

Town of Newport, New Hampshire
Board of Selectmen
Minutes for Meeting of December 4, 2017
6:30 pm Regular Business Meeting
Municipal Building

SELECTMEN PRESENT: Jeffrey Kessler, Chairman; Todd Fratzel, Vice Chairman; John Hooper II, William Wilmot, Jr.; Barry Connell

STAFF PRESENT: Hunter Rieseberg, Town Manager; Paul J. Brown, Finance Director; PJ Lovely, Director of Recreation Department

COMMUNITY MEMBERS PRESENT: Bruce Burroughs, President, Mountain View Gun Club; Tom Hubert, NH Fish and Game Commissioner of Sullivan County; Howard Dunn, Esq.; Donald Clark, President, Sullivan County Sportsman's Association; Bert Spaulding, Sr.

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

AGENDA REVIEW: Accepted as presented.

MINUTES FROM PREVIOUS MEETING (S): November 20, 2017 Regular Minutes and November 20, 2017 Non-Public Minutes

Minutes of November 20, 2017:

On a motion by Selectman Wilmot, seconded by Selectman Hooper; *the Board voted to approve the minutes of the November 20, 2017 meeting as presented. The motion passed 4-0-1 (Connell abstained).*

NPS Minutes of November 20, 2017:

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; *the Board voted to approve the NPS minutes of the November 20, 2017 meeting as presented. The motion passed 4-0-1 (Connell abstained).*

CONSENT AGENDA: On a motion by Selectman Fratzel, seconded by Selectman Hooper; *the Board voted to approve the Consent Agenda of December 4, 2017 as presented. The motion passed 5-0-0.*

OPEN FORUM: none

COMMUNICATIONS:

Selectman Connell stated he had attended two civics classes at the high school and spoke on the BOS and Town government. The students asked him several good questions. One that left an impression was, "What can the Selectmen do to be more involved with students."

Selectman Fratzel had nothing to share at this time.

Selectman Wilmot had nothing to share at this time.

Selectman Hooper informed the Board that they had received an invitation to Aubuchon Hardware Store's grand reopening on December 15, 2017. They had been in business for 109 years and in the Plaza for 65 years. There would be a ribbon cutting ceremony at the store at 10 a.m. on Friday the 15th.

Chairman Kessler stated the Budget Advisory Committee (BAC) was scheduled to go over the school budget this week. The school budget was not ready, so the BAC will meet on Wednesday, December 13, 2017 at 6 p.m. in the Lou Thompson Room of the high school to go over the school budget. Chairman Kessler stated the tax rate has been set. He gave a breakdown of property taxes by Town, County, School and State.

Town Manager Rieseberg reviewed the work of the Community Center steering committee and appointed staff. They have sent out Request for Proposals (RFPs) for consulting, engineering and design to assist with the preliminary design for a new Community Center in Newport. They have received seven proposals (three are within Newport's budget) from in-state and out-of-state companies. Town Manager Rieseberg reviewed the process to award the feasibility study contract to one of the companies. Mr. Lovely had nothing to add to Rieseberg's synopsis. When asked, Mr. Lovely listed the names of the members of the steering committee.

INFORMATIONAL:

Determine Joint Board of Selectmen & School Board Meeting Agenda Items

The Board of Selectmen gave the following as requested agenda items for the winter's Town/School joint meeting:

- Find out what the money for the CTE Center will be used for
- The expansion that the school is talking about
- School Budget.
- Tax rate.
- Will the School be joining the Town in a combined solar energy program?
- CIP. The list needs to be for a longer projected term with more detailed requests
- The combining of some school/town departments; the feasibility of combining the finance director's responsibilities between the two entities.
- The field maintenance agreement between the Town and the School.
- Joint use of fields by Town and School.

Town Manager Rieseberg would contact the school and communicate the BOS list to be put on the agenda.

Lake Sunapee Boat Launch

Town Manager Rieseberg stated that the Selectboard did address the Lake Sunapee boat launch on June 1, 2009. He did not know if the current BOS was in favor or against this item. He felt it would be appropriate to bring the topic back to the 2017 BOS to see what their position was. With the Chair's permission it was added to the agenda.

Chairman Kessler stated that he was on the BOS in 2009. At that time they were looking at a location in Newbury; Wild Goose. He stated that nothing has ever been done there. He stated the position of the current NH governor and the fact that new locations were being looked at for the boat launch site. Continuing, Chairman Kessler stated that the city of Claremont has stated it is in support of the Wild Goose location.

