reduced to fifteen (15) tons when the bridge was reopened. The limit would allow emergency vehicles and residential fuel delivery trucks to use it, but would restrict the heavier loads: logging trucks, excavators, etc. Those vehicles would have to detour around the bridge. State personnel had checked the bridge on September 19, 2015. They concurred that the load limit should be reduced to 15 tons. There was a general discussion on bridges in Newport and possible Bridge Aid Programs in Newport by Board members, Mr. Wiggins and Mr. Brown.

Continuing, Town Manager O'Keefe addressed the BOS and stated that he had been tasked with writing a request for expressions of interest proposal for the former L'il Red Baron restaurant site at the airport. He



had not completed the proposal but wanted to keep the BOS informed of the progress. He hoped to have it completed for the next meeting (October 5, 2015). Selectman Hoyt asked if the kitchen equipment was still in the building. Selectman Wilmot informed the Board members that the previous tenant was removing his equipment. Selectman Hoyt inquired if the Town should secure the building. It was the consensus of the Board to secure the building. Town Manager O'Keefe stated that it would be discussed at the department head meeting on September 22, 2015.

Referring to the proposed agenda request form he had presented to the BOS, Town Manager O'Keefe stated that an individual will be attending an upcoming meeting and has been asked to use one. He reiterated that using the request form might be one way to streamline the agenda process. He also stated that he would present potential changes to the BOS current rules of procedure for the Board's consideration. The changes would be on meeting and agenda management.

Selectman Wilmot requested that information on the bandstand roof also be presented.

#### **INFORMATIONAL:**

##### Scheduling of Meeting with School Board

There was a general discussion among the Board members on a meeting with the Newport School Board. Selectman Wilmot requested that they all meet in the Town Offices. A tentative date of October 29, 2015 at 6:30 pm was set. Town Manager O'Keefe stated he would contact the school.

##### Provision of Ambulance Service

Town Manager O'Keefe stated that one item that had been discussed internally and with Board members were ways to improve services, acknowledging the fact that there were instances when Newport was not able to fill slots with EMTs. There had been meetings with Selectman Fratzel, Finance Director Paul Brown, Fire Chief Conroy and Town Manager O'Keefe. He said that there would be further information and numbers given to the BOS in the near future. He acknowledged Selectman Fratzel.

Selectman Fratzel briefly stated the EMT needs, coverage, in-town calls vs out-of-town calls, and his concerns to provide the best service to the community. He addressed concerns voiced in a letter to the editor in the local newspaper. Concluding, he stated that it was a difficult, complex issue felt state and nationwide. It was one that the Newport BOS needed to address locally.

There was a general reiteration among the Board members on various aspects of the issue of the Newport Ambulance Service.

##### Wastewater Treatment Facility (WWTF) matters

Town Manager O'Keefe gave a synopsis of where Newport was concerning addressing the phosphorous issue at the WWTF. Some information would be discussed in non-public session. He stated that Public Works Director Larry Wiggins was putting out proposals for requests for qualifications. The solicitation would help the Town hire an engineer to assist with the phosphorous issue at the WWTF. Town Manager O'Keefe was asked for a timeline. He said the administrative order required that the request for qualifications be issued by the end of September 2015 and that Newport would meet the deadline.

Chairman Nichols requested that Mr. Arnold Greenleaf attend the next BOS meeting to address the public and explain what items should not be flushed down toilets. It would inform citizens of the cost of flushing items down the toilet. Town Manager O'Keefe stated he would invite him.

Selectman Hoyt stated that he had recently learned that water solvent latex paint was worse to put down pipes than grease. He explained.



#### Town Forest timber harvest

Town Manager O'Keefe addressed the BOS and stated the Town was in contract discussions with Bay State Forestry Service (BSFS). The Town insurer was looking over the proposed contract. BSFS was planning on beginning work the week of September 21, 2015. He had attended a meeting of the Conservation Commission in which a forester from BSFS attended. He had answered questions from the members in attendance. Town Manager O'Keefe gave an overview of previous Newport timber cuts and the distribution of income from them. He stated that the BOS needed to determine who would receive the income from this timber cutting.

Selectman Kessler stated he would like to hear from Mr. Lovely on the subject and how it might impact the current trails in the Town forest. There was a short discussion on the matter. Chairman Nichols stated that the Conservation Commission was looking into a land management program. Town Manager O'Keefe agreed and gave general details. Selectman Kessler asked if the program could be tied in with the high school forestry program. He explained his assessment. There was a general discussion on having the students in the forestry program shadow the BSFS foresters.

