

TOWN OF NEWPORT, NEW HAMPSHIRE
Board of Selectmen Minutes of December 5, 2022
Regular Business Meeting
Municipal Building, 15 Sunapee Street, Newport, NH 03773
Remote Access: Zoom.com - Meeting ID: 829 5291 9637 Passcode: 900805
+1 (253) 215-8782 US (audio only, long-distance fees may apply)

SELECTMEN PRESENT: Jeffrey Kessler, Chairman; Herbert Tellor, Jr.; James Burroughs, Keith Sayer, Barry Connell, Vice Chairman

SELECTMEN ABSENT: none

STAFF PRESENT: *BOS Room:* Hunter F. Rieseberg, Town Manager; Allison Browning, Newport Economic Development Coordinator

COMMUNITY MEMBERS PRESENT: *BOS Room:* Bert Spaulding, Sr.; Dick Wentzell, Scott McCoy, Christy Whipple, Kurt Minich, Geraldine Black, Mary Schissel, Mary Kate Menard, Doug Ring; *via zoom:* Brenda Burns, Christine Brenner

79-E APPLICANT (via zoom): Jon Livadas

NCTV: John Lunn, NCTV

**Due to the poor quality of the audio provided;
parts of the following transcription might be inaccurate or have information missing.
M. Stetson**

CALL TO ORDER: Chairman Kessler called the meeting of the BOS to order at 6:30 p.m. followed by the Pledge of Allegiance (For full meeting, go to: www.nctv-nh.org).

AGENDA REVIEW: Remove Action Item: Review, Accept & Approve Transportation Alternatives Program Project Agreement and to Authorize Town Manager as Signatory (Kessler)

PUBLIC HEARING: The Board of Selectmen will conduct a public hearing on Monday December 5, 2022 at 6:30 p.m. in the Board of Selectmen Meeting Room, 15 Sunapee Street, Newport, New Hampshire. The Board will gather comments on the Community Revitalization Tax Relief Incentive Program (RSA 79-E) application being submitted by Jon Livadas in regards to the redevelopment of former Dexter Richards and Sons Woolen Mill (Ruger Mill, currently owned by 169 Sunapee Street LLC) property, located at 169 Sunapee Street, Newport NH into multifamily rental apartment. The RSA 79-E Tax Relief Incentive application will also be available for public review and comment on our Town website www.newportnh.gov from November 23, 2022 through December 5, 2022. To receive a copy of or to comment on the application, please contact Newport's Economic Development Coordinator at edd@newportnh.gov.

Chairman Kessler opened the public hearing and read aloud the Public Notice into the record. Town Manager acknowledged Ms. Allison Browning, Economic Development Coordinator and asked her to explain the Community Revitalization Tax Relief Incentive Program (RSA 79-E). Ms. Browning read aloud a prepared statement to the Board and public and explained the 79-E program and stated the information the applicant, Mr. Jon Livadas, would have to show in order to qualify for the program. She said there were handouts of the application for the public to review. Ms. Browning introduced Mr. Jon Livadas who was joining the meeting via zoom and asked him questions. His answers gave an overview of his plans to redevelop the former Dexter Richards and Sons Woolen Mill and the costs (approximately \$20,000,000) that would be incurred (information given in the application available to the public). Before

