

TOWN OF NEWPORT
Board of Selectmen
6:30 pm Regular Meeting, Municipal Building
Minutes for November 16, 2015

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

STAFF PRESENT: Shane P. O'Keefe, Town Manager; Paul J. Brown, Finance Director

COMMUNITY MEMBERS PRESENT: Bert Spaulding, Sr.

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

AGENDA REVIEW: accepted as presented

MINUTES FROM PREVIOUS MEETING: October 29, 2015; November 2, 2015

On a motion by Selectman Kessler, seconded by Selectman Wilmot; *the Board approved the minutes of the October 29, 2015 meeting as presented. The motion passed 5-0-0.*

On a motion by Selectman Kessler, seconded by Selectman Wilmot; *the Board approved the minutes of the November 2, 2015 meeting as presented. The motion passed 5-0-0.*

Minutes from Non-Public Session (NPS) minutes #1 of November 2, 2015:

On a motion by Selectman Kessler, seconded by Selectman Hoyt; *the Board approved the minutes of the first NPS of November 2, 2015 with the revised spelling of an indicated name (throughout the minutes). The motion passed 5-0-0.*

Minutes from NPS #2 of November 2, 2015:

On a motion by Selectman Hoyt, seconded by Selectman Wilmot; *the Board approved the minutes of the second NPS of November 2, 2015 as presented. The motion passed 5-0-0.*

CONSENT AGENDA: On a motion by Selectman Kessler, seconded by Selectman Hoyt; *the Board voted unanimously to approve the Consent Agenda of 11. 16.15. The motion passed 5-0-0 (Attachment 1).*

FORUM: Mr. Bert Spaulding, Sr. addressed the Board of Selectmen (BOS) and expressed his displeasure with the Town's lack of cooperation to his 91-A requests. He cited several letters he had received and sent and demanded that the BOS take action on the matter. After extensive dialogue by Mr. Spaulding and some discussion by the Board members, Mr. Spaulding presented two additional RSA 91-A requests, one verbally to the Town Manager O'Keefe and the other in hard copy letter form to the individual Board members. The subject of Mr. Spaulding's RSA 91-A requests was added to the Informational part of the meeting agenda.

COMMUNICATIONS:

Board of Selectmen

Selectman Wilmot congratulated the Newport football team on their wins and wished them good luck for the championship game.

Selectman Kessler thanked Highway Superintendent Bill Scanlon and his crew for painting the yellow lines on the secondary roads in Newport.

Selectman Hoyt had nothing to share at this time.

Selectman Fratzel had nothing to share at this time.

Chairman Nichols had nothing to share at this time.

Town Manager O'Keefe had nothing to share at this time.

INFORMATIONAL:

Discuss FY 2017 Budget

Town Manager O'Keefe addressed the BOS and stated that he had mentioned that the Town would be heading into budget season. He wanted direction from the BOS for the Town Department Heads and for himself. The BOS had asked for further financial information to help determine the proposed budget impact with health insurance and salary increases. They also requested a quarterly financial report and an accounting of encumbered funds from last fiscal year. Finance Director Paul Brown was at the meeting to inform the Board of the past fiscal year as well as the past four months of finances by the Town. The BOS had paper copies of the indicated financial reports.

Finance Director Brown addressed the BOS and reviewed the preliminary expenses and encumbrances for 2015 as well as the encumbered amounts in June 30, 2015. The BOS and Finance Director Brown held a lengthy discussion concerning the financial reports. Finance Director Brown explained to the BOS members that the line items 01-4215-334 and 01-4220-334 were for new exhaust systems as recommended by the Department of Labor. The Town of Newport was working on acquiring a 95/5 grant match to meet this recommendation. The Town would be responsible for 5% of the grant amount. He also spoke about funds proposed to be allocated to technology upgrades to allow for better data management. After general discussion on line items listed but not previously budgeted for, on a motion by Selectman Fratzel, seconded by Selectman Wilmot; ***the Board voted to authorize the Town Manager to expend encumbered funds that have been earmarked for those items that have been on asterisks in the encumbrance fund presented except the roof. The motion passed 5-0-0.***

Finance Director Brown then explained the June 30, 2015 Final General Fund summary financial report and the four month financial summary for the BOS. There was a general discussion on the annual and four month reports between the BOS members and Finance Director Brown.

Recommendations for ambulance billing rates would be given by Finance Director Brown the first meeting in December 2015. The Chair thanked Finance Director Brown for the information and his time.

Tax deeded properties update

Town Manager O'Keefe addressed the BOS and gave an update on the tax deeded properties in Newport. He stated that the properties of 13 Sullivan Street and 8 Central Street were now Town owned and unoccupied.

