

TOWN OF NEWPORT, NEW HAMPSHIRE
Board of Selectmen Minutes of October 17, 2022
Regular Business Meeting, Municipal Building, 15 Sunapee Street, Newport, NH 03773
Remote Access: Zoom.com - Meeting ID: 897 5187 9233 Passcode: 480207
+1 (253) 215-8782 US (audio only, long-distance fees may apply)

SELECTMEN PRESENT: *BOS Room:* Jeffrey Kessler, Chairman; Barry Connell, Vice Chairman; Herbert Tellor, Jr.; Keith Sayer

SELECTMEN ABSENT: James Burroughs

STAFF PRESENT: *BOS Room:* Hunter F. Rieseberg, Town Manager; Paul Brown, Finance Director

COMMUNITY MEMBERS PRESENT: *BOS Room:* Bert Spaulding, Sr.; Josh and Allyssa Stevens; Dick Wentzell

NCTV: John Lunn, NCTV

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

AGENDA REVIEW: After a discussion by the Board members MOVE: Open Forum to after Action Items on agenda (Kessler)

MINUTES FROM PREVIOUS MEETING(S): October 3, 2022 - After a lengthy discussion by the Board members and the recording secretary, the recording secretary was directed to review the minutes of October 3, 2022. The minutes were tabled to the November 7, 2022 meeting.

CONSENT AGENDA: On a motion by Selectman Connell, seconded by Selectman Tellor; *the Board voted to approve the Consent Agenda of the October 17, 2022 BOS meeting as presented. The motion passed 4-0-0.*

INFORMATIONAL: Community Center Update - Chairman Kessler stated the Town was continuing to apply for grants. \$7.7 million is committed to the Community Center. The construction estimate is still \$8.5 million.

- ❖ Town Manager is looking to apply for \$1 million of Governor's Office for Emergency Relief and Recovery (GOFERR) federal funds through the state.

- ❖ Town Manager Rieseberg got a quote for the cost (\$1 million) of adding an elevated walking track to the current Community Center proposal.

- ❖ Town Manager Rieseberg will meet with the building architect, the Rec Advisory Committee, Friends of Rec and the Building Committee concerning the change in the structure to include an elevated walking track.

The intent, with the approval of the Board, would be to put the Community Center contract out to bid this December 2022-January 2023. There was a brief discussion on the proposed walking track. Selectman Connell asked when the Town will know they were awarded the "Shaheen money" (4.78 million dollars). It was not known (as late as 2023).

Board of Selectmen November 8, 2022 poll coverage - Chairman Kessler said that the General Election is on November 8, 2022. Selectmen are required to attend as a quorum. The Selectboard was asked to contact Town Manager Rieseberg with their available coverage times.

Property Tax Deed - The Selectboard, Town Manager Rieseberg and Finance Director Brown reviewed nine properties that are delinquent in their taxes. They reviewed the properties and those that Finance Director Brown recommends the Town take. When acknowledged, Mr. Spaulding, Sr. made a RSA 91-A Right to Know request for all documents on the Property Tax Deed listings. Town Manager Rieseberg asked for a clarification of the Right to Know request. He suggested the Selectboard reconsider having all future 91-A requests in writing. Town Manager Rieseberg asked if he (Mr. Spaulding, Sr.) wanted documents on all the properties they discussed at the meeting. Chairman Kessler said he believed Mr. Spaulding, Sr. wanted all documents from the whole list. Addressing Chairman Kessler, Mr. Spaulding, Sr. said he was correct (property documents of the whole list). Mr. Spaulding, Sr. informed Chairman Kessler that a 91-A request has to reasonably describe the information requested (not written). Finance Director Brown asked Mr. Spaulding, Sr. if he would like to review documents before they were copied. Mr. Spaulding, Sr. asked that all documents be sent to him electronically. Mr. Spaulding, Sr. addressed Chairman Kessler and offered \$1 for the Chandler Mills property. Chairman Kessler stated the Town had not taken the property; they could not make a decision.

Budget Objectives - Chairman Kessler asked the Board members to give directions for budget objectives for the upcoming fiscal period. He said that the Town should get the results from its, "Wage and Classification Study". It might mean adjustments to payroll. He told the Board historical things that the town manager has done.

➤ Selectman Connell recommended that as the (Town) budget is prepared, that they be aware of things the School is doing (budgeting).

Chairman Kessler asked when the School will publicly provide their Budget for the upcoming year. He stated there needed to be new equipment at the Town Highway Garage; the Town is up to date with its infrastructure. Town Manager Rieseberg stated the need for equipment in the Public Works department.