any questions from the BOS, Mr. Livadas stated that in following the guidelines in the RSA 79-E application, he was requesting 13 years of tax abatement. Chairman Kessler asked Mr. Livadas if he received federal tax credits. He stated yes. Chairman Kessler asked for clarification if it meant he would have to keep up the building and grounds for 30 years. He was told yes. Chairman Kessler asked if there were certain qualification that the building management team had to meet in order to qualify for the tax credits. He was told every contractor had to be approved by the state in order to work on the reproduction. The management company, xxx, was certified to manage apartment buildings of this nature. Chairman Kessler asked Mr. Livadas what his “funding stack” will be, because there was a requirement of 79-E that 50% of his funding came from grants. Mr. Livadas said he had a CDBG (Community Development Block Grant) Grant. Other money is coming from equity sources; therefore, he believed that 50% of his monetary sources are covered. Selectman Burroughs asked if (after the initial abatement) Mr. Livadas will be able to return to the Board for an additional abatement. Chairman Kessler stated that in reading the RSA he believed Mr. Livadas is allowed to (return to the BOS for an additional abatement). There was a brief discussion among the two Selectboard members. Selectman Connell asked if the abatement proposed will be 100% of his taxes or a % of his taxes. There was a discussion between Selectman Connell, Town Manager Rieseberg and Chairman Kessler on the amount of the tax abatement that the Town will be granting. Chairman Kessler asked Mr. Livadas his approximated % of average median income (AMI). Mr. Livadas said the apartments would all be 60%, which equated to \$50,000 to \$80,000 a year. Mr. Livadas explained more about the requirements and proposed amounts. Mr. Wentzell addressed the Board members and voiced his concerns on the project. Mr. Livadas addressed Mr. Wentzell’s concerns. Mr. Minich expressed his concerns to the Board. Selectman Tellor commented on the hearing. Mr. Spaulding, Sr. asked for the number of apartments and bedrooms in each. He was told there are (proposed): 2 three-bedroom apts., 30 studios and 29 single bedroom apts.; equaling 70 apartments. As to the number of children, it will not be known until the residents move in. When asked to estimate, Mr. Livadas stated he would be speaking out of turn if he gave an answer. Mr. Spaulding, Sr. asked for a continuation to a future date in order to get information on the project. He addressed Chairman Kessler with statements about the applicant getting the information requested. Mr. Livadas addressed Chairman Kessler and stated that the project went through Zoning and Planning Board approvals before he acquired it. He believed all questions were answered at those times. Mr. Spaulding, Sr. stated the importance of having answers at a public hearing for financial questions. Selectman Connell spoke concerning the potential number of children in the apartments. He asked Mr. Livadas to comment. Mr. Livadas did not have information. Selectman Connell asked if it could be brought to another meeting. A townspeople asked a question (not caught on tape). Mrs. McCoy spoke about the number of children. There was a discussion between Chairman Kessler and townspeople on the burden of additional school children to the Town. Mrs. Mary Schissel spoke to the funding of the schools. She said this is one small thing; what needed to be changed is the educational funding of the towns on the state level. Mr. Minich stated that the citizens elected the Selectboard to represent the townspeople, not the developers. Chairman Kessler answered Mr. Minich about the Selectboard’s duty. The townspeople voted in favor of 79-E (at Town meeting), which gives the BOS authority to hold the public hearing for the citizens input. They continued discussion. Mr. Ring asked about deadlines for the applicant. Mr. Spaulding, Sr. spoke to Chairman Kessler and compared the proposed project to the Spring Street Project (workforce housing). He said the Selectboard was not working in the community’s interest. He again asked for a continuance of the public hearing. Mrs. Black addressed the Board and spoke to the proposed project, the tax abatement and the working families in Newport. She asked that the Board look at the numbers. Selectman Connell said that he believed the Board needed to get more information to present to the public. Chairman Kessler addressed Mr. Livadas and said he believed the Board would like to see more about his funding stack. He asked for the names of the grants and amounts as well as a potential (historical) number of children. Chairman Kessler asked the Town Manager to find out from the School District (interim superintendent), what the estimated fluctuation in number of students over the course of a year. There was a lengthy discussion between the Board and public on the project. Mr. Livadas stated that he and his group want to work with the Selectboard and the Town. They want to provide homes and they want people to be comfortable with the project. He stated it was not a for profit endeavor. Selectman Burroughs stated that he asked what the impact of the project on Newport would be. Mrs.

Schissel asked if the tax abatement would make or break the project. Chairman Kessler spoke to her question. They spoke further on the project's funding and tax abatement. Town Manager Rieseberg stated the 79-E program was new. Christine Benner addressed the Board and public and stated that a lack of workers is burdening the companies in Newport. She asked that the Board investigate and use this information before making a decision. Other towns and cities are giving better incentives to get housing into their communities. She asked that Newport look carefully before saying no to the project. There were additional questions raised at the hearing. Mr. McCoy asked for the procedure for the public hearing.

Chairman Kessler stated that the hearing would be continued to the next BOS meeting in order to collect the answers to the citizen's questions. No vote would be made at the December 5, 2022 meeting. Mr. Minich asked that the Chairman of the Planning and the Zoning Boards be in attendance to explain the approvals given by their Boards. Chairman Kessler stated that the approvals at their (ZBA & PB) hearings had no bearing on the subject of the hearing before the BOS (tax abatement). There was further discussion among the Board, town manager and public on the redevelopment project. Due to the number of questions raised by the public in attendance, Selectman Burroughs made a motion ***to continue the public hearing to the next BOS meeting (December 19, 2022) at 6:30 p.m. in the Board of Selectmen Room.*** It was seconded by Selectman Connell. ***The motion passed 5-0-0.***

Information for discussion at the continued public hearing will be compiled from residents' concerns. Chairman Kessler thanked Mr. Livadas and the public in attendance for their participation.