Individuals spoke to the board and expressed their opposition to the proposed Sunapee State Beach location.

Mr. Lovely had a letter for the BOS and governor stating:

- ❖ He was against the location of the boat launch at the State Beach because of the dangers of boats near swimmers.
- ❖ The location would 'squeeze' out potential swimmers with the parking of boat trailers taking up parking spots currently used by cars and buses transporting recreational swimmers from Newport to the State Beach.
- ❖ Newport Rec Center Summer Camp uses the park three times a week. They currently call the State Beach ahead of time to schedule their visits because the State Beach is so crowded with other recreational swimmers.

Attorney Howard Dunn addressed the Board and stated that:

- In the Planning Board archives (of 2009) they had surveys of what Newport recreation people like. 100% of those surveyed liked to swim. 100% of those surveyed in Newport used the State Beach for their primary place for recreational swimming.
- He now represented the Sullivan County Sportsman's Association and introduced Mr. Donald Clark. Attorney Dunn addressed Chairman Kessler and requested that Mr. Clark, although not a resident, be allowed to speak. Chairman Kessler agreed.

Donald Clark (of Claremont), President, Sullivan County Sportsman's Association addressed the BOS.

- ✓ He gave the history of the problems they had faced since 1991.
- ✓ He explained the land division among state organizations, Fish and Game and Department of Resources and Economic Development (DRED).
- ✓ Law passed stating public shall have access to public waters. Explained the problems with it.
- ✓ Appeals made by Lake Sunapee Protective Association (LSPA) to prohibit boat launch to be built in Newbury.
- ✓ Revenue and problems have had.
- ✓ Legislation and problems have had.
- ✓ Additional problems by LSPA which are blocking the (Newbury) construction.

Attorney Dunn spoke about the state committee. Extensive studies had been done and it was determined that Wild Goose was the best place to put the launch. The LSPA is against it. Attorney Dunn explained all the work done by Fish and Game and that the current governor has stated that the two sites being looked at were Wild Goose and the State Beach. He gave further information about the proposed State Beach site. Attorney Dunn asked the Newport Board of Selectmen to help their groups save the state beach.

Attorney Dunn passed out the 2009 letter the BOS had signed. Mr. Clark passed out historical information to the BOS members. Attorney Dunn stated that Mountain View Gun Club was his client. He introduced Mr. Bruce Burroughs, President of the club. Attorney Dunn stated that the gun club was also in favor of the Wild Goose location for the boat launch.

Attorney Dunn concluded, saying that the State Beach was not Newbury's or Sunapee's beach. They have their own private beaches for their townspeople. According to Mr. Lovely (Rec Dept.), Newport and about ten other towns use Sunapee State Park Beach for their primary recreational swimming.

Mr. Burroughs stated that he was an employee of Mount Sunapee for twenty six years. He took care of the maintenance of the whole mountain.

- The beach was not a place for a boat launch.
- Boaters should not be encouraged to be around swimmers.
- The current boat launch: the water isn't deep enough; the channel is not wide enough; the sand in the area is not acceptable for a boat launch.
- The Department of Transportation (DOT), Department of Environmental Services (DES), Fish and Game and experts have looked at the Wild Goose plan and given it an okay.

Mr. Tom Hubert, NH Fish and Game Commissioner for Sullivan County addressed the Board. His concerns were:

- The commission formed to look into the proposed boat launch sites did not have representatives from Newport. There were two from Sunapee and two from Newbury; Newport was excluded.
- Boaters have been excluded.
- DOT was excluded.
- Fishermen were not included in the commission.
- When talking about public access, all should be included.

Continuing, Mr. Hubert stated that there were problems in using the State Beach site.

- ❖ Chandler's Brook is the primary runoff for Mount Sunapee. The mountain "borrows" the water to make snow; most of it flows back into the lake in the spring.
- ❖ In the spring: April 1st, boaters launch into a considerable current
- ❖ Later in the season the water level drops and is very shallow (he explained the erosion from Chandler's Brook).
- ❖ Repeated dredging and permitting would be necessary to use that site.

Chairman Kessler asked if there would be environmental concerns. Mr. Hubert stated yes.

The environmental concerns Mr. Hubert has about the State Beach site are:

- ❖ Land lock salmon and lake trout all feed on smelt. The primary spawning place for smelt in Lake Sunapee was Chandler's Brook.
- ❖ Mr. Hubert described the devastation that occurred in Georges Mills with the smelt population when NH DOT replaced culverts in their spawning area there. The Fish and Games concern is that devastation might happen to the State Beach eco-system.

