

TOWN OF NEWPORT, NEW HAMPSHIRE

Board of Selectmen Minutes of July 17, 2023 - Regular Business Meeting

Municipal Building, 15 Sunapee Street, Newport, NH 03773

Meeting ID: 884 3669 4106 Passcode: 303273

<https://us02web.zoom.us/j/88436694106?pwd=MEZZVkZaM01pTy9aZDBTYjV5aFpLQT09>

+1 (253) 215 8782 US (audio only, long-distance fees apply)

SELECTMEN PRESENT: Barry Connell, Chairman; James Burroughs, Vice Chairman; Jeffrey Kessler, Keith Sayer, and Jeffrey North.

SELECTMAN ABSENT: None

STAFF PRESENT: Paul Brown, Interim Town Manager & Finance Director

COMMUNITY MEMBERS PRESENT: Bert Spaulding Sr., Jenna Darling, Doug Ring, Richard Wentzel, Kathy Hubert, Justine Fafara.

NCTV: NCTV

CALL TO ORDER: Chairman Connell called the meeting to order at 6:30 p.m., followed by the Pledge of Allegiance. (Full meeting can be found on www.nctv-nh.org)

AGENDA REVIEW: There were no changes to the agenda.

MINUTES FROM PREVIOUS MEETINGS: Minutes from July 10, 2023 were accepted by the board on a *motion made by Selectman Kessler, seconded by Selectman Burroughs, the Board voted unanimously. 5-0-0.*

CONSENT AGENDA: *Selectman Kessler made a motion to accept the Consent Agenda, seconded by Selectman Sayer, the Board voted unanimously. 5-0-0.*

INFORMATIONAL: Community Power Coalition Update: Mr. Paul Brown requests for this to be added to the agenda for next meeting, August 7, 2023.

Tax Deeded Property – Chandlers Mill Road: Interim Town Manager Brown, informs the Board the property is going out bid for sale. It will be a quitclaim deed of a tax collectors deed, \$100 minimum bid, \$15,000 retainer for letter of credit to be provided by the purchaser for the required clean up the property within 60-days, upon clean-up and inspection by the Town, the letter of credit will then be released. Bids are due the first week of August, and bids will not be accepted before August 1. Selectman Burroughs asks ITM Brown if a free demo permit could be included within the deed prior to selling to encourage people to bid. ITM Brown agrees. Mr. Bert Spaulding raises concern about selling the property under “buyer beware” due to the inability to develop the lot.

ACTION ITEMS: Waiver of Fees (250.00 security deposit; \$300.00 rental fee; \$300.00 Custodial fee) for Use of Opera House – Richards Free Library Hale Award Ceremony: Justine Fafara speaks to the fees being waived in the past for the Richards Free Library to use the Opera House. Selectman Kessler asks who is responsible for the cleanup; Ms. Fafara responds by saying they clean up the mess and the Town has done custodial duties in the past. *On a motion made by Selectman Kessler to waive the fees for the Richards Free Library for the use of the Opera House on September 23, 2023, seconded by Selectman Burroughs, the Board voted unanimously, 5-0-0.*

Authorize and Fund: Development of Shop Drawings for Community Center: Interim Town Manager Brown relays information regarding the phase of construction the Community Center is in. ITM Brown informs the Board they are at a point where they can put out the shop drawings and start the lead time on the materials necessary. The contract is roughly \$86,000, which will tie Bread Loaf to the contract as well as their subcontractors. ITM Brown says he had a discussion with the USDA, and they supported the contract as they believe it would be the smartest financial decision. ITM Brown states they have adequate funds for this through donations. Selectman North raises the question whether modifications to the building would result in a re-draw or a scrap of the shop drawings. ITM Brown responds to Selectman North by saying the state council and the governor fully support the project and he does not believe a modification would result in a full re-draw unless the entire building was subject to change. Chairman Connell asks the status of the \$4,000,000 coming from the state. Brown stated he needs to re-confirm with the state they have everything needed from the Town to have their commitment to come through. He believes the commitment will be the full dollar amount, however, the payout will be once all the funding is solidified. This project is 100% funded. Selectman North, as well as Mr. Spaulding Sr., question if the funding is short, what is going to happen. Selectman Kessler responds by saying the contract with Breadloaf states if funding is short, construction would be paused, and would then be revisited at no penalties. ***On a motion made by Selectman Kessler to authorize and fund the development of shop drawings for the Community Center for the amount not to exceed \$90,000, and authorize Paul Brown, as Interim Town Manager, to sign all related documents, seconded by Selectman Burroughs, the Board voted unanimously, 5-0-0.***

