

**Town of Newport, New Hampshire
Board of Selectmen**

**Minutes for Meeting of February 1, 2016
6:30 pm, Municipal Building**

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

STAFF PRESENT: Shane P. O'Keefe, Town Manager; Wayne Conroy, Fire Chief; Kenneth Carleton, Captain/Paramedic; Chris Smith, EMT; Copeland Miller, EMT; Corey Conroy, Lt./EMT; Paul Brown, Finance Director; Heath Marsden, Airport Manager

GUESTS PRESENT: Nick Mercuri, Bureau Chief, New Hampshire Bureau of Emergency Medical Services (NHBEMS); Bill Wood, Preparedness Coordinator, NHBEMS; Nancy Vaughan, American Heart Association (AHA)

COMMUNITY MEMBERS PRESENT: Vanessa Carleton, Steven Smith, Board of Directors (BOD) Chamber of Commerce; Bert Spaulding, Sr.

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

AGENDA REVIEW: Update on Oak Street bridge, Informational D. (by Kessler), move Action Item A to after Informational A (Kessler), add non-public session (NPS) *RSA 91-A:3 II (a) Personnel* (by O'Keefe) and add NPS *RSA 91-A:3, II (d) Real estate* (by Nichols).

MINUTES FROM PREVIOUS MEETING: January 18, 2016

On a motion by Selectman Wilmot, seconded by Selectman Hoyt; *the Board voted to approve the minutes of the January 18, 2016 meeting as presented. The motion passed 3-0-2 (Fratzel and Nichols abstained).*

Selectman Kessler addressed the public and stated that the minutes of the January 18, 2016 meeting contained a plethora of information concerning the renovation or reconstruction of the Oak Street Bridge. Town Manager O'Keefe added that the power point presentation given at the January 18, 2016 meeting was on the Town website (www.newportnh.net). It could be viewed in its entirety on Vimeo (<https://vimeo.com/channels/nctvchannel8>).

CONSENT AGENDA: On a motion by Selectman Kessler, seconded by Selectman Wilmot; *the Board voted to approve the Consent Agenda for February 1, 2016. The motion passed 5-0-0.*

OPEN FORUM: Bert Spaulding addressed the Town Manager and gave a synopsis of his complaints regarding the Planning Board. Mr. Spaulding asked Town Manager O'Keefe what he would do to correct the situation. Town Manager O'Keefe explained that the Planning Board was under the purview of the Board of Selectmen (BOS). The BOS appointed its members. Mr. Spaulding then addressed Chairman Nichols, reiterated his complaints and asked him what he and the BOS members would do. Chairman Nichols told Spaulding that a letter would be drafted and sent to the Planning Board members instructing the Board to meet monthly and advising them of their obligations. He stated the BOS had little authority over a volunteer board. Mr. Spaulding repeated his complaints to Chairman Nichols. He asked for clarification of the steps the BOS would do to correct the situation. Chairman Nichols reiterated the action the BOS would take.

Selectman Fratzel spoke in favor of Mr. Spaulding's statements and demand of the Planning Board. He gave his opinion on the subject.

Selectman Hoyt asked the Chair if the members of the Boards could be given a copy of the publication sent to new BOS members (by Primex or the NH Municipal Association) on their duties and responsibilities. He had received one as a new BOS member. He suggested holding training or bi-annual training for the Chairs and Vice Chairs of the Town Boards and Committees. Town Manager O'Keefe noted this.

Mr. Spaulding continued his discourse on problems of the Planning Board, informing the BOS that he had been accused of being verbally abusive to four of the Planning Board members. He reminded the BOS members of his belief that he has a Constitutional right under the 1st Amendment to use any language he wanted (he cited court cases which he claimed protected this right).

Public forum was closed.

COMMUNICATIONS:

Selectman Wilmot had nothing to share at this time.

Selectman Kessler had nothing to share at this time.

Selectman Hoyt had nothing to share at this time.

Selectman Fratzel had nothing to share at this time.