Chairman Kessler asked Mr. Hubert if the smelt were diminished, the availability and health of the trout would, too. Mr. Hubert stated that was correct.

Commissioner Hubert stated that by forcing Fish and Game to consider Chandler's Brook as a site for the boat launch the commission is forcing them to say no to a boat launch. Other issues:

- ❖ Traffic
- ❖ Proposed use of Wild Goose by Newbury
- ❖ Use of Federal and Fish and Game Department funding
- ❖ 55% of the tax bill is to the land owners on Lake Sunapee

Selectman Connell asked the group if the reason for their visit at the December 4, 2017 BOS meeting was to ask for a letter of support. Attorney Dunn stated yes. Selectman Connell, as a boater, expressed the difficulties of putting a boat in the water of Lake Sunapee as well as the difficulty finding parking. He was in favor of the proposed boat launch (Newbury) and the proposed parking there.

Mr. Spaulding, Sr. was acknowledged. Mr. Spaulding, Sr. asked the BOS:

Do you support a boat landing on Lake Sunapee?

Do you support a boat landing adjacent to the State Beach?

He stated that the BOS needed to support the groups represented at the meeting who are really supporting the citizen's point of view as opposed to the property owners (on Lake Sunapee) point of view. He encouraged the Board members to sign a letter of support for the boat launch at Wild Goose.

Chairman Kessler asked if any other member of the public wished to speak.

Attorney Dunn addressed the Chair and stated that no one had mentioned that the Wild Goose property had been purchased by the Fish and Game Department specifically for a boat launch on the recommendation of the Selectmen of the Town of Newbury.

Chairman Kessler polled the Board members. Selectman Wilmot concurred with the boat launch at Wild Goose. Selectman Hooper stated buoys, dredging and increasing the parking lot size at the State Beach would be easiest. But for safety reasons it shouldn't be next to the beach. Therefore, he agreed with the representatives at the meeting that the best location would be the Wild Goose.

A motion was made by Selectman Fratzel *to draft another letter of support for the Wild Goose Boat Ramp*. It was seconded by Selectman Connell. The Chair called for discussion. On a point of clarification, Town Manager

Rieseberg asked if the BOS would like a letter drafted to be signed by the Chair or have the Town Manager sign on behalf of the Board.

Selectman Fratzel stated that he felt all the Selectmen should sign the letter. Selectman Wilmot addressed Mr. Clark and asked if there was any additional information that should be included in the 2017 letter supporting the boat launch at Wild Goose.

Mr. Clark stated that the resolution that the city of Claremont and Sullivan County passed brings the information up to date as to what has happened in the last few years. If it is in the form of a resolution the Selectboard could record the vote and sign it. Chairman Kessler asked if it was time sensitive. Mr. Clark stated that on March 1, 2018 the Commission had to present their findings. The Chair asked that the following be added: ***and to delegate Town Manager Rieseberg to draw up an appropriate resolution for the Board of Selectmen to sign.*** Selectman Wilmot requested a roll call vote. ***The motion passed 5-0-0.***

Mr. Clark thanked the Board for their time and their unanimous vote. The Chairman thanked the group for coming and informing everyone of what was going on. He addressed the Board and stated that they might want to listen to it on vimeo.

The videographer informed Chairman Kessler that due to technical difficulties the meeting was not being broadcast. He was not sure if it was being recorded. The videographer was trying to find a resolution to the problems.

Municipal Law Update

Annually the Town legal counsel offers to have a member of their staff meet with the Board and give an overview of the changes in the laws relating to municipalities that have occurred over the past year. The Board had the option of December 18, 2017 BOS meeting or January 8, 2018 for them to meet with the Newport BOS members. Town Manager Rieseberg addressed the Board members and asked them: Did they want to meet with the attorneys? If so, what date would they like? The item would be put on the appropriate agenda. The Board concurred to have legal counsel attend the BOS meeting on December 18, 2017.

ACTION ITEMS:

Approve Budget Review Calendar

The Town of Newport Proposed 2018 Budget Calendar was passed out to the Selectmen. After reviewing it, Chairman Kessler stated a forth BAC review date might be needed. He suggested March 28, 2018. There was a short discussion among the Selectmen on the proposed date. Finance Director Brown addressed Chairman Kessler and suggested that he ask the Chair of the BAC (the date was during the school vacation week). The decision to meet would be up to the Chairman of the BAC.