Regarding the property on 431 Sunapee Street, the Town had an individual (not owner) structure a payment policy for back taxes for the owner. It would be paid within two months. The properties of 17 Maple Street and 80 Summer Street were both owned by Mr. Wilcox and had occupants. The Maple Street house had individuals with disabilities living there. The Town was looking into relocating them. An individual had approached the Town wanting to purchase the Maple and Sunapee Street properties- legally the Town could not sell the property. There was a general discussion on the next steps the Town could and should take with the properties.

Condemned properties update

Town Manager O'Keefe addressed the BOS and gave a synopsis of the four properties on the Town's condemned list:

- 40 Unity Road which had a Zoning violation. There was a short discussion on the property. It was corrected as being a tax deeded property. Finance Director Brown confirmed that there had been payments on the back taxes on the property.
- 324 Bradford Road was owned by the same family (as 40 Unity Road). The building was gone, there was junk on the property. There was an emphatic discussion on the lack of progress to clean up the property. Chairman Nichols asked for a continuous update on the cleanup. Selectman Fratzel requested that the cleanup be expedited and that a deadline be set for the Bradford Road property. Town Manager O'Keefe informed the Board he would talk to TOPAZ Administrator Magnuson about the property.
- 112 Ash Street and 121 Sullivan Street were owned by the same individual. The Town had not had time to follow up on the two properties. Town Manager O'Keefe stated Board members had said the buildings were structurally unsound. Selectman Fratzel interjected and said that they had proposed at an earlier meeting that the Housing Board would look into the properties. In an earlier meeting' discussion the Fire Chief was supposed to convene the Housing Board and the condemned properties would be taken care of. There was further discussion concerning the two properties. Town Manager O'Keefe stated he would ensure that the Housing Board met shortly on these matters.

Discuss policy-making roles and authorities

Town Manager O'Keefe addressed the Board and stated that in the retreat of September 14, 2015 the question had arisen as to the consistency of policy-making and enforcement. As directed in the minutes of the September 14, 2015 BOS retreat minutes, Town Manager O'Keefe presented a draft of proposed policy-making roles and authorities for Board review. In his explanation of the draft he referred to various NH RSAs he had included. He told the BOS it was for their review and that any comments from the BOS be sent to him. There was a discussion on various aspects of the draft policy.

91-A Right to Know Request

Town Manager O'Keefe told the BOS that he would get a copy of exactly what Mr. Spaulding requested earlier in the meeting. Town Manager O'Keefe stated that the request was a very large request that would take significant amount of staff time. He wanted to make sure the BOS was aware of that and that there would be a lot of time dedicated to Mr. Spaulding's RSA 91-A request and not items that would normally be taken care of. Finance Director Brown would be working on some of the information, but it may be time to bring in someone else to assist on a contractual basis. Town Manager O'Keefe stated that the Finance Director's time was very valuable; he had not been able to work on all of his financial work due to the original RSA 91-A request. He informed the BOS that he would share the new 91-A request of Town Manager O'Keefe and the BOS members with the Town attorney on November 17, 2015 and get direction from him.

There was a general discussion on Mr. Spaulding's original RSA 91-A request and his continued displeasure with the email information the Town had given him. It was suggested that the Town look into the emails and decide if parts of them had been deleted. The Town could then revise their answer to Mr. Spaulding with their findings. Referring to the list of requested emails, Town Manager O'Keefe stated that Mr. Spaulding had given the Town what he had requested in order to provide the 91-A information. There was discussion between the Board members, Town Manager O'Keefe and Finance Director Brown concerning the process of going through the emails separately and retrieve the information requested.

Finance Director Brown and the Town Manager then explained what the Town legally was and was not obligated to provide. After discussion by the Board members, Chairman Nichols stated that the plan of action going forward would be to review the 103 emails for replies. Addressing Town Manager O'Keefe he asked if he still felt the Town needed to bring someone in from the 'outside' because of time constraints. Town Manager O'Keefe stated that the only time constraint the Town had was within five days the Town had to let Mr. Spaulding know how long it would take to acquire the information. He stated that the Town could inform Mr. Spaulding that it would require months, but that it had to be a reasonable timeframe. Explaining further he stated it was similar to the other request in which the Town had stated Mr. Spaulding would receive the information by November 20, 2015. We would continue reviewing emails and do this information next week. Selectman Fratzel asked to make a motion.

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; ***the Board voted to direct Town Manager O'Keefe to review the list that Mr. Spaulding hand delivered to the BOS tonight and check to see if any of the emails exist and if they are discoverable to provide them to Mr. Spaulding.***

Point of Clarification from Selectman Hoyt was that the indicated emails might exist, but the replies or threads might not. There was a short discussion on this point.

The motion passed 5-0-0.

Selectman Kessler stated that he wanted to comment on the Right-to-Know request that he had just received from Mr. Spaulding: that he had to produce anything he received from the Town Manager. Chairman Nichols concurred. Selectman Kessler then listed everything he would be obligated to produce: everything from the Zoning Board as well as everything from the BOS. Some he could forward to Mr. Spaulding. Town Manager O'Keefe requested that he send it to the Town and explained that some documents might be confidential.