MINUTES FROM PREVIOUS MEETING(S): November 21, 2022 - On a motion by Selectman Tellor, seconded by Selectman Burroughs; ***the Board voted to approve the minutes of the November 21, 2022 BOS meeting as presented. The motion passed 4-0-1 (Connell abstained).***

NPS November 21, 2022 - On a motion by Selectman Tellor, seconded by Selectman Burroughs; ***the Board voted to approve the nonpublic minutes of the November 21, 2022 BOS meeting as presented. The motion passed 4-0-1 (Connell abstained).***

CONSENT AGENDA: On a motion by Selectman Connell, seconded by Selectman Tellor; ***the Board voted to approve the Consent Agenda of the December 5, 2022 BOS meeting as presented. The motion passed 5-0-0.***

OPEN FORUM: Mrs. Mary Schissel addressed the Board and asked for the plan to repair the Corbin Covered Bridge after the vandalism that has occurred. When asked by Chairman Kessler, Town Manager Rieseberg said the (Town) staff will be attending to it this week (December 5-9). Mrs. Schissel asked the town manager what they will be doing to repair it. Town Manager Rieseberg stated the staff will be washing it (graffiti) and fixing concrete on the side of the bridge. There was a discussion between the two on the No-Char that had originally been applied to the interior of the bridge as a fire retardant. The Town no longer is applying it as a fire deterrent. Mr. McCoy stated there were two aspects about the bridge: one was the damage done with the graffiti. Has there been any consideration on prevention of further damage (to the bridge) such as surveillance via camera. Selectman Sayer gave a personal experience on vandalism and stated there was nothing anyone could do. Mr. McCoy asked if he could continue. He said that the cameras (surveillance) were opposed in 1994. He explained that there was power at the bridge, all the necessary items needed to install a camera. He stated that it (the vandalism) has been addressed at the airport; there are currently cameras at the airport. The deterrent level of cameras is the best we (town) can do. Mr. McCoy stated he was proposing it and asking if it was something the Board would consider. Chairman Kessler asked Selectman Burroughs for his opinion. Selectman Burroughs addressed the amount of police presence; and said he would be interested in knowing the cost of surveillance cameras for the bridge. Unlike positioning cameras at the cemetery, it is legal to have cameras for the covered bridge. It is one of the town's landmarks and deserves protection. Selectman Connell stated that there has been discussion concerning signage and cameras at the bridge to deter future

vandalism. Ms. Menard addressed the Board and stated she has noticed a lot of trash and material around the bridge area. She has friends who live in Vermont near historic covered bridges. They have found that cameras work to deter vandalism. She relayed that recently there were building materials in the (Corbin) bridge area. Mrs. Black stated the historical use of No-Char. She asked that it again be applied to the bridge. Mr. Spaulding, Sr. gave a brief history of the rebuilding of the covered bridge in 1994. He was concerned to find out that after all the hard work done, the bridge is not protected with No-Char. He asked why; he believed the Town is derelict in its duty (to the bridge). He said the BOS should get the bridge protected (with No-Char). It is cheaper than trying to rebuild (the bridge) and is politically the right thing to do. Selectman Burroughs said there was a fire alarm system in the bridge. After a brief discussion, Mr. McCoy said it was a solvable problem (surveillance and applying No-Char).

Mr. Doug Ring addressed the Board and asked how the Town was doing getting to a full staff in Town departments. Chairman Kessler deferred to Town Manager Rieseberg who stated:

- Highway Town was fully employed
- Building and Grounds was down one position

Mr. Ring asked if there were six positions in Highway. Town Manager Rieseberg stated there were per diem people for backup for the winter. Mr. Ring asked if during the outage and storm the highway department personnel stayed at work or went home. Town Manager Rieseberg could not answer the question. Mr. Ring said there were policemen at barricades instead of working in the community and doing wellness checks of the elderly. He spoke to the problems he saw during the storm and the effect on Newport.

COMMUNICATIONS: Selectman Tellor had nothing to share at this time. Selectman Burroughs had nothing to share at this time. Selectman Sayer had nothing to share at this time. Chairman Kessler thanked all the linemen that came out and got the power on after the Town wide outage and storm. Town Manager Rieseberg had nothing to share at this time. Selectman Connell asked that action item Newport Montessori School-Christy Whipple-Waiver of Fees for Opera House be moved to before Informational Items; Ms. Whipple had been waiting for a long time. Chairman Kessler agreed to the request.