Mr. Bert Spaulding, Sr. addressed the Board and asked if more than one candidate had applied for the empty position on the BAC. He asked that it be looked into.

Selectman Connell addressed Finance Director Brown and stated that everyone had received a disc (CD) with budget information. Most computers could not read discs. The Board requested that the budget information be put on a 'thumb drive' so as to be compatible with their computers. Finance Director Brown addressed the Board members and stated he would copy the information onto thumb drives and get it to the Selectmen.

Acceptance of Avitar Revaluation Report

Town Manager Rieseberg stated that the acceptance of the Avitar Revaluation Report would be the end of the contract. The Selectmen would formally accept the outcome of the report so that the Town could send out the tax bills. Chairman Kessler asked about any outstanding discrepancies. Town Manager Rieseberg stated there were none from an operational standpoint. He stated there would be appeals. Town Manager Rieseberg stated they

had fulfilled their obligations under the original contract. Finance Director Brown concurred with Town Manager Rieseberg. Finance Director Brown answered all other questions by the Board concerning Revaluation problems.

Mr. Spaulding, Sr. addressed the Chair and stated his opinion of Avitar's work with Newport's revaluation. He listed some revaluation information he had discovered over the past few months.

Selectman Fratzel, made a motion *to accept the Avitar Revaluation Report.*

Town Manager Rieseberg stated the Board was also concluding Avitar's contract and releasing their bonds.

Selectman Fratzel stated so noted. His motion became:

Selectman Fratzel made a motion *to accept the Avitar Revaluation Report, concluding their contract and releasing their bonds.* Selectman Wilmot seconded the motion. Chairman Kessler asked for discussion. There being none, he called for a vote. *The motion passed 5-0-0.*

APPOINTMENTS:

None.

On a motion by Selectman Fratzel, seconded by Selectman Connell; *the Board voted by roll call vote to enter into nonpublic session (NPS) pursuant to RSA 91-A:3, II (e) Pending Litigation: Fairpoint Settlement Agreement at 7:53. The motion passed 5-0-0.*

Finance Director Brown was invited to attend the NPS.

See NPS minutes for additional information.

On a motion by Selectman Wilmot, seconded by Selectman Fratzel; the Board voted unanimously to exit NPS at 8:05 p.m.

Fairpoint Settlement Agreement

Selectman Fratzel made a motion to accept and enter into the proposed Settlement Agreement between the Town of Newport and Northern New England Telephone Operations, LLC as presented and to further authorize the Town Manager to sign said Agreement on behalf of the Selectboard. The motion was seconded by Selectman Wilmot. All were in favor.

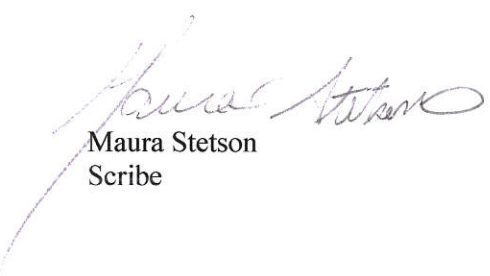
On a motion by Selectman Hooper, seconded by Selectman Connell; *the Selectboard voted to adjourn at 8:07 p.m. The motion passed 5-0-0.*

The next regular meeting of the Board of Selectmen is scheduled for Monday, December 18, 2017 at 6:30 p.m.

Respectfully submitted,



Hunter Rieseberg, Town Manager



Maura Stetson
Scribe

Approved on: December 18, 2017

TOWN OF NEWPORT, NEW HAMPSHIRE
Board of Selectmen
Non-Public Session Minutes of December 4, 2017
Municipal Building

On a motion by Selectman Fratzel, seconded by Selectman Connell; *the Board voted by roll call vote to enter into nonpublic session (NPS) pursuant to RSA 91-A:3, II (e) Pending Litigation: Fairpoint Settlement Agreement at 7:53. The motion passed 5-0-0.*

In attendance were Selectboard members Jeffrey Kessler, Todd Fratzel, William Wilmot, Jr.; John Hooper II and Barry Connell. Also in attendance were Town Manager Hunter Rieseberg and Finance Director Paul J. Brown.

On a motion by Selectman Wilmot, seconded by Selectman Fratzel; the Board voted unanimously to exit NPS at 8:05 p.m.

See regular minutes for continued public meeting information and adjournment.

Respectfully submitted,



Hunter F. Rieseberg
Town Manager