Selectman Fratzel stated that they needed to have Town legal counsel review the request and give them direction. There was discussion on the costs involved. Town Manager O'Keefe stated that the Town had been provided flash drives to store information for Mr. Spaulding. Town Manager O'Keefe asked for a copy of a letter to the Selectmen for his records. Finance Director Brown asked the Chair how he would respond to Mr. Spaulding; it had to be done within five days. He inquired if it would be Chairman Nichols or Town Manager O'Keefe. Chairman Nichols stated that they had to wait for the opinion of legal counsel. Then there would be communication from the Town Manager to each Selectman individually.

ACTION ITEMS:

Authorize acceptance of grant for OHRV enforcement of rail trail system from NH Fish and Game Department

Selectman Kessler stated that the Board had voted on this in the previous year. On a motion by Selectman Kessler, seconded by Selectman Wilmot; ***the Board voted to accept the grant and authorized Police Lieutenant Robertson to execute the contract. The motion passed 5-0-0.***

Approve proposed 2016 ambulance contracts (Towns of Croydon and Goshen)

Town Manager O'Keefe stated he had made the changes requested by the BOS on November 2, 2015.

Explaining the contracts, he stated that the yellow highlighted areas contained new language.

The BOS held a lengthy discussion on the proposed ambulance contract for the Town of Croydon. BOS members expressed concerns about Croydon personnel not being on the scene for fire and backup calls. Selectmen voiced their concerns regarding going to Croydon and adding conditions to the Croydon contract. Selectmen stated the additional language that should be added: "Provider reserves the right for reimbursements for non-medical assists that are not considered mutual aid. Provider agrees to pay within thirty (30) days." be included to both the Croydon and Goshen contract for consistency.

On a motion by Selectman Fratzel, seconded by Selectman Kessler; ***the Board voted to authorize Town Manager O'Keefe to make the changes as noted to the reimbursement for nonmedical assistance and to sign the contract for Goshen and Croydon. The motion passed 5-0-0.***

Disposition of Town property - Former Red Baron Restaurant

Town Manager O'Keefe stated that he had revised the Request of Expressions of Interest (REOI) for the Former Parlin Field Airport Manager's House as requested. The BOS members had received a copy of the document. There was a general discussion on the "Red Baron" structure. Town Manager O'Keefe was authorized to advertise the REOI and to inform the previous tenant that he was to remove all of his equipment from the building.

APPOINTMENTS: Planning Board member

Chairman Nichols stated that BOS had received a letter of resignation from Mrs. Christina O'Brien as a full member of the Planning Board. Chairman Nichols requested a motion to regretfully accept the resignation of Mrs. O'Brien. On a motion by Selectman Hoyt, seconded by Selectman Wilmot; ***the Board voted to regretfully accept the resignation of Mrs. O'Brien from the Planning Board. The motion passed 5-0-0.*** Town Manager O'Keefe was instructed to send a letter of appreciation to Mrs. O'Brien.

Chairman Nichols stated that Mrs. Karen Dewey had applied for the empty position on the Planning Board. There was a discussion among the BOS members concerning the use of alternates on the Planning Board. On a motion by Selectman Hoyt, seconded by Selectman Kessler; ***the Board voted to appoint Mrs. Karen Dewey to the Newport Planning Board as a full member. Her term would be effective immediately and end on June 30, 2016. The motion passed 5-0-0.***

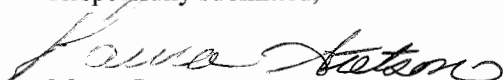
There was a discussion by the BOS on the need for qualified individuals on many of the Newport Boards and Conservation Commission. The Town Manager was directed to update the list of positions needed and to post it on the Town website and NCTV community calendar. The need to advertise in print would be discussed at a later date.

ADJOURNMENT:

There being no further business in the public meeting, on a motion by Selectman Fratzel, seconded by Selectman Wilmot; ***the Board voted to adjourn at 8:30pm. The motion passed 5-0-0.***

The next regular meeting of the Board of Selectmen is scheduled for Monday, December 7, 2015 at 6:30 p.m.

Respectfully submitted,


Maura Stetson
Scribe

Attachment 1

Approved on December 7, 2015

TOWN OF NEWPORT
Board of Selectmen
CONSENT AGENDA
November 16, 2015

Department	Document Date	Document	Amount
Finance	November 4, 2015	AP Manifest	\$127,915.24
Finance	November 4, 2015	AP Manifest	\$171,251.03
Assessing	November 6, 2015	Timber Warrant	\$513.85
Assessing	November 6, 2015	2015 2nd Tax Bill Warrant	\$5,669,071.50
Tax	November 12, 2015	Abatements #10 - #18	\$15,527.00