Chairman Nichols reminded the public of the Presidential Primary on Tuesday, February 9, 2016. Polls would be open from 8 a.m. to 7 p.m. Board members reminded the public that they needed photo identification to vote and that Newport residents could register at the polls in Newport on February 9, 2016. Residents needed something that proved they lived in Newport such as a utility bill with their name and local mailing address on it, etc.

Chairman Nichols also reminded people of Newport's 100th Winter Carnival to be held from February 5-14, 2016.

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

INFORMATIONAL:

HeartSafe Community Award Presentation

Captain Carleton gave an explanation to the BOS and public about the New Hampshire HeartSafe Community Award. He listed the items that Newport had had to accomplish to become eligible for it. He then introduced Nick Mercuri, Bureau Chief of the New Hampshire Bureau of Emergency Medical Services (NHBEMS); Bill Wood, Preparedness Coordinator of the NHBEMS and Nancy Vaughan of the American Heart Association.

Mr. Mercuri awarded the Newport EMS with a letter of congratulations for its achievement. He stated that Newport was the twenty-fourth community in New Hampshire to receive this distinction.

Mr. Bill Wood read a letter of commendation from the Department of Safety. He also congratulated Newport's EMS for their achievement.

Ms. Nancy Vaughan read a Certificate from the American Heart Association to the Town of Newport which proclaimed and congratulated the achievement by Newport's EMS.

Mr. Mercuri, Mr. Wood and Ms. Vaughan then presented Captain Carleton with an official ceremonial sign which designated Newport as a HeartSafe Community. Addressing the BOS members, Mr. Mercuri stated that communities posted the signs in a prominent location to remind the public that they were in a

HeartSafe Community. Mr. Mercuri, Mr. Wood and Ms. Vaughn congratulated the Newport EMS, BOS and the Town of Newport.

Chairman Nichols thanked Mr. Mercuri, Mr. Wood and Ms. Vaughn for attending the BOS meeting and their presentation.

ACTION ITEM:

Authorization to use Town Common and Permit to consume alcohol-Brewfest 2016

Mr. Steven Smith, member of the Newport Area Chamber of Commerce Board of Directors, gave an overview of the proposed plans for a Brewfest (fundraiser) to be held on the Common the day of Chamber Day. He stated that he was before the Board for its approval to hold their 3rd annual Brewfest. He explained the first step the Chamber had to follow was to go before the BOS and get permission to have alcohol on the Common. Mr. Smith told the BOS that the Brewfest had been very successful. They were asking for the following: to hold the function on June 18, 2016 and to extend their hours to 11-4pm in order to close up and clean up within their allotted time.

Selectman Hoyt stated that it was the third year they were requesting this on the Common. It was in a specific area on the Common. It was a gated and controlled event. Individuals were hired to check ids.

Selectman Wilmot asked how many tickets would be sold. Mr. Smith stated he would be requesting approval to sell 300 tickets.

Town Manager O'Keefe stated that Police Chief Burroughs had requested that the Chamber pay for and have a detail officer as well as provide an identification checker. Section 20-3 of the Town Ordinance related to Control and Use of Alcoholic Beverages required the BOS to authorize the permitting of alcohol at the location.

Chairman Nichols asked for a motion.

On a motion by Selectman Kessler, seconded by Selectman Wilmot; *the Board voted to approve the Chamber of Commerce request to hold a Brewfest on Chamber Day, June 18, 2016, on the Town Common between the hours of 11 a.m. and 4 p.m. not to exceed 300 tickets sold, with the permit to be written by the Newport Police Chief and presented to the Chairman of the Board of Selectmen for signature. With the express understanding that it is being given for the promotion of the businesses in downtown Newport. The motion passed 5-0-0.*

The Chair congratulated Mr. Smith.

INFORMATIONAL:

Review of Fire Department Mutual Aid Agreements

Town Manager O'Keefe stated that he had provided the BOS at a previous meeting with mutual aid agreements for the members to review. Fire Chief Conroy was in attendance to discuss them with the BOS. Chairman Nichols acknowledged Chief Conroy and indicated the agreements the BOS had before them. Explaining further, he stated there was an overriding State agreement that the Town currently used. The Chair asked the reason for the confusion. There was a short discussion with Chief Conroy concerning the different agreements.