Adoption of Main Street Project Committee's Recommendations – Striping/Yellow Signs: Selectman North informs the rest of the Board he has spoken with someone from the state regarding the striping downtown. He stated the advertising date will be August 29, 2023, with bids opening on September 21, 2023. When the state receives the bids, the Town will be notified and invited to the preconstruction conference. Selectman Burroughs asked if it would be possible to move fire hydrants and if the funds allow that to be done. ITM Brown responds by saying they would probably use an outside contractor, given the Town's staff, and it would ideally be done before paving and striping. ITM Brown stated he believes the time frame gives enough time to get a quote on the removal/replacement of fire hydrants. The Board and Interim Town Manager Brown agree the placement of the fire hydrants downtown is an obstruction to winter road maintenance and would be better suited in the middle strip of the road. Selectman Kessler says he has spoken with the Fire Chief and he believes they do not need all fire hydrants downtown. ITM Brown is going to speak with the Fire Chief to move this idea forward. Selectman Kessler asks Selectman North what the state is bidding out. Selectman North responds by saying the state is bidding out paving, restoration of the curbs, and sidewalk striping. ***On a motion made by Selectman North for the adoption of Main Street Project Committee's recommendations for striping and taking down the yellow signs, seconded by Selectman Burroughs, on a roll call vote, the Board voted 3-1-1, with Kessler abstaining, and Sayer opposing.*** Interim Town Manager Brown suggests instead of putting the parking lot striping out to bid, to make a separate agreement with the state's contractor or subcontractor so they can do the parking spots during the time they stripe the crosswalks. This would be the Town's expense. Selectman Kessler also asks if the crosswalks at the lights on Main Street could have crosswalks painted as well as it is a state requirement. ITM Brown is looking into that, as well as the crosswalk in front of Dunkin Donuts.

Newport School District Permit Fees: Interim Town Manager Brown speaks on the Board waiving the permit fee for the building of the CTE Center in prior meetings. He relays the school's construction company had paid \$10,646.68 for the permit to do interior renovation work. ITM Brown feels as though, to be consistent with permits being waived, the \$10,646.68 should be refunded to Harvey Construction to add to the building and renovation budget. Selectman Burroughs raises the question about the cost of inspections and the impact it would have on the Town given the permits are being waived. ITM Brown

responds to Selectman Burroughs by saying it will cost the Town money to inspect the building in the coming years. ***On a motion made by Selectman Kessler to refund Harvey Construction for the permit fees to then be refunded into the school's budget, seconded by Selectman Burroughs, the Board voted unanimously, 5-0-0.***

ITM Brown announces there is a vacancy in the building inspection division, and he informs the public there is a job description on the Town website.

NCTV/Town of Newport Agreement: Kathy Hubert informs the Board the contract they negotiated expired June 30, 2023. Mrs. Hubert is looking to renew the agreement between NCTV and the Town of Newport. ***On a motion made by Selectman Kessler to ratify and sign the agreement between the Town of Newport and NCTV for the period of July 1, 2023 through June 30, 2026, seconded by Selectman Sayer, the Board voted unanimously, 5-0-0.***

Adoption of New Sewer Rates: Interim Town Manager Brown informs the Board and public this has been an ongoing topic of discussion regarding the Wastewater Treatment Plant and the bond that was approved along with the discussion of phasing in the sewer rate increases. ITM Brown states water rates are stable and will not be increasing immediately. The process that was discussed with a 30% increase this year, 30% increase in 2024, 25% in 2025, and 25% in 2026. This totals a 110% increase in the rates over the four years. ITM Brown says it will start the funding process and it will ease the increase in prices for some people. It will take the rate from \$12.85 to \$16.71 per 1,000 gallons. Selectman North is asking for a more mathematical approach to justify such increases. He feels the public was not informed properly about the increases and is requesting more information. ITM Brown states he will give the Board another breakdown at the August 21, 2023, meeting. Selectman Kessler raises the point of the value money will decrease overtime, so the percentages take that into account as well. Selectman Kessler also states he believes the water bill should see some increases because there are many waterlines that will require some attention in the near future. Chairman Connell asks for this to be rediscussed during the August 7, 2023 meeting.

Appointment of Town Manager Search Committee Members: Chairman Connell states there are twelve (12) community members that have expressed interest in serving on the committee in search of a new Town Manager. Dick Wentzel, along with Bert Spaulding Sr., wish to have their name taken off the ballot. Chairman Connell requests this subject to be added to the non-public sessions, where they will exit with three (3) citizens who will serve on the committee.