Tax Billing - Finance Director Brown spoke to the projected tax rate and billing. Tax bills will be sent out in November 2022 before Veterans Day. They will be due after the first week in December 2022. Mr. Spaulding, Sr. informed the Board that townspeople do not understand the tax rate versus assessment.

Board and Committee Vacancies - Chairman Kessler read aloud a list of full and alternate member vacancies for the Town Boards and Commissions. He asked that interested townspeople contact the town manager's office for details.

ACTION ITEMS: Consideration of 79-E Community Revitalization Tax Relief Incentive Application - Mr. Jon Livadas, applicant, attended the meeting via zoom. There was a discussion on what the incentive program is and the use of the 79-E tax relief incentive for property owners (as adopted at 2018 Town Meeting). Mr. Livadas said that part of the application requests a timeline. It is his understanding the BOS can adjust it. The base abatement is five years. Reading aloud from the 79-E fact sheet, Mr. Livadas explained the Selectboard had the authority to extend his abatement to thirteen (13) years. When acknowledged, Mr. Dick Wentzell expressed concerns on the renovation of the mill. Chairman Kessler addressed Mr. Wentzell and explained that his questions should be addressed at a Planning Board or Zoning Board meeting. Selectman Connell made a motion *to accept the 79-E application for the Dexter Richards & Sons Woolen Mill and that the Selectboard move forward with a public hearing within 60 days*. It was seconded by Selectman Tellor. *The motion passed 4-0-0.*

Accept and expend Office of Highway Safety Grant - After a brief discussion, Selectman Connell made a motion *to accept and expend the Office of Highway Safety Grant in the amount of \$9,218.91*. It was seconded by Selectman Sayer. *The motion passed 4-0-0.*

Appointment to Planning Board; Michael Luccio - Selectman Tellor made a motion *to appoint Mr. Michael Luccio as a Full Member to the Planning Board with a term to expire in June 2024*. It was seconded by Selectman Connell. *The motion passed 4-0-0.*

Vote for Posting of Warrant for General Election - Selectman Connell made a motion *to sign and post the Warrant (ballot) for the General Election (November 8, 2022)*. It was seconded by Selectman Tellor. *The motion passed 4-0-0.*

OPEN FORUM: (for the entire open forum, go to: www.nctv-nh.org) - Mr. John Streeter addressed the BOS and introduced himself as a candidate for House Representative for District #3. He gave a synopsis of his political history and platform. He encouraged people to vote at the General Election on November 8, 2022. Every vote counts. When asked, Mr. Streeter said he was running on the Democratic Ticket.

Mr. Dick Wentzell addressed the BOS and stated concerns he had on Town documents. He asked that they answer and act on his concerns. Town Manager Rieseberg gave historical information to the Board on some of Mr. Wentzell's concerns.

Mr. Spaulding, Sr. requested answers to the same questions posed in previous meetings concerning the Public Works Department's actions.

1. Sand Hill Bridge - He read aloud all bidding requirements from the NH Municipal Association Contracting 101. It explained how all bidders must be treated fairly in the bidding process. He addressed the Selectboard and stated the Town had not granted the contract to the lowest bidder (bid granted was \$100,000 more). Mr. Spaulding, Sr. made a Right to Know request for all documents between the Town of Newport: Highway Garage Superintendent, highway garage personnel or anyone else who communicated with the DOT on the Sand Hill Bridge i.e. the Town Manager or the Board of Selectmen and all documents exchanged with the NH Department of Transportation in Concord, NH on the Sand Hill Bridge construction approving the bidder.

2. The Sand Bids - The Sand Bids had a time limit. He asked why there was a time line for opening bids. Are there implied duties that involve all contracts in NH? Mr. Spaulding read aloud the answer from the NH Municipal Association to work in "good faith and deal fairly..." He asked for answers on the awarding of the contract.

(From minutes of October 3: *He (Mr. Stevens) passed out and explained documentation he had received from the Newport Public Works Department. Three companies had received bid packets. KA Stevens was on the Town list of potential contractors for two years; they were not invited to bid in 2022. He asked the Board if there was a reason for his company not to be included in the bid process.*)

(From the minutes of October 3, 2022: *Chairman Kessler stated Town Manager Rieseberg has spoken to the parties involved. Some errors have been made by the Highway Department.*)

(From the minutes of October 3, 2022: *Town Manager Rieseberg cautioned the Board on action. He will discuss the information in nonpublic session because it dealt with personnel.*)

3. Culvert on Chandler Mills Road - Mr. Spaulding, Sr. said the culvert was plugged and had been for years. He explained the poor condition of the culvert. The Town Manager and Public Works Director had looked at it and did not note it. He asked that the BOS think about what is really being done to improve the Town roads.