Fire Chief Conroy explained that the agreements did not expire, thus the reason for the "old" agreements the BOS had been given. He listed the mutual aid agreements that were currently valid with the Newport Fire Department: Kearsage Mutual Aid (twenty five towns were part of Kearsage), Southwest Mutual Aid (eighty towns were a part of Southwest), Cold River Mutual Aid Fire Chiefs Association, the NH

Federation of Mutual Fire Aid Associations and the Division of Forests and Lands (which would take charge if there was a major forest fire).

Addressing the BOS, Fire Chief Conroy explained that in 2001 the State of New Hampshire revamped the mutual aid system in the state, and they established agreements as "pacts" or "mutual aid associations". By using the NH Statewide Fire Mobilization Plan it covered all cities and towns departments. Fire Chief Conroy emphasized to the BOS members that without mutual aid small towns such as Newport would not survive (they would not be able to fight large fires with the small number of personnel and limited equipment available). Because of the agreements the Newport Fire Department participated in, the Department was able to call other towns and cities for extra manpower and necessary equipment.

Newport personnel actively participated in every agreement Newport joined. Because of this participation, Newport personnel had trained on various equipment that other cities and towns had. The Department was aware of specialized equipment and its location.

Fire Chief Conroy relayed their involvement of the recent gas leak incident in Keene, NH. He stated that it emphasized mutual aid and its importance. Addressing Selectman Wilmot, Chief Conroy stated that the Selectman had seen Claremont mutual aid in action. Returning to the entire Board he explained Newport's use of the Fire Departments' mutual aid system.

Chairman Nichols addressed Fire Chief Conroy and asked, for clarification; if the Fire Department now worked under the State mutual aid agreement, "NH Federation of Mutual Aid Associations". Fire Chief Conroy stated that was correct.

There was a short discussion among the Board members about the similarities between the Public Works Mutual Agreement and the Fire Department's. Fire Chief Conroy stated they were basically similar - the Fire Department's covered the entire state.

Fire Chief Conroy again stressed the importance of mutual aid, citing the North Main Street fire. Due to the mutual aid system the Newport dispatch knew where they could acquire two additional ladder trucks. Fire Chief Conroy again addressed Selectman Wilmot as well as Chairman Nichols and expressed that they were aware of the importance of mutual aid.

Chairman Nichols acknowledged Selectman Hoyt. Selectman Hoyt addressed Fire Chief Conroy and questioned the Municipal Agreement that the BOS members recently signed for the Highway Department vs the Mutual Aid Fire Department Agreement. His concerns included insurance costs and replacement of (fire) equipment. Fire Chief Conroy stated he had never had to challenge them. He would get an answer for the Selectmen. Chief Conroy and Selectman Hoyt had a discussion on responsibilities by participating fire departments.

Selectman Hoyt then asked what the cost was for participation in the mutual aid agreements. Fire Chief Conroy broke down the costs for him. Selectman Hoyt then asked about previous costs to mutual aid organizations. Fire Chief Conroy explained them all. Selectman Hoyt then asked if Newport had policies on fire department mutual aid. He stated he believed state law required policies (he cited state RSAs). Fire Chief Conroy stated the Newport Fire Department did have policies.

Town Manager O'Keefe asked for clarification on whether the mutual aid agreement from 1971 was no longer in effect. Fire Chief Conroy stated that it was in effect but not used. He stated that the BOS could vote at the February 1, 2016 meeting to terminate them. Fire Chief Conroy could not terminate them without the BOS permission. For clarification, Town Manager O'Keefe reiterated asking whether the mutual aid agreements were current and whether the State Mutual Agreement would override all the individual ones. Chief Conroy concurred to both questions.

Selectman Fratzel asked why the Cold River Area Fire Chief's Association agreement from the 1970s was not in the State agreement. Fire Chief Conroy stated that the State agreement had been written before Cold River was established. Selectman Fratzel then addressed Town Manager O'Keefe and asked if the RSAs could be compiled to check the liability issues to make sure the Town was properly covered. He also requested that the current agreement file be culled.

Fire Chief Conroy stated that the Town Manager would have to approve the removal of the old agreements; he could not do it without permission or direction.