ACTION ITEM: Newport Montessori School-Christy Whipple-Waiver of Fees for Opera House Use - Mrs. Whipple addressed the BOS and asked if they would waive the (Opera House) rental fee for the Montessori School to hold their school's annual Winter Concert. For clarification, Chairman Kessler asked which fees they were requesting to waive. He asked: Rental Fee. Ms. Whipple said yes. Custodial Fee. Ms. Whipple said they have not needed it. Everything is set up; they are in the Opera House approximately 65 minutes. She agreed they did use the rest rooms. Selectman Tellor stated that in the past they have asked for waivers and they have paid a nonprofit fee schedule. He asked if Ms. Whipple was asking for a nonprofit waiver or a total waiver of fees. Selectman Burroughs asked what had been done in the past and said he liked consistency. Chairman Kessler asked the pleasure of the Board. Selectman Connell made a motion *to waive all fees for use of the Opera House by the Newport Montessori School for their performance*. It was seconded by Selectman Burroughs. *The motion passed 5-0-0.*

INFORMATIONAL: Community Center Update - Chairman Kessler stated not much has changed. Newport is waiting for an answer on the \$1 million of Governor's Office for Emergency Relief and Recovery (GOFERR) federal funds through the state. The Town is proceeding with the Center's bid documents. If the Town gets the bids out, we will see what the actual costs are this winter. Selectman Connell addressed Chairman Kessler and stated he was very concerned about congress not backing the (federal) budget. If it is not adopted, Newport is out of luck. The whole project is based on timing and federal money. Town Manager Rieseberg stated he has been directed by the Board to put the project out to bid in January 2023 and begin construction in the spring 2023. Town Manager Rieseberg gave a tentative timeline: Construction to begin in May 2023. The Town will be solvent (with pledged and donated money) until midsummer; at which time the Town will be spending money they don't have. Town Manager Rieseberg said the question for the Board will be what they will do in January 2023 when

they have bids in and a contract waiting to be signed. If it is signed, the Town is contractually obligated for the whole project. The Board will have to decide whether they want to sign without the federal budget and earmarked money being passed and moved through the various committees before being sent to Newport. He said it was a leap of faith. Selectman Connell repeated that he was worried about the passing of the federal budget.

Tax Billing - Chairman Kessler stated the tax bills should go out on Wednesday, December 7, 2022 and will be due on the first week of January 2023. Selectman Sayer asked for an explanation of the tax bills and how many bills he will be paying in 2023.

Overview of Grants - Town Manager Rieseberg gave a list of the large grants the Town has been awarded or is applying for. They were:

- CMAQ (Congestion Mitigation and Air Quality Improvement) \$377,000
- (TAP)Transportation Alternatives Program Grant is pending. Takes years to go through the system. For sidewalks \$750,000
- Department of Energy Grant to replace window and install HVAC (heating, ventilation, air conditioning) in the Town Office building. \$250,000
- LCHIP grant (Land and Community Heritage Investment Program) to replace stage and dressing room doors as well as the bulkhead of the Opera House. \$530,000.
- Replacement of water mains on Unity Road
- Proposed Well in North Newport. Public Comment ends about December 9th. Test phase next. Test in the spring which will be a draw down test for seven days. If there are adverse effects on surrounding properties the project will be revisited: 1) Cancel, 2) Change the parameters and scope of the project; not 450 gallons an hour, (amount the community needs) but a lesser amount that will not damage the surrounding (water) levels. \$3.5 million (is fully funded)
- Airport status (NPIAS)
- Dog Park \$62,000. Waiting for a permit from the state. Project will begin in the spring 2023.
- Dorr Lagoon. State has asked for work to be done. The expenses are 100% reimbursed.
- Riverbend Pump station. Funded 100%. Awaiting contractor/company to build pumps.

Selectman Connell asked if there was a plan to meet with abutters and other people concerning the well. Town Manager Rieseberg stated he has had individuals speak directly to the hydrogeologist. When Selectman Connell asked further, Town Manager Rieseberg believed it would be a good idea to have the geologist come in and do a presentation. He gave an explanation of the Croydon town meeting. He stressed that the meetings were set up by the state, not the Town of Newport. He asked if the Board would like a presentation by the hydrogeologist. Chairman Kessler said it would be a good idea to have one after the first of the year (January 2023). Selectman Connell asked if people had questions before the presentation, they were to contact him (Town Manager Rieseberg). He said yes. Selectman Burroughs asked about the timing of the LCHIP grant. He asked for clarification of the month of May. Town Manager Rieseberg said currently, yes. United Construction got the contract and they will do the work around their schedule. Town Manager Rieseberg said the back entrances of the Opera House will be “compromised” the months of May, June and July 2023. The front entrances would not be affected. Mr. Spaulding, Sr. asked about the state permitting for the dog park. He asked if NH DES would be involved. He was told they would be the ones issuing the permit.