4. Exit interview - Mr. Spaulding, Sr. said they stated it was not in the BOS purview. The Town Manager accepted employees leaving. It would be better for the BOS to review (town manager) notes and questionnaires for information (personnel or policy problem). He listed problems in the departments and asked the Selectboard to solve the problems.

After discussion, Mr. Spaulding, Sr. told Chairman Kessler not to try to restrict his 1st amendment rights. As to the allegations concerning sand bids, Mr. Spaulding, Sr.'s information would not be given to the

town manager because it would be “whitewashed”. Town Manager Rieseberg stated that if the bidding process in Newport was deliberately erroneous it would be acted upon. He has not heard any information that tampering has happened. Mr. Spaulding, Sr. told Town Manager Rieseberg it was his responsibility to find out what happened. Concluding, he said that there is something really wrong at the Highway Garage. There was a general discussion on Mr. Spaulding’s concerns.

5. Coon Brook Bridge - Mr. Spaulding, Sr. thanked the Town for removing the 6 ton posting one year after putting it up; with no explanation of why they were put up.

Mr. and Mrs. Stevens returned to the Selectboard for a third time and requested answers to the same questions posed in September and October. They again asked for answers for the Selectboard to explain:

1) The Coon Brook Road Bridge posting.

➤ Mr. Stevens originally asked why it was posted.

➤ He now wanted to know why the posting sign had been taken down without any explanation.

The posting reason conflicted with the state’s evidence he had brought to the Board.

There was no reason (from the Town) for the posting or removal of the posted sign. He asked for an explanation. Town Manager Rieseberg stated he did not know the topic would be brought up at the October 17, 2022 meeting. He was not prepared to speak on it. Town Manager Rieseberg stated he believed there was confusion between posting of the bridge and posting of the road. The posting was for the road. He said that the Public Works Director had the responsibility of posting bridges and roads to lower weight limits. Mr. Stevens said they have been at more than three BOS meetings with these (same) concerns. They have met with him (Rieseberg) about the concerns. He questioned why, if Town Manager Rieseberg knew the Public Works Director could change weight limits arbitrarily without any knowledge from him (Rieseberg) or the Board, he did not inform the Stevens? There was a lengthy discussion on the Stevens concerns on the wrong posting of the bridge and road. Mr. Spaulding, Sr. stated that one person should not have the right to change the life of all the people who do business with the (Stevens) pit. Mr. Spaulding, Sr. said that Town Manager Rieseberg needed to find out the answers as to why this was done (and bring them to the Board). There was a pointed discussion on the fact that the lowered load limit was specifically for the bridge. Town Manager Rieseberg stated he would not debate the issue at the meeting. He had copious notes on the bridge and the posting; that was all he could tell them. Mrs. Stevens said they have received conflicting information at the October 17th meeting. Town Manager Rieseberg has stated the 6 ton limit was for the road; they (all) have said right along it was for the bridge. Mrs. Stevens asked if the 6 ton load limit sign was for the road and not the bridge, why had they and others been able to travel on Coon Bridge Road to their pit. Town Manager Rieseberg said the two were interrelated. He had details about concerns and the intent to preserve the life of the road and bridge. Chairman Kessler stated the bridge is now E2. The road and bridge were both fine. Town Manager Rieseberg said it was not necessarily true. The Public Works Department will do a methodical systematic approach to evaluate all town roads. Chairman Kessler stated that any road that needed posting would be done in a timely fashion.

Mrs. Stevens reminded the Board of the pictures the Stevens had shown of the recent reconstruction of the road they had done with the help and support of all the abutters. Mrs. Stevens informed the Board that the road in question (Coon Brook Road) was beautiful. She found it unbelievable that there would be an assessment done on the (new) road and that Mr. Rieseberg would consider closing the road or posting it 6 tons. She asked what is going on. They have come to the Selectboard week after week posing their issues and questions for answers from the Board. They have received nothing. Mr. Rieseberg has stated repeatedly that he was not prepared.

(From the September 19, 2022 minutes: Town Manager Rieseberg stated it was the first time he has heard of this. He asked that the subject be postponed to the October 3, 2022 meeting when he will bring an update on the concern.)

(From the October 3, 2022 minutes: Town Manager Rieseberg stated he did not know the topic would be brought up at the October 3, 2022 meeting.)