Selectman Fratzel stated that he would like to see how the different agreements were being used by Newport; how Newport benefited and what obligations Newport had to other communities. He asked for information.

There was general discussion among the Selectmen concerning the various mutual aid associations.

Selectman Wilnot addressed Fire Chief Conroy and asked about Newport going to Windsor or Springfield, Vermont. He asked if Newport would go, and under which mutual aid agreement would Newport be covered? Chief Conroy listed the two mutual aid agreements they would be under. He stated if they were asked to go, they would go.

Selectman Fratzel asked Fire Chief Conroy how the Selectmen could learn what cities and towns belonged to the different mutual aid associations. He stated he had an issue with Newport going into Vermont. He wanted to ensure that Newport was covered. He stated that the BOS had to look at liability, not just mutually aiding a community in need.

Fire Chief Conroy addressed Selectman Hoyt and the BOS and stated that the term 'agreement' was now obsolete. The term 'pact' or 'association' was now being used in documents. Selectman Hoyt voiced his concerns on the provided pacts and agreements.

Selectman Kessler and Fire Chief Conroy stated that the documents in question fell back on the State documents and RSAs.

Town Manager O'Keefe stated he would look into it and get some clarity for the BOS members. Chairman Nichols stated they would continue the conversation in the future. He thanked Fire Chief Conroy.

Update on the Oak Street Bridge

Town Manager O'Keefe provided the BOS with an update on the Oak Street Bridge. Following the January 18, 2016 BOS meeting, during which the Town's project engineer provided information on the poor condition of the bridge, he and department heads discussed safety concerns the following day and conveyed the Town's concerns to the Department of Transportation (DOT). The DOT sent a bridge inspection report of the Oak Street Bridge conducted in October 2015. The report indicated that some changes needed to be made to ensure the safety of the bridge. Newport was given two choices: 1. Reduce the load limit or 2. Block off the bridge to have one lane of traffic. He explained the decision to have only one lane of traffic on the bridge. Selectman Kessler asked, for clarification, if the State had held the report for two-three months before releasing it to the Town (on request of the Public Works Director). Town Manager O'Keefe stated that was correct. He then stated that Newport was now up-to-date with the DOT recommendations for the bridge. At the BOS meeting on February 15, 2016 a follow-up meeting is scheduled at which time they will go into greater detail on the alternatives for the bridge. Town Manager O'Keefe stated he anticipated they would have a price on the project. He listed the participants in the presentation.

2017 Budget review and discussion

Town Manager O'Keefe stated that the budget had been timely issued to the BOS on Saturday, January 30, 2016. He distributed additional information to the BOS. Town Manager O'Keefe gave a general overview of the budget and tax rate. He then stated the BOS, Town Manager and Finance Director could go over the first parts of the budget: general government, executive, election, finance, property, revaluation and legal. He wanted to provide a schedule for the BOS budget review meetings with departments and would speak to the Department Heads, verify dates with them to come before the BOS and email the dates to the BOS members.

Selectmen asked questions on paving, new staff, the default budget, reduced revenue in the Town, liability, Town auditors, the new Town contracted computer IT, the Tax Department personnel as well as revaluation and legal expenses. Town Manager O'Keefe and Finance Director Brown answered them all.

Town Manager O'Keefe stated that on Monday, February 8, 2016 at 6:30pm the BOS would hear from Public Safety. He then listed the dates of the other Budget meetings: February 11, 15, 18, 22 and 29. Meetings would start at 6:30pm. Chairman Nichols confirmed that the calendar dates had been emailed to the Selectmen.

Selectman Fratzel requested a complete list of overtime by department and then broken down by employee in the individual departments before meeting with them. He requested the same documentation (duration) as the previous budget season. He explained. Town Manager O'Keefe stated that he would have this information assembled for the Board

The BOS concluded its review and discussion of the 2017 Budget.