Town Manager O'Keefe stated that the Conservation Commission would want monies from the harvesting to pay for the forestry management plan.

Chairman Nichols acknowledged Mr. Bert Spaulding, Sr. Mr. Spaulding stated that the price of timber was down. He questioned the wisdom of cutting timber at this time. The BOS explained that the Town would be cleaning timber from storm damage at this time. Chairman Nichols acknowledged Mr. Brown, Finance Director. Mr. Brown stated that BSFS would be doing a management cut; their theory was to do it right and not have to go back in in the next few years. Continuing, he stated that the market might be down but they wanted to minimize the damage in the area by the skidders. There was discussion between Mr. Brown, the BOS and Mr. Spaulding.

Mr. Brown asked if the BOS had decided if the monies would go to the Conservation Commission, as it has historically. Mr. Brown then asked if the BOS would waive the Town timber tax for the project. On a motion by Selectman Fratzel, seconded by Selectman Kessler, *the Board voted to waive the timber tax for the Conservation Commission for the project in the Town forest. The motion passed 5-0-0.*

Mr. Brown informed the BOS that on Saturday, October 3, 2015 from 9am-12 pm there would be a walk about in the timber cut area with the forester giving the tour, explaining what timber they would take and answer any questions. Interested people were encouraged to meet on Summer Street. Town Manager O'Keefe stated that they might want to include the students in the forestry program

#### **ACTION ITEMS:**

##### Properties subject to Tax Collector's Deed

Town Manager O'Keefe addressed the Board and stated that the Selectmen had lists and information pertaining to the various properties subject to the tax collectors deeds. The Board needed to make a decision on which properties to not accept a deed. Chairman Nichols explained that the first list the BOS had was unpaid receivables. Addressing Mr. Brown, he stated for clarification that the Town could not take property that was in bankruptcy. Mr. Brown concurred. Town Manager O'Keefe explained the list and its notations. Selectman Fratzel addressed Chairman Nichols and asked the necessity of going through all the properties. He asked if a motion could be made. Chairman Nichols said he could make a motion. Selectman Fratzel made the motion to take the properties that were not making payments or not in bankruptcy. Selectman Hoyt seconded it.

There was discussion on specific properties that would be included in the motion. Town Manager O'Keefe addressed the BOS and stated that for any properties on the list that they did not decide to take

the BOS would have to sign a deed waiver. He explained the reasons. Chairman Nichols stated that the Board members would all have to sign a deed waiver for each property. Town Manager O'Keefe agreed. Selectman Fratzel asked how often the BOS would be given an update on the status of the remaining properties (on the list). There was a discussion on the future procedure between Town Manager O'Keefe and Selectman Fratzel. Board members then held a general discussion on the properties. Selectman Fratzel repeated his motion:

On a motion by Selectman Fratzel, seconded by Selectman Hoyt; ***the Board voted to proceed with the tax deeding on all the properties that were not identified by a letter A or letter B on their list which were properties that have agreements or are in bankruptcy. The motion passed 5-0-0.***

The specific properties are as follows:

- 8 Central Street (Map 114, Lot 005)
- 431 Sunapee Street, Lot 7 (Map 102, Lot 015, MH0007)
- 13 Sullivan Street (Map 111, Lot 269)
- 60 Summer Street (Map 111, Lot 184)
- 17 Maple Street (Map 114, Lot 098)

#### **APPOINTMENTS:**

##### Conservation Commission-P.J. Lovely amend to end of June 2016

There was a discussion among the Board members as to whether the motion made at the August 24, 2015 meeting to appoint Mr. Peter J. Lovely, Jr. as representative for the BOS to the Conservation Commission should be amended from May to June {From the minutes: 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.***}

After discussion among the Board Mr. Lovely's appointment remained as it previously decided, until May 2016.

##### ECON-Town Manager Shane O'Keefe

Chairman Nichols gave a short explanation of the Town Manager's role and participation in ECON. On a motion by Selectman Wilmot, seconded by Selectman Hoyt; ***the Board appointed Town Manager Shane P. O'Keefe to a position on ECON. The motion passed 5-0-0.***

Selectman Fratzel addressed Town Manager O'Keefe and stated that the Community Center Committee had invited him to attend their next meeting, October 14, 2015 at 6:15 pm. Town Manager O'Keefe stated he would attend.

Town Manager O'Keefe addressed the BOS and stated that information on the September 14, 2015 Selectboard retreat would be presented at the next meeting.