October 17, 2022. *Town Manager Rieseberg stated he did not know the topic would be brought up at the October 17, 2022 meeting. He was not prepared to speak on it.*

Mrs. Stevens asked what the reason was for the sign to be put up (if it was safety, there would be a report). Mrs. Stevens said that things seemed fishy. There have been a number of items (that happened) against KA Stevens. She listed the many examples they had brought to the attention of the Selectboard of practices against them since April 2022 involving the same people (posting of the Coon Brook Bridge, bid of Sand Hill Bridge, sand bids for Newport, Street Opening Bond, inspection and evaluation of the Coon Brook Bridge). They have asked for answers and for the Selectboard's help. She said they get no answers and the (Town Manager) stories keep changing every meeting. She said now an assessment of Coon Brook Road, a new road, was required. She said that if they do it on Coon Brook Road, they better do it on the roads used by other trucking companies (Carroll Concrete, United Construction). Mr. Stevens told the Board that they originally came with questions. They wanted to know what was going on. They left and returned hoping for the answers. At the September 19, 2022 and October 3, 2022 meetings they wanted to know why the signs (postings) were up. They were in attendance again (October 17, 2022) for the same reason. They have received no answers. The statements made by the Town Manager were bogus. He asked what will happen in the spring when they have a waiver for the road and their responsibilities to it. Based on the information at the meeting, he assumes that their pit and road will be shut down.

Town Manager Rieseberg informed the Board that he prepares in detail for items on the agenda. This has not been on the agenda. Public Works has been told to systemically investigate roads before any change. He continues to interview people about any wrongdoing at Public Works. He has answered the Stevens questions. Chairman Kessler asked the Stevens why they have not come to the BOS meeting sooner. Mr. Stevens stated it has taken this long to correctly work through the appropriate channels. The Public Works Director said they were handling it. Nothing was done. The reason they were here was because of things that have transpired. He has presented documentation on the bridge to all the Board members. Town Manager Rieseberg said we (Stevens) haven't; that is not correct (we have). We have asked our questions very politely, have come to three meetings. This is nothing new. He (Stevens) had requested being put on the agenda for the Sand Hill Bridge and was denied. He is therefore at the meeting (in Open Forum). After a brief discussion, Mr. Stevens repeated to the Board that he had requested to be put on the agenda and he was denied. Mr. Stevens said he wanted to be on the (BOS) agenda.

Mr. Spaulding, Sr. informed the entire Board and public that items get put on the agenda as the Chair and Town Manager want. Town Manager Rieseberg said that he does not set the agenda. Chairman Kessler said that he does; example: he took the School off the BOS agenda (August 15, 2022). Town Manager Rieseberg informed the BOS of policies he has asked the Public Works Director to establish and use. He welcomed any information that would help him to solve the problems and answer concerns.

Chairman Kessler stated he did not have an answer about the posting of the bridge for them. He had no knowledge about the condition of the bridge or road. He expected the road to remain open until they (Town) heard from the state. Addressing the question of mud season; getting the aggregate out of their pit was vital to the communities that need it. Mr. Stevens addressed Chairman Kessler and stated he hoped they (Stevens) were as vital as any other pit that sold sand and gravel. He hoped that the same 'evaluation' would be done for all (of them). He thanked them for their time.

Selectman Connell addressed the Stevens and informed them; they had brought it up and made the Selectboard very aware of it. For him there is now a vigilance on his radar. He will be very upset if in the future he sees the road posted for a 6 ton limit without following the Stevens expectation.

Town Manager Rieseberg addressed the Board and asked for specific questions to ask the Public Works about the 'event'. He claimed no knowledge of what has happened with the Stevens and explained his response to the concerns. Town Manager Rieseberg stated he has not seen anything malicious happen. When asked, the Board members discussed their opinions, understanding and knowledge on the subject. It would be discussed out of Public Session.

COMMUNICATIONS: Selectman Tellor had nothing to share at this time. Selectman Connell had nothing to share at this time. Selectman Sayer had nothing to share at this time. Chairman Kessler had nothing to share at this time. Town Manager Rieseberg had nothing to share at this time.

On a motion by Selectman Connell, seconded by Selectman Sayer; ***the Selectmen voted by roll call to enter into non-public session (NPS) pursuant to RSA 91-A: 3II(e)Litigation and RSA 91-A:3 II (c) Personnel at 9:48 p.m. The motion passed 4-0-0.***

Present were Selectboard members Jeffrey Kessler, Keith Sayer, Herbert Tellor, Jr.; and Barry Connell. Town Manager Hunter Rieseberg was also in attendance.

On a motion by Selectman Tellor, seconded by Selectman Connell; ***the Board exited non-public session at 10:56 pm.*** All were in favor.

On a motion by Selectman Connell, seconded by Selectman Sayer; ***the Board voted unanimously to adjourn at 10:56 p.m. The motion passed 4-0-0.***

Respectfully submitted,



Maura Stetson, Scribe

The next regular meeting of the Board of Selectmen is scheduled for November 7, 2022 at 6:30 p.m.

Approved on: November 7, 2022