ACTION ITEMS: Tax Abatement; Tax Exempt Status Reinstatement: My Father’s House Ministry - Chairman Kessler stated they missed the deadline to file their tax status. They are asking to reinstate it. After a brief discussion among the Selectboard on the request for a tax-exempt status reinstatement for My Father’s House Ministry; Selectman Connell ***moved to deny the request for tax exemption status reinstatement for My Father’s House Ministry for the current tax year.*** It was seconded by Selectman Tellor. ***The motion passed 5-0-0.*** Selectman Burroughs requested that a letter be sent to the church explaining the procedure for next year (including dates) in order for them to get their paperwork in on time.

Accept Funds from NH Drinking Water & Groundwater Trust Fund for the North Newport Well Development and Authorize the Town Manager as Signatory - Chairman Kessler asked for a motion to accept the funds. Town Manager Rieseberg explained that the grant is contingent upon the Town taking over the well. He explained the Trust's process for the Town to receive the grant money from the NH DWG Trust Fund. Town Manager Rieseberg explained the process for the Town to receive the grant (Bond) money. It was his understanding that the BOS was expressing their support of the program at the December 5, 2022 meeting; nothing more. Continuing, he stated that approving the funds meant they would authorize a Warrant Article (Bond) at Town Meeting (2023) which would be paid by the water users, not in property taxes. If the Town voted it down, the BOS would not be obligated to pay for the grant (nor would they get the grant money). The Selectboard is stating they support the grant and program. Selectman Connell ***moved to support the grant for Congestion, Mitigation and Air Quality Improvement (CMAQ) Grant Application and authorize Town Manager Hunter F. Rieseberg as signatory. The motion passed 5-0-0.***

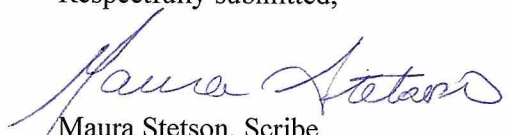
The Board of Selectmen expressed confusion of the motion and vote; what had been done and if a correct motion had been made for the agenda item. Town Manager Rieseberg addressed the Selectboard and informed them the minutes of the December 5, 2022 meeting needed to be sent to the state (due to the grants). The Selectboard might want to revisit and vote on the agenda items in question. There was additional confusion by a Board member as to the correctness of the motion. The last two Action Items were again motioned and voted on.

Selectman Connell ***moved to accept funds from NH Drinking Water & Groundwater Trust Fund for the North Newport Well development and authorize Town Manager Hunter F. Rieseberg as signatory.*** It was seconded by Selectman Burroughs. ***The motion passed 5-0-0.***

Review and Sign Letter of Support for Congestion Mitigation and Air Quality Improvement (CMAQ) Grant Application - Town Manager Rieseberg stated that for the grant application, the Town has to include a letter of support from the Selectboard. The Selectboard had a draft letter to sign if they agree. The letter could be rephrased if they would like; the letter will be included in the application packet to the state. The application is for a Park and Ride on Route 10 across from the high school in Newport. There is a 20% local match on the grant. It will serve a dual purpose; Park and Ride and an overflow parking area for school sport activities (off of Route 10). In discussion, Town Manager Rieseberg stated a crosswalk would be put in for individuals crossing from the parking area to the school grounds. Selectman Connell made a motion ***to sign a letter of support for Congestion, Mitigation and Air Quality Improvement (CMAQ) Grant Application and authorize Town Manager Hunter F. Rieseberg as signatory.*** It was seconded by Selectman Tellor. ***The motion passed 5-0-0.***

There being no further business in the public meeting, on a motion by Selectman Tellor, seconded by Selectman Connell; ***the Board voted to adjourn at 9:15 p.m. The motion passed 5-0-0.***

Respectfully submitted,



Maura Stetson, Scribe

The next regular meeting of the Board of Selectmen is scheduled for December 19, 2022 at 6:30 p.m.

Approved on: December 19, 2022