Primary Election

Chairman Nichols addressed the BOS members and asked for volunteers to oversee the polls at the February 9, 2016 primary election. Chairman Nichols and Selectman Hoyt would oversee the polls from 8 a.m. to 4 p.m. Selectman Fratzel would be at the polls at noon or as was needed. Selectmen Wilmot and Kessler would oversee the polls from 4 p.m. until the end of the balloting. Chairman Nichols addressed the BOS and stated if they were not at the polls they would need to be near a phone so the onsite BOS members could contact them. If a vote was challenged the Board had to meet pursuant to state RSA.

APPOINTMENTS: none

NON-PUBLIC SESSION(S):

On a motion by Selectman Fratzel, seconded by Selectman Hoyt; ***the Board voted by roll call to enter into non-public session (NPS). Non-public session(s) pursuant RSA 91-A:3, II (d) Consideration of the acquisition, sale, or lease of real or personal property, and RSA 91-A:3, II(a), Personnel Matters. The motion passed 5-0-0.***

The BOS entered NPS at 8:20 pm, pursuant to RSA 91-A:3, II (d) Consideration of the acquisition, sale, or lease of real or personal property. Present were the Board members Gary Nichols, Todd Fratzel, William Wilmot, Jeffrey Kessler and David Hoyt, and Town Manager Shane O'Keefe.

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 8:25 p.m.***

On a motion by Chairman Nichols, seconded by Selectman Kessler; *the Selectmen voted by roll call to seal the minutes of the non-public session. The motion passed 5-0-0.*

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; *the Board of Selectmen voted by roll call to enter into non-public session (NPS) pursuant to RSA 91-A:3, II(a), Personnel Matters. The motion passed 5-0-0.*

The BOS entered NPS at 8:26 pm. Present were the Board members Gary Nichols, Todd Fratzel, William Wilmot, Jeffrey Kessler and David Hoyt, and Town Manager Shane O'Keefe.

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 8:27 p.m.*

The Board did not vote to seal the minutes.

INFORMATIONAL:

Communication matters

Selectman Wilmot inquired about protocols for use of individual Selectboard email addresses. The Board discussed this matter.

There was a discussion regarding training of Town officials and staff on the New Hampshire Open Meeting Law (RSA 91-A).

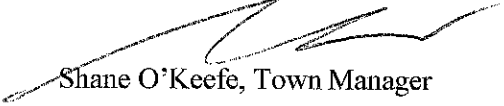
There was a discussion about offensive language at public meetings, and conduct of meetings in general by Boards and Committees. The issue of volunteers being offended and possibly resigning due to offensive language was considered. O'Keefe was asked to forward to the Board members a link to the video of the January 26, 2016 Planning Board meeting.

ADJOURNMENT:

There being no further business in the public meeting, on a motion by Selectman Wilmot, seconded by Selectman Kessler; *the Board voted to adjourn at 8:42 pm.*

The next meeting of the Board of Selectmen (budget review) is scheduled for Monday, February 8, 2016 at 6:30 p.m.

Respectfully submitted,


Shane O'Keefe, Town Manager

Approved on February 15, 2016


Maura Stetson, Scribe

Town of Newport, New Hampshire
Board of Selectmen

Non-Public Meeting Minutes #2 – February 1, 2016

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; *the Board of Selectmen voted by roll call to enter into non-public session (NPS) pursuant to RSA 91-A:3, II(a), Personnel Matters. The motion passed 5-0-0.*

The BOS entered NPS at 8:26 pm. Present were the Board members Gary Nichols, Todd Fratzel, William Wilmot, Jeffrey Kessler and David Hoyt, and Town Manager Shane O'Keefe.

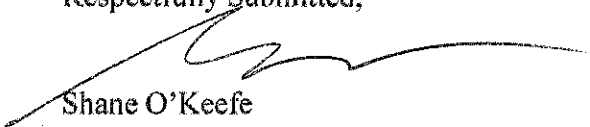
Performance Evaluation

Town Manager O'Keefe distributed to each Selectboard member a copy of his written response to the Board's December 21, 2015 evaluation of his job performance to date. He invited the Board members to review the response at their leisure and said that he would be available at any time to discuss it further should the Board so choose.

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 8:27 p.m.*

The Board did not vote to seal the minutes.

Respectfully Submitted,



Shane O'Keefe
Town Manager

Approved on February 15, 2016