Chairman Nichols addressed a gentleman in the BOS meeting room. Mr. Russell "Rusty" Fowler addressed the BOS and stated that he would like to attend Newport Town Government meetings. He asked the Board members how he could find out when they were held as he did not have a computer. Chairman Nichols listed days and times of meetings. It was suggested he call the Town Manager's office for additional information.

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

Chairman Nichols announced a five minute break. Town Manager O'Keefe and resident Bert Spaulding, Sr. were asked to attend the first NPS. The BOS entered NPS at 7:40 pm.



On a motion by Selectman Fratzel, seconded by Selectman Kessler; *the Board exited the NPS at 8:30 pm. The motion passed 5-0-0.*

On a motion by Chairman Nichols, seconded by Selectman Kessler; *the Selectmen voted unanimously by roll call to seal the minutes of the non-public session.*

At 8:31 p.m. Mr. Spaulding left the meeting, and both Finance Director Paul Brown and Public Works Director Larry Wiggins reentered the meeting.

On a motion by Selectman Hoyt, seconded by Selectman Wilmot; *the Selectmen voted unanimously by roll call to go into non-public session at 8:32 p.m. pursuant to RSA 91-A:3, II(e), Pending claims or litigation.* Present were the Board members Gary Nichols, Todd Fratzel, William Wilmot, Jeffrey Kessler and David Hoyt, Town Manager Shane O'Keefe, Finance Director Paul Brown and Public Works Director Larry Wiggins.

On a motion by Selectman Fratzel, seconded by Selectman Kessler; *the Board voted to leave non-public session and return to public session. The motion passed 5-0-0. The non-public session ended at 8:43 p.m.*

#### **OTHER BUSINESS:**

***Boston Post Cane*** – The Board discussed presentation of the Boston Post Cane to an individual believed to be the oldest citizen in Newport. O'Keefe inquired whether the Town would be presenting the real cane or a replica, and it was agreed by the Board that the real cane would be presented. O'Keefe was asked to make arrangements for the Board to make a presentation to the proposed recipient.

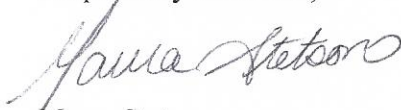
***Proposed Community Center*** – The status of the land acquisition for the proposed new Community Center was discussed, and O'Keefe was asked to report back at the next Board meeting on this.

#### **ADJOURNMENT:**

On a motion by Selectman Kessler, seconded by Selectman Fratzel; *the Board voted unanimously to adjourn at 8:52 pm.*

**The next regular meeting of the Board of Selectmen is scheduled for Monday, October 5, 2015 at 6:30 pm.**

Respectfully submitted,



Maura Stetson  
Scribe

Approved on: **October 5, 2015**

Attachments (1)

**TOWN OF NEWPORT**  
**Board of Selectmen**  
**CONSENT AGENDA**  
**September 21, 2015**

Department	Document Date	Document	Amount
Tax	August 24, 2015	Abatement - Garage	\$112.00
Finance	September 2, 2015	AP Manifest	\$495,453.38
Finance	September 2, 2015	AP Manifest	\$1,514,350.57
Water & Sewer	September 2, 2015	Water Manifest	\$41,444.44
Water & Sewer	September 2, 2015	Sewer Manifest	\$111,442.15
Assessing	September 10, 2015	Timber Warrant	\$816.71
Tax	September 3, 2015	Abatement	\$745.56
Tax	September 11, 2015	Abatement	\$1,294.64

Town of Newport, New Hampshire  
**Board of Selectmen**  
Non-Public Meeting Minutes #2 – September 21, 2015

On a motion by Selectman Hoyt, seconded by Selectman Wilmot; ***the Selectmen voted unanimously by roll call to go into non-public session at 8:32 p.m. pursuant to RSA 91-A:3, II(e), Pending claims or litigation.*** Present were the Board members Gary Nichols, Todd Fratzel, William Wilmot, Jeffrey Kessler and David Hoyt, Town Manager Shane O'Keefe, Finance Director Paul Brown and Public Works Director Larry Wiggins.

The Board received an update from and discussed with staff pending litigation regarding the Wastewater Treatment facility, including recent and proposed court filings.

On a motion by Selectman Fratzel, seconded by Selectman Kessler; ***the Board voted to leave non-public session and return to public session. The motion passed 5-0-0. The non-public session ended at 8:43 p.m.***

The Board did not vote to seal the minutes.

Respectfully Submitted,

Shane O'Keefe  
Town Manager

Approved on October 5, 2015