OPEN FORUM: Jenna Darling starts by thanking the Board for waiving the permit fees for the CTE Center. Ms. Darling states she has been asked to ask the Board about the status of the phase 3 permit to the CTE Center. ITM Brown responds by saying everything has been submitted, however does not have an update. Selectman Connell reassures Jenna Darling there is an emphasis to get this done. **Kathy Hubert** gives the Board an update on the Taxpayer Lawsuit that was in the Lower Court later last week regarding statewide education property tax, SWEPT. Mrs. Hubert informs the Board the judge will be making a ruling on the constitutionality of SWEPT. She believes it will be ruled unconstitutional which will reopen the opportunity to have a true state-wide property tax. Chairman Connell thanks Kathy Hubert for being involved and keeping the Board updated. **Bert Spaulding** prefaces to the Board he will be showing, what he feels, the prior Town Manager's inequities were, along with the things he thought were done wrong. He starts by touching on the 91-A, \$4,000 request he made. Mr. Spaulding compares the requests he made to Sullivan County and the Town of Newport. He feels as though the Town is not providing him with the information in a timely manner and suggests to the Board, they rethink how they approach 91-A requests. Mr. Spaulding states he wants to bring out the wrongs as best as he can. He starts with the posting of Coon Brook Bridge, then he moves to the "intentional lies" the prior Town Manager made to the NH DOT. Additionally, Mr. Spaulding Sr. adds the employee complaint which resulted in the

removal of his oversight, along with the bus barn eviction notice, and the CTE land swap, which Mr. Spaulding feels he was not told pertinent information. He also speculates the unlawful involvement of the prior Town Manager in the Spring Street lawsuit.

COMMUNICATIONS: **Selectman North** expresses interest in providing a better way of advertising the properties for sale in the Town. He thinks the Town does not do enough to advertise. Additionally, Selectman North adds there have been electric motorcycles on the sidewalks exceeding 20 mph. He expresses his concern for walkers getting seriously injured if something is not done to enforce sidewalk rules and regulations. **Selectman Kessler** speaks on the service of remembrance for Roy Malool held yesterday afternoon. He states there were many people there who spoke very highly of him, however, it was not mentioned he was a great supporter of the police department along with the many other things he supported. Additionally, Selectman Kessler addressed the piece the Valley News wrote about Hunter Rieseberg's leaving and the one-sided nature. Mr. Kessler read a letter to the editor he wrote in response to the Valley News article. **Selectman Burroughs** states the Board has received an email from a Bascom Road resident inquiring about the status of the road closure, specifically Whitcher Road. Selectman Burroughs says he did not have an answer to give to this resident and asked ITM Brown for some more information. **Interim Town Manager Brown** gives an update on the road closure, saying they had an engineer look at the road on Friday, and there has been a proposal for a scope of work made. ITM Brown states the job will be put out to bid given it has surpassed the Town's capabilities, both equipment and personnel, to repair the road. This project is a priority. ITM Brown adds the other storm impacted roads are still being maintained and he's hoping for some FEMA support.

NON-PUBLIC SESSION: *On a motion made by Selectman Burroughs to enter a non-public session under RSA 91-A:3, II (e) Litigation; RSA 91-A:3, II (d) Real Estate; RSA 91-A:3, II (a) Personnel; RSA 91-A:3, II (c) Reputation, seconded by Selectman Kessler, the Board voted unanimously via roll call vote, 5-0-0.*

NON-PUBLIC SESSION: RSA 91-A:3, II (e) Litigation: RSA 91-A:3, II (c) Reputation
The Board voted unanimously to exit the non-public session at 10:19 p.m.

The Board announced that Bidy Irwin, Herb Teller, and Christy Whipple have been appointed to the Town Manager Search Committee. PJ Lovely is the Department Head appointee. Selectmen Burroughs and Sayer, along with Chairman Connell, will share the BOS positions.

On a motion made by Selectman Kessler, seconded by Selectman Sayer, the Board approved the MOU with Interim Town Manager Brown, 5-0-0.

ADJOURNMENT: On a motion made by Selectman Burroughs, seconded by Selectman Kessler *the Board voted unanimously to adjourn at 10:25 p.m., 5-0-0.*

Respectfully submitted,



Riely Skarin
Recording Secretary

The next regular meeting of the Board of Selectman is scheduled for August 7, 2023, at 6:30 p.m.

Approved: August